

Michael J. Carroll
Marc T. Campopiano
LATHAM & WATKINS LLP
650 Town Center Drive, Suite 2000
Costa Mesa, CA 92626
(714) 540-1235



STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of:)	Docket No. 08-AFC-8A
)	
AMENDED APPLICATION FOR)	OBJECTIONS AND REQUESTS FOR
CERTIFICATION FOR THE HYDROGEN)	ADDITIONAL TIME TO RESPOND TO
ENERGY CALIFORNIA POWER PLANT)	SIERRA CLUB'S DATA REQUESTS, SET
PROJECT ("HECA"))	1
)	

On August 2, 2012, Intervenor Sierra Club issued its Data Requests, Set 1 in the above-referenced matter. As set forth below, Applicant objects to certain of the data requests. In addition, Applicant will require additional time beyond the proscribed 30-day period to respond to certain the data requests as specified below.

General

Data Request No. 2

Applicant objects to Data Request No. 2 on the basis that it calls for confidential business information. In addition, the requested information is unrelated to the analysis of potential environmental impacts associated with the Project. CEQA requires a good faith analysis of potential environmental impacts from a project. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392 (1988). It does not require an evaluation of issues outside the scope of the Project. *See Anderson First Coalition, supra*, 130 Cal. App. 4th at 1182.

Data Request No. 3

Applicant objects to Data Request No. 3 on the basis that it calls for confidential business information. In addition, the requested information is unrelated to the analysis of potential environmental impacts associated with the Project. CEQA requires a good faith analysis of potential environmental impacts from a project. *Laurel Heights Improvement Ass'n v. Regents of*

Univ. of Cal., 47 Cal. 3d 376, 392 (1988). It does not require an evaluation of issues outside the scope of the Project. *See Anderson First Coalition, supra*, 130 Cal. App. 4th at 1182.

Data Request No. 4

Applicant objects to Data Request No. 4 on the basis that it calls for information unrelated to the analysis of potential environmental impacts associated with the Project. CEQA requires a good faith analysis of potential environmental impacts from a project. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392 (1988). It does not require an evaluation of issues outside the scope of the Project. *See Anderson First Coalition, supra*, 130 Cal. App. 4th at 1182. Nevertheless, without waiving its objection, Applicant will provide a partial response to Data Request No. 4.

Data Request Nos. 5a

Applicant requests a 30-day extension to respond to Data Request No. 5a.

Data Request No. 5c

Applicant objects to Data Request No. 5c on the basis that it calls for information unrelated to the analysis of potential environmental impacts associated with the Project. CEQA requires a good faith analysis of potential environmental impacts from a project. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392 (1988). It does not require an evaluation of issues outside the scope of the Project. *See Anderson First Coalition, supra*, 130 Cal. App. 4th at 1182.

Data Request No. 5d

Applicant objects to Data Request No. 5d on the basis that it calls for confidential business information. In addition, the requested information is unrelated to the analysis of potential environmental impacts associated with the Project. CEQA requires a good faith analysis of potential environmental impacts from a project. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392 (1988). It does not require an evaluation of issues outside the scope of the Project. *See Anderson First Coalition, supra*, 130 Cal. App. 4th at 1182.

Data Request No. 5e

Applicant objects to Data Request No. 5e on the basis that it calls for confidential business information. In addition, the requested information is unrelated to the analysis of potential environmental impacts associated with the Project. CEQA requires a good faith analysis of potential environmental impacts from a project. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392 (1988). It does not require an evaluation of issues outside the scope of the Project. *See Anderson First Coalition, supra*, 130 Cal. App. 4th at 1182.

Data Request No. 6

Applicant requests a 30-day extension to respond to Data Request No. 6.

Data Request No. 7

Applicant objects to Data Request No. 7 on the basis that it calls for information unrelated to the analysis of potential environmental impacts associated with the Project. CEQA requires a good faith analysis of potential environmental impacts from a project. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392 (1988). It does not require an evaluation of issues outside the scope of the Project. *See Anderson First Coalition, supra*, 130 Cal. App. 4th at 1182.

Data Request No. 16

Applicant requests a 30-day extension to respond to Data Request No. 16.

Data Request No. 17b

Applicant objects to Data Request No. 17b on the basis that it calls for confidential business information. In addition, the requested information is unrelated to the analysis of potential environmental impacts associated with the Project. CEQA requires a good faith analysis of potential environmental impacts from a project. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392 (1988). It does not require an evaluation of issues outside the scope of the Project. *See Anderson First Coalition, supra*, 130 Cal. App. 4th at 1182.

Data Request No. 17e

Applicant objects to Data Request No. 17e on the basis that it calls for information unrelated to the analysis of potential environmental impacts associated with the Project. CEQA requires a good faith analysis of potential environmental impacts from a project. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392 (1988). It does not require an evaluation of issues outside the scope of the Project. *See Anderson First Coalition, supra*, 130 Cal. App. 4th at 1182.

Data Request No. 17g

Applicant objects to the second sentence of Data Request No. 17g on the basis that it calls for confidential business information. In addition, the requested information is unrelated to the analysis of potential environmental impacts associated with the Project. CEQA requires a good faith analysis of potential environmental impacts from a project. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392 (1988). It does not require an evaluation of issues outside the scope of the Project. *See Anderson First Coalition, supra*, 130 Cal. App. 4th at 1182.

Data Request No. 18a

Applicant objects to Data Request No. 18a as unrelated to the analysis of potential environmental impacts associated with the Project. CEQA requires a good faith analysis of potential environmental impacts from a project. *Laurel Heights Improvement Ass'n v. Regents of Univ. of*

Cal., 47 Cal. 3d 376, 392 (1988). It does not require an evaluation of issues outside the scope of the Project. *See Anderson First Coalition, supra*, 130 Cal. App. 4th at 1182. The information in Data Request No. 18a would be expensive and time consuming for the Applicant to provide. The requested information would provide little to no value associated with analyzing potential Project impacts. Thus, the burden that would be imposed on the Applicant in providing the requested information is not warranted in light of the limited informative value that it would provide.

Data Request No. 18b

Applicant objects to Data Request No. 18b on the basis that it calls for confidential business information. In addition, the requested information is unrelated to the analysis of potential environmental impacts associated with the Project. CEQA requires a good faith analysis of potential environmental impacts from a project. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392 (1988). It does not require an evaluation of issues outside the scope of the Project. *See Anderson First Coalition, supra*, 130 Cal. App. 4th at 1182.

Air Quality

Data Request No. 20b

Applicant objects to Data Request No. 20b as unrelated to the analysis of potential environmental impacts associated with the Project. CEQA requires a good faith analysis of potential environmental impacts from a project. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392 (1988). It does not require an evaluation of issues outside the scope of the Project. *See Anderson First Coalition, supra*, 130 Cal. App. 4th at 1182. The information in Data Request No. 20b would be expensive and time consuming for Applicant to provide. The requested information would provide little to no value associated with analyzing potential Project impacts. Thus, the burden that would be imposed on Applicant in providing the requested information is not warranted in light of the limited informative value that it would provide.

Data Request No. 20c

Applicant objects to Data Request No. 20c on the basis that it calls for information unrelated to the analysis of potential environmental impacts associated with the Project. CEQA requires a good faith analysis of potential environmental impacts from a project. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392 (1988). It does not require an evaluation of issues outside the scope of the Project. *See Anderson First Coalition, supra*, 130 Cal. App. 4th at 1182.

Data Request No. 24

Applicant objects to Data Request No. 24 on the basis that embedded within the information requested is confidential business information related to emission rates provided by equipment vendors.

Data Request No. 27a

Applicant objects to Data Request No. 27a on the basis that it calls for information unrelated to the analysis of potential environmental impacts associated with the Project in that the conditions of the roads will be improved in connection with construction of the Project, and therefore current silt loadings are irrelevant. CEQA requires a good faith analysis of potential environmental impacts from a project. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392 (1988). It does not require an evaluation of issues outside the scope of the Project. *See Anderson First Coalition, supra*, 130 Cal. App. 4th at 1182.

Data Request No. 30

Applicant objects to Data Request No. 30 because it calls for information that is highly speculative and outside the scope of the environmental review of the Project. CEQA does not require an analysis of speculative impacts or impacts outside the scope of a project. *See* 14 Cal. Code of Regs. § 15144-14145; *Anderson First Coalition v. City of Anderson*, 130 Cal. App. 4th 1173, 1182 (2005); *Towards Responsibility in Planning v. City Council*, 200 Cal. App. 3d 671, 681 (1988).

Data Request No. 31

Applicant objects to Data Request No. 31 on the basis that it is argumentative, and requires the adoption of certain assertions and assumptions provided in the data request and the background thereto that may not be true. Applicant believes that it has utilized appropriate soil moisture content levels in its analysis.

Data Request No. 38

Applicant requests a 30-day extension to respond to Data Request No. 38.

Data Request No. 39

Applicant requests a 30-day extension to respond to Data Request No. 39.

Data Request No. 41

Applicant objects to Data Request No. 41 on the basis that it calls for information unrelated to the analysis of potential environmental impacts associated with the Project in that the quantity of material transloaded at the Wasco facility will be within the permitted capacity of that facility. Environmental impacts associated with operation of the Wasco facility within its permitted capacity would have been subject to CEQA review at the time the facility was permitted, and need not be reanalyzed in connection with the HECA Project. CEQA requires a good faith analysis of potential environmental impacts from a project. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392 (1988). It does not require an evaluation of issues outside the scope of the Project. *See Anderson First Coalition, supra*, 130 Cal. App. 4th at 1182.

Data Request No. 42

Applicant requests a 30-day extension to respond to Data Request No. 42.

Data Request No. 43

Applicant requests a 30-day extension to respond to Data Request No. 43.

Data Request No. 44

Applicant requests a 30-day extension to respond to Data Request No. 44.

Data Request No. 45

Applicant requests a 30-day extension to respond to Data Request No. 45.

Data Request No. 47a(ii)

Applicant objects to Data Request No. 47a(ii) on the basis that it calls for information unrelated to the analysis of potential environmental impacts associated with the Project. CEQA requires a good faith analysis of potential environmental impacts from a project. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392 (1988). It does not require an evaluation of issues outside the scope of the Project. *See Anderson First Coalition, supra*, 130 Cal. App. 4th at 1182.

Data Request No. 47b

Applicant objects to Data Request No. 47b on the basis that it calls for information unrelated to the analysis of potential environmental impacts associated with the Project. CEQA requires a good faith analysis of potential environmental impacts from a project. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392 (1988). It does not require an evaluation of issues outside the scope of the Project. *See Anderson First Coalition, supra*, 130 Cal. App. 4th at 1182.

Data Request No. 48

Applicant objects to Data Request No. 48 as unrelated to the analysis of potential environmental impacts associated with the Project. CEQA requires a good faith analysis of potential environmental impacts from a project. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392 (1988). It does not require an evaluation of issues outside the scope of the Project. *See Anderson First Coalition, supra*, 130 Cal. App. 4th at 1182. The information in Data Request No. 48 would be expensive and time consuming for Applicant to provide. The requested information would provide little to no value associated with analyzing potential Project impacts. Thus, the burden that would be imposed on Applicant in providing the requested information is not warranted in light of the limited informative value that it would provide.

Data Request No. 49

Applicant objects to Data Request No. 49 as unrelated to the analysis of potential environmental impacts associated with the Project. CEQA requires a good faith analysis of potential environmental impacts from a project. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392 (1988). It does not require an evaluation of issues outside the scope of the Project. *See Anderson First Coalition, supra*, 130 Cal. App. 4th at 1182. The information in Data Request No. 49 would be expensive and time consuming for Applicant to provide. The requested information would provide little to no value associated with analyzing potential Project impacts. Thus, the burden that would be imposed on Applicant in providing the requested information is not warranted in light of the limited informative value that it would provide.

Data Request No. 50

Applicant requests a 30-day extension to respond to Data Request No. 50.

Data Request No. 52

Applicant requests a 30-day extension to respond to Data Request No. 52.

Data Request No. 53

Applicant requests a 30-day extension to respond to Data Request No. 53.

Data Request No. 54

Applicant requests a 30-day extension to respond to Data Request No. 54.

Data Request No. 55

Applicant requests a 30-day extension to respond to Data Request No. 55.

Data Request No. 56

Applicant requests a 30-day extension to respond to Data Request No. 56.

Data Request No. 57

Applicant requests a 30-day extension to respond to Data Request No. 57.

Data Request No. 58

Applicant requests a 30-day extension to respond to Data Request No. 58.

Data Request No. 59

Applicant requests a 30-day extension to respond to Data Request No. 59.

Data Request No. 60

Applicant requests a 30-day extension to respond to Data Request No. 60.

Data Request No. 61

Applicant requests a 30-day extension to respond to Data Request No. 61.

Data Request Nos. 62-66

Applicant objects to Data Request Nos. 62 through 66 on the basis that they call for information that is highly speculative and outside the scope of the environmental review of the Project. Applicable and approved protocols do not call for the inclusion of emissions associated with malfunctions, which are by definition unplanned for, unexpected, and speculative. CEQA does not require an analysis of speculative impacts or impacts outside the scope of a project. *See* 14 Cal. Code of Regs. § 15144-14145; *Anderson First Coalition v. City of Anderson*, 130 Cal. App. 4th 1173, 1182 (2005); *Towards Responsibility in Planning v. City Council*, 200 Cal. App. 3d 671, 681 (1988).

Data Request Nos. 68a and 68b

Applicant objects to Data Request Nos. 68a and 68b on the basis that they call for information that is no longer relevant to the Project since, as pointed out in the preamble to the data requests, the 2008 Water Usage Minimization Study is now outdated in certain respects given the changes to the Project. Applicant will provide relevant information to update the 2008 Water Usage Minimization Study.

Data Request 68c(i)

Applicant objects to Data Request No. 68c(i) on the basis that it calls for confidential business information. In addition, the requested information is unrelated to the analysis of potential environmental impacts associated with the Project. CEQA requires a good faith analysis of potential environmental impacts from a project. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392 (1988). It does not require an evaluation of issues outside the scope of the Project. *See Anderson First Coalition, supra*, 130 Cal. App. 4th at 1182.

Data Request 69b

Applicant objects to Data Request No. 69b on the basis that it calls for confidential business information. In addition, the requested information is unrelated to the analysis of potential environmental impacts associated with the Project. CEQA requires a good faith analysis of potential environmental impacts from a project. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392 (1988). It does not require an evaluation of issues outside the scope of the Project. *See Anderson First Coalition, supra*, 130 Cal. App. 4th at 1182.

Data Request No. 71

Applicant requests a 30-day extension to respond to Data Request No. 71.

Data Request Nos. 72a-c

Applicant requests a 30-day extension to respond to Data Request Nos. 72a-c.

Data Request No. 72d

Applicant objects to Data Request No. 72d on the basis that it calls for information that is highly speculative and outside the scope of the environmental review of the Project. The Project is proposed to operate for a 25-year period, and any analysis based on a longer assumed operating period would be speculative. CEQA does not require an analysis of speculative impacts or impacts outside the scope of a project. *See* 14 Cal. Code of Regs. § 15144-14145; *Anderson First Coalition v. City of Anderson*, 130 Cal. App. 4th 1173, 1182 (2005); *Towards Responsibility in Planning v. City Council*, 200 Cal. App. 3d 671, 681 (1988).

Data Request No. 73

Applicant objects to Data Request No. 73 on the basis that Applicant has already provided the requested analysis, and it remains relevant. Completion of a revised analysis would be expensive and time consuming for the Applicant, and would provide little to no additional value associated with analyzing potential Project impacts. Thus, the burden that would be imposed on the Applicant in providing the requested information is not warranted in light of the limited informative value that it would provide.

Data Request No. 74b

Applicant requests a 30-day extension to respond to Data Request No. 74b.

Data Request No. 76

Applicant requests a 30-day extension to respond to Data Request No. 76.

Data Request No. 78

Applicant requests a 30-day extension to respond to Data Request No. 78.

Data Request No. 81

Applicant objects to Data Request No. 81 as unrelated to the analysis of potential environmental impacts associated with the Project. CEQA requires a good faith analysis of potential environmental impacts from a project. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392 (1988). It does not require an evaluation of issues outside the scope of the Project. *See Anderson First Coalition, supra*, 130 Cal. App. 4th at 1182. The information in Data Request No. 81 would be expensive and time consuming for Applicant to provide. The requested information would provide little to no value associated with analyzing potential Project

impacts. Thus, the burden that would be imposed on Applicant in providing the requested information is not warranted in light of the limited informative value that it would provide.

Data Request Nos. 82 and 83

Applicant objects to Data Request Nos. 82 and 83 on the basis that the referenced standard has been stayed and is being reassessed and may no longer be applicable. If there is a change, Applicant will conduct an analysis to show compliance with applicable standard.

Hazardous Materials Management

Data Request No. 84a

Applicant requests a 30-day extension to respond to Data Request No. 84a.

Data Request Nos. 85a and 85c

Applicant requests a 30-day extension to respond to Data Request Nos. 85a and 85c.

Power Plant Reliability

Data Request No. 88

Applicant requests a 30-day extension to respond to Data Request No. 88.

Data Request No. 89

Applicant requests a 30-day extension to respond to Data Request No. 89.

Data Request No. 90

Applicant requests a 30-day extension to respond to Data Request No. 90.

Data Request No. 91

Applicant objects to Data Request No. 91 on the basis that it calls for a “demonstration” that is impossible to make. While the Project is being designed to operate with only two planned shutdowns per year, and Applicant has every expectation of achieving that level of reliability, it will not be possible to demonstrate such until the Project is under operation.

Data Request No. 92

Applicant objects to Data Request No. 92 on the basis that it calls for information that Applicant does not possess and cannot reasonably obtain.

Socioeconomics / Environmental Justice

Data Request No. 94

Applicant requests a 30-day extension to respond to Data Request No. 94.

Traffic and Transportation

Data Request No. 95

Applicant requests a 30-day extension to respond to Data Request No. 95.

Data Request No. 96

Applicant requests a 30-day extension to respond to Data Request No. 96.

Data Request No. 97

Applicant requests a 30-day extension to respond to Data Request No. 97.

DATED: August 22, 2012

Respectfully submitted,

/s/ Michael Carroll

Michael J. Carroll
LATHAM & WATKINS LLP
Counsel to Applicant

**STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

In the Matter of:)	Docket No. 08-AFC-08A
)	
REVISED APPLICATION FOR)	PROOF OF SERVICE
CERTIFICATION FOR THE HYDROGEN)	
ENERGY CALIFORNIA POWER PLANT)	(August 14, 2012)
PROJECT ("HECA"))	
_____)	

APPLICANT

Marisa Mascaro
SCS Energy LLC
30 Monument Square, Suite 235
Concord, MA 01742
mmascaro@scsenergyllc.com

Tiffany Rau
2629 Manhattan Avenue, PMB# 187
Hermosa Beach, CA 90254
Trau@heca.com

George Landman
Director of Finance and Regulatory Affairs
Hydrogen Energy California, LLC
500 Sansome Street, Suite 750
San Francisco, CA 94111
glandman@heca.com

APPLICANT'S CONSULTANT

Dale Shileikis
Vice President
Energy Services Manager
Major Environmental Programs
URS Corporation
One Montgomery Street, Suite 900
San Francisco, CA 94104-4538
dale_shileikis@urscorp.com

HYDROGEN ENERGY CALIFORNIA PROJECT
CEC Docket No. 08-AFC-08A

INTERESTED AGENCIES

California ISO

e-recipient@caiso.com

Marni Weber

Department of Conservation
Office of Governmental and Environmental Relations
(Department of Oil, Gas & Geothermal Resources)
801 K Street MS 2402
Sacramento, CA 95814-3530
Marni.Weber@conservation.ca.gov

INTERVENORS

California Unions for Reliable Energy

Thomas A. Enslow

Marc D. Joseph

Adams Broadwell Joseph & Cardozo
520 Capitol Mall, Suite 350
Sacramento, CA 95814
tenslow@adamsbroadwell.com

Tom Frantz

Association of Irrigated Residents
30100 Orange Street
Shafter, CA 93263
tfrantz@bak.rr.com

Andrea Issod

Matthew Vespa

Kern-Kaweah Chapter
Of the Sierra Club
85 Second St, Second Floor
San Francisco, California 94105
andrea.issod@sierraclub.org
matt.vespa@sierraclub.org

Timothy O'Connor, Esq.

Environmental Defense Fund (EDF)
1107 Ninth St., Suite 540
Sacramento, CA 95814
toconnor@edf.org

HYDROGEN ENERGY CALIFORNIA PROJECT
CEC Docket No. 08-AFC-08A

George Peridas

Natural Resources Defense Council
111 Sutter Street, 20th Fl.
San Francisco, CA 94104
gperidas@nrdc.org

ENERGY COMMISSION – DECISION MAKERS

Karen Douglas

Commissioner and Presiding Member
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
karen.douglas@energy.ca.gov

Andrew McAllister

Commissioner and Associate Member
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
andrew.mcallister@energy.ca.gov

Raoul Renaud

Hearing Advisor
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
raoul.renaud@energy.ca.gov

Galen Lemei

Advisor to Presiding Member
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
galen.lemei@energy.ca.gov

Jennifer Nelson

Advisor to Presiding Member
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
jennifer.nelson@energy.ca.gov

HYDROGEN ENERGY CALIFORNIA PROJECT
CEC Docket No. 08-AFC-08A

David Hungerford

Advisor to Associate Member
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
david.hungerford@energy.ca.gov

ENERGY COMMISSION – STAFF

Robert Worl

Project Manager
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
robert.worl@energy.ca.gov

Lisa De Carlo

Staff Counsel
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
lisa.decarlo@energy.ca.gov

Eileen Allen

Commissioner's Technical Advisor
For Facility Siting
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
eileen.allen@energy.ca.gov

ENERGY COMMISSION – PUBLIC ADVISOR

Jennifer Jennings

Public Adviser's Office
CALIFORNIA ENERGY COMMISSION
E-mail preferred
publicadviser@energy.ca.gov

DECLARATION OF SERVICE

I, Paul Kihm, declare that on August 22, 2012, I served and filed copies of the attached:

OBJECTIONS AND REQUESTS FOR ADDITIONAL TIME TO RESPOND TO SIERRA CLUB'S DATA REQUESTS, SET 1

to all parties identified on the Proof of Service List above in the following manner:

California Energy Commission Docket Unit

☒ Transmission via electronic mail to:

CALIFORNIA ENERGY COMMISSION

Attn: DOCKET NO. 08-AFC-08A

1516 Ninth Street, MS-4

Sacramento, California 95814-5512

docket@energy.state.ca.us

For Service to All Other Parties

☒ Transmission via electronic mail to all email addresses on the Proof of Service list.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 22, 2012, at Costa Mesa, California.

/S/ Paul Kihm

Paul Kihm