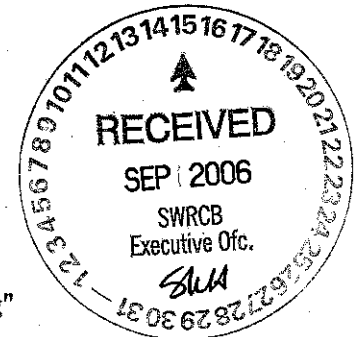


INDEPENDENT ENERGY PRODUCERS

September 15, 2006

Song Her, Clerk to the Board
State Water Resource Control Board
1001 I Street
Sacramento, CA 95814



Re: "Comment Letter - Proposed Statewide Policy for Once through Cooling"

Dear Ms. Her,

The Independent Energy Producers Association (IEP) represents most of the existing non-utility electric generation impacted by the proposed Statewide Policy on Clean Water Act, Section 316(b).

These electric generation facilities provide, for the most part, power needed in California's urban load centers. They are absolutely necessary to maintain the reliability of California's electric system, which, as evidenced by this summer's heat storm, is under stress.

Proposed Section 316(b) policy could undermine the safe and reliable operation of the California electric grid. The proposed 316(b) policy appears to be drafted without a complete review of the impact of the policy on existing electric generation operational efficiency and the impact on the reliability of the electric power grid. In addition, the proposed policy fails to consider the actual necessity of banning once through cooling; whether less severe mitigation measures exist; and, the effect on achieving California's global climate change goals when the efficiency of the generation fleet is reduced as would occur if 316(b) were adopted.

IEP is committed to the clean generation of electricity in an environmentally responsible manner. IEP members have made significant investments to enhance the quality of California's environment. Unfortunately, the proposed 316(b) policy, if implemented, will undermine the reliability of California's electric system. IEP requests that the purposed policy not be implemented pending further revision.

Sincerely,

A handwritten signature in black ink that appears to read "Steven Kelly".

Steven Kelly
Director of State Policy