

From: [Murphy/Perkins](#)
To: [Piantka, George;](#)
cc: [lyle cripe; Doris Nickelson; Nickelson, Nick; Laurie B. Jester;](#)
[kchristensen@elsegundo.org; Dyas, Mary@Energy; John A. McKinsey;](#)
[Seipel, Scott; Riesz, Ken;](#)
Subject: Re: El Segundo Energy Center (00-AFC-14C) - Transmittal of VIS-9 Figures Per Conditions 5 and 6 of Joint Statement of Agreement
Date: Monday, December 10, 2012 9:07:59 AM

Dear George (and All),

We wish to comment on the documents George Piantka enclosed with his email (and of which he gave us hard copies this Thursday evening), but we must start by saying that these comments are tentative and preliminary. We understand that, under the terms of our settlement and the Commission's orders, there is to be comment and discussion, including the possibility of revision, before the documents are submitted to the CPM for approval, and assume that, in presenting them to Ms. Dyas at this time, both George and his employer are just keeping her in the loop, not trying to short-circuit the discussion and possible revision. See numbered paragraphs 5 and 6 of the Statement of Agreement.

In that spirit of keeping her informed even though the documents are not yet ready for her review, we're sending a copy of this email to Mary Dyas, too.

That said, our initial reading of the documents (and a very amateurish reading it is -- we ask that, as part of this comment period, NRG representatives meet with all concerned to help us better understand what NRG proposes) raises several questions. Some may turn into "issues," others will no doubt be cleared up by meeting with NRG. Other questions may arise from those discussions. At this point, our questions are:

1. We believe the proposed fence line and/or the berm deviate from the Commission's orders and Settlement Agreement in the area west of the palms. In that area, the Agreement's "conceptual sketch" includes a negotiated fence line which is actually both above the toe of the berm and more than 8 feet from the property line, rather than (as on the current "revised concept study", a "Chain link fence at toe of slope 8' min from property line." At all other places "8' min" appears to mean just 8 feet.

The Agreement requires more than 8' and above the toe.

2. We are not clear why the currently proposed plans include three flat areas in the berm-- one labeled "bench," on the north downslope, and the other two on the top of the berm at elevations 57.0 and 49.0 feet. We'd like to have that explained before we address whether they are a good idea or not.

3. The "Revised Concept Study" sketch appears to show both a road and "personnel access" in the SW corner of the property. What is intended there? Again, we'd like to learn what's going on before taking a position on this feature of the sketch.

4. We believe the Commission has ordered that the entire berm (as well as the flat areas) is to be planted and maintained with more than "hydroseeding", not just the top part of the berm. Again, if the owners will explain their intentions, this may not be a disagreement at all. Drawings showing how and where the plant palette is to be deployed would be helpful here. In their absence, the notation "remove existing vegetation" on the "Planting Plan" George forwarded raises concerns.

5. We'd like to see the detail for the "proposed swale and subdrain" noted on the Revised Concept Study as being right across from our house, and the "bioswale" near the SW corner of the property. Speaking of the bioswale, is "grass" the approved planting there or anywhere?

6. What is the "water quality feature" along the west boundary of the plant to look like and be constructed of? Dirt? plantings? Concrete?

7. What is the object described as "FM#25" on the Revised Concept Study?

8. The documents George sent us do not appear to contemplate any landscaping or work in the SW corner of the property, beyond the fence. Is that the owner's intent?

We hope this is the beginning of a fruitful set of discussions before NRG finalizes its proposals and sends them to the CPM.

Regards,

Bob Perkins & Michelle Murphy

On Sat, Dec 8, 2012 at 5:13 PM, Piantka, George <George.Piantka@nrgenergy.com> wrote:

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