



FRONTLINES

FOREST RESIDENTS OPPOSING NEW TRANSMISSION LINES

Kimberly D. Bose
Federal Energy Regulatory Commission
888 First Street, N.E.,
Washington, D.C. 20426

February 9, 2011 (EST)

Subject: Comments Addressing Deficiencies Noted in The Public Notice Filed with the Commission on January 31, 2012 (Accession #20120201-0008)

Reference: Docket No. P-14227

Dear Ms. Bose;

Please accept for filing the following comments addressing deficiencies noted in the “Public Notice Re Notice Of Preliminary Permit Application Accepted For Filing And Soliciting Comments, Motions To Intervene And Competing Applications” filed on January 31, 2012 in Docket P-14227.

FRONTLINES submits these comments to ensure that the Federal Energy Regulatory Commission (“Commission”) is in possession of full and complete information prior to taking further action on the Preliminary Permit Application submitted by the Nevada Hydro Company(TNHC) in Docket P-14227.

Section 4(f) of the Federal Power Act [16 USC §§797(f)] obligates the Commission as follows:

“That upon the filing of any application for a preliminary permit by any person, association, or corporation the Commission, before granting such application, shall at once give notice of such application in writing to any State or municipality likely to be interested in or affected by such application; and shall also publish notice of such application once each week for four weeks in a daily or weekly newspaper published in the county or counties in which the project or any part thereof or the lands affected thereby are situated”

The Commission has not complied with this provision of the Federal Power Act statute, as evidenced by the Proof of Publication of Public Notice that was filed with the Commission on January 31, 2011 (Accession #20120201-0008). In particular, the Commission failed to publish the Public Notice in any newspaper of general circulation within the County of Orange even though

portions of the LEAPS project proposed by TNHC will be situated within Orange County. Similarly, the Commission failed to publish the Public Notice in any newspaper of general circulation within the County of San Diego even though portions of the LEAPS project proposed by TNHC will be situated within San Diego County (see Figure 2 of TNHC's Preliminary Permit Application).

FRONTLINES is also concerned that the Commission failed to notify at least two communities (The City of San Juan Capistrano and the City of Dana Point) that will be substantially affected by the proposed LEAPS project and have previously expressed substantial concerns regarding the LEAPS project. It seems that this lack of notification prevented these communities from filing timely motions to intervene (see accession #20120127-5002 and #20120127-5096). The Commission is certainly aware that both San Juan Capistrano and Dana Point are interested in, and affected by, the proposed LEAPS project (see Accession #20070313-0160 and #20070201-0101), and was therefore obligated to give notice to these communities pursuant to 16 USC §§797(f).

FRONTLINES is also concerned that the newspaper in which the LEAPS Public Notice appeared (the "Valley Chronicle") is not distributed to any of the areas that are affected by the LEAPS project. The Valley Chronicle serves the communities of Hemet and San Jacinto and has a general distribution area that is located more than 20 miles from the LEAPS project (see www.thevalleychronicle.com). The Commission avoided publishing the notice in any newspaper that has a general circulation in the area affected by the proposed project (such as "The Californian", which specifically serves the communities of Lake Elsinore, Temecula, Menifee, and Wildomar). This failure to publish the Public Notice in a newspaper that actually serves the LEAPS project area ensures that those who are affected by the project will remain ignorant of it, which is, of course, contrary to the public notice purpose of 16 USC §§797(f).

The Commission has failed to comply with all the public notice obligations imposed by Section 4(f) of the Federal Power Act, and should therefore not proceed with this application until these deficiencies are corrected.

Respectfully Submitted

/s/ Jacqueline Ayer
On behalf of FRONTLINES

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CERTIFICATE OF SERVICE

I, Jacqueline Ayer, hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Okinawa, Japan
this 9th Day of February, 2012 (EST)

/s/Jacqueline Ayer
Jacqueline Ayer

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Service List is attached

Service List in Docket P-14227 as of February 9, 2012 (EST)

Party	Primary Person or Counsel of Record to be Served	Other Contact to be Served
Center for Biological Diversity	Jonathan Evans Center for Biological Diversity 351 California ST, Suite 600 San Francisco, CALIFORNIA 94705 UNITED STATES jevans@biologicaldiversity.org	
Elsinore Valley Municipal Water District	Greg Williams Bracewell & Giuliani LLP 2000 K Street, NW Suite 500 Washington, DISTRICT OF COLUMBIA 20006 UNITED STATES greg.williams@bgllp.com	
Friends of the Forest (Trabuco District) and the Santa Rosa Plateau	Gene Frick 4271 Baggett Dr. Riverside, CALIFORNIA 92505 UNITED STATES gfrick@cosmoaccess.com	
FRONTLINES	Jacqueline Ayer 2010 West Avenue K #701 Lancaster, CALIFORNIA 93536 UNITED STATES AirSpecial@aol.com	
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Document Content(s)

FRONTLINES comments on TNHC's Notice of Publication fina.PDF.....1-5