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File No: 19/36.1

August 15, 2012

VIA U.S. & ELECTRONIC MAIL

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Commissioner Karen Douglas, Presiding Member
Commissioner Carla Peterman, Associate Member
California Energy Commission Docket Unit
Hidden Hills Solar Electric Generating System (Docket No. 11-AFC-2)
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Re: Hidden Hills Solar Electric Generating System, Docket No. 11-AFC-02;
Southern Inyo Fire Protection District's Response to Applicant's July 25,
2012 Comment on Preliminary Staff Assessment

Dear Commissioners Douglas and Peterman:

This communication by the Southern Inyo Fire Protection District (the "District")¹ addresses the Applicant's Comments on the Commission's Preliminary Staff Assessment, Set 2, filed on July 25, 2012 ("Comments").

As a component of these Comments, the Applicant relied on the recent case of City of *Hayward v. Board of Trustee of California State University* (2012) 207 Cal. App. 4th 446 ("*Hayward*"), for the proposition that an impact by the Hidden Hills Solar Project on public services (specifically, fire protection and emergency medical services provided by the District) would not be an "environmental impact" subject to the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*). (Comments, pp. 231-232).

The Commission should disregard the Applicant's comments relying on the

¹ This office serves as Special District Council to the District.

Commissioner Karen Douglas, Presiding Member
Commissioner Carla Peterman, Associate Member
August 15, 2012
Page 2

Hayward ruling, because on August 13, 2012 the Plaintiff-Respondent City of Hayward filed a Petition for Review with the California Supreme Court. Therefore, reliance on the decision of the Court of Appeals would be premature.

Very truly yours,



William D. Ross

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DECLARATION OF SERVICE

I, Le Chaune Metoyer, declare that on August 15, 2012, I served and filed a copy of the attached Letter to Commissioner Karen Douglas and Commissioner Carla Peterman Regarding Southern Inyo Fire Protection District's Response to Applicant's July 25, 2012 Comment on Preliminary Staff Assessment dated August 15, 2012. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at: [www.energy.ca.gov/sltingcases/hydrogen_energy/index.html].

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit or Chief Counsel, as appropriate, in the following manner:

(Check all that Apply)

For Service to all other parties:

Served electronically to all e-mail addresses on the Proof of Service list;

Served by delivering on this date, either personally, or for mailing with the U.S. Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date of those addresses **NOT** marked "e-mail preferred."

AND

by sending an electronic copy to the e-mail address below (preferred method); **OR**

by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT

Attn: Docket No. 11-AFC-2
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:

Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission
Michael J. Levy, Chief Counsel
1516 Ninth Street, MS-14
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mlevy@energy.state.ca.us

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


Original signed by
Le Chaune Metoyer



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

**APPLICATION FOR CERTIFICATION FOR THE
HIDDEN HILLS SOLAR ELECTRIC
GENERATING SYSTEM**

**DOCKET NO. 11-AFC-02
PROOF OF SERVICE
(Revised 8/14/12)**

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