

**BEFORE THE PUBLIC UTILITIES COMMISSION OF COLORADO**

DOCKET NO. 08I-113EG

---

**ORDER OPENING INVESTIGATORY DOCKET AND NOTICE OF INQUIRY**

---

**COMMENTS OF NANCY LAPLACA**

---

In accordance with Decision C08-0448,<sup>1</sup> Nancy LaPlaca respectfully submits the following comments. In Paragraph 1 of Decision C08-0448, the Commission requested comments on four items, including how existing regulatory structures and incentives (1) influence energy utilities' behaviors; (2) align results with Commission policy goals; (3) how alternative regulatory structures and incentives might impact utilities actions; and (4) how alternative regulatory structures might achieve results consistent with Commission policy goals.

1. The Commission should take a harder look at states that include Third Party Administration (TPA) of energy efficiency measures, such as Vermont's program; or third party aggregators such as EnerNOC. The TPA in the state of Vermont has achieved its goals far ahead of schedule, proving that citizens are motivated to change their behavior in light of climate change. Citizens seem to be much more motivated than PSCo believes. In addition, a TPA system could provide a benchmark against which PSCo's goals could be measured. This would provide a win-win – PSCo could learn from experience TPAs, and ratepayers would win from reduced rates and less pollution from burning fossil fuels.

2. Alternative rate structures – as well as stated policy goals and rule changes -- must take into account Commission goals embodied in C.R.S. 40-2-123 and 40-2-124, including externalities such as:

- water use, both consumptive and non-consumptive, and water contamination;
- dry cooling v. wet cooling for gas power plants;
- increased acid rain from fossil fuel burning;

---

<sup>1</sup> LaPlaca previously submitted a Petition to Intervene, and comments based on Commission Decision C08-0364, which was withdrawn; and thus submits these comments in response to the detailed instructions in Decision C08-0448.

- health effects, including a review of other states’ quantification of health costs from burning fossil fuels, particularly coal;
- environmental damage from natural gas drilling, including fugitive emissions, life-cycle emissions, water contamination from drilling, and the toxic effects of the chemicals used in drilling;
- other risks from increased greenhouse gas emissions, such as rapidly increasing temperatures, crop damage, higher evaporation rates, bark beetle infestation etc.;
- the jobs and rural development possibilities inherent in a more distributed energy infrastructure; and
- the reduced transmission load from distributed generation.

3. Consider more carefully what type of resource test should be used: the Societal Test, the Total Resource Cost test, or other tests that more accurately reflect real costs – not just those that benefit PSCo’s shareholders to the detriment of citizens and ratepayers.

4. Since ratepayers ultimately bear the cost and much of the risk of PSCo’s decisions, ratepayers should be involved. Global warming has raised consciousness over other implications from resource generation. Since coal-fired power accounts for 40% of all carbon dioxide (CO<sub>2</sub>), 66% of sulfur dioxide (acid rain) and 33% of mercury, citizens and ratepayers should be allowed to weigh in on whether or not they think fossil fuels are a good investment.

5. “De-coupling” should be thoroughly vetted and publicly discussed, and the public should be allowed to give input, as well as ratepayers. There are many good examples to learn from, and a decision must be made carefully, with input from parties other than just PSCo and the large industrial users of electricity.

6. LaPlaca would like to formally request being included in discussions with individuals on “clean” coal. Although Executive Order D00408, issued April 28<sup>th</sup>, 2008, discusses “reducing financial barriers” to “clean” coal, more than a dozen gasified (also known as “clean”) coal have been cancelled, due to high cost, risk, lack of commercial applications, transportation, liability and other issues. Gasified coal should not be pursued if there are cheaper, less risky, cleaner alternatives. Investing billions of dollars in an unproven technology should not be allowed to happen behind closed doors, when ratepayers are being asked to foot the bill. Carbon capture and sequestration must similarly be fully vetted, and LaPlaca respectfully requests that she be included in these discussions. LaPlaca has spent much of the past year and a half

researching gasified coal, and has advised a number of environmental groups, as well as political candidates, on its cost and viability.

7. Consider the value of distributed generation (DG) and Feed-in Tariffs in a public forum, as well as an informational session.
8. Consider how carbon taxes, and/or cap-and-trade would affect ratepayers, PSCo and carbon reduction initiatives.
9. Finally, including affected neighborhoods in resource generation decisions. It seems fundamentally unfair to simply place a highly polluting power plant in a neighborhood, where thousands of low-income children (and adults) are exposed to high levels of toxic chemicals, and not even include them in the discussion. If we as a society – and PSCo consider ourselves to be “good environmental stewards” and pay attention to environmental justice, rather than just giving it lip service, we must hear from the neighborhoods that live, eat and breathe power plant poisons.
10. If Elyria, Swansea, Globeville and North Denver must host large power plants (Zuni, Cherokee), and south Denver hosts another (Arapahoe), don’t those citizens deserve a say? This is what democracy is for. PSCo maximizes its monetary gain, while pretending that those people who live near its plants ‘don’t count.’ If PSCo won’t acknowledge these neighborhoods’ concerns, as responsible citizens, we must insist on it.<sup>2</sup>

Respectfully submitted this 29th day of May 2008.

---

Nancy LaPlaca  
4801 W. Yale Ave.  
Denver CO 80219  
[nancylaplaca@yahoo.com](mailto:nancylaplaca@yahoo.com)  
303-588-3937

---

1. Please note that LaPlaca previously responded to Decision C08-0364 asked for comments on the scope of the proceeding, and LaPlaca submitted comments requesting that the Commission consider: a.) including or quantifying in some way the health and environmental benefits of various types of electrical generation; b.) water use, both consumptive and non-consumptive, for each type of generation; and c.) environmental justice issues, whereby certain neighborhoods bear an unequal share of the pollution from electrical generation.

**CERTIFICATE OF SERVICE**

I hereby certify that on May 29<sup>h</sup>, 2008, the original and seven copies of the foregoing **COMMENTS OF NANCY LAPLACA** was served by hand delivery on:

Doug Dean, Director  
Colorado Public Utilities Commission  
1560 Broadway, Suite 250  
Denver, CO 80202

and copies were e-mailed, faxed, hand delivered, FedEx'ed, or placed in the United States Mail, postage prepaid, addressed to:

COLORADO PUBLIC UTILITIES COMMISSION  
1560 BROADWAY, SUITE 250  
DENVER, CO 80202