

Memorandum

Date: March 16, 2012
Telephone: (916) 654-4894
File: 11-AFC-2

To: Commissioner Karen Douglas, Presiding Member
Commissioner Carla Peterman, Associate Member
Hearing Officer Kenneth Celli

From: California Energy Commission - Mike Monasmith
1516 Ninth Street Senior Project Manager
Sacramento, CA 95814-5512

DOCKET	
11-AFC-2	
DATE	MAR 16 2012
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Subject: **HIDDEN HILLS SOLAR ELECTRIC GENERATING SYSTEM (11-AFC-2)
STATUS REPORT #3**

Per the November 16, 2011 Committee scheduling order, attached is Energy Commission staff's Status Report #3 for the Hidden Hills Solar Electric Generating System (HHSEGS).

This status report will update issues that Energy Commission staff identified in its February 15, 2012, Status Report #2, and subsequently discussed with the Committee, applicant and other parties to this proceeding during the February 28, 2012, Status Conference. Based upon the specific issue discussions contained within this report, staff will affirm support for applicant's newly-proposed Final Staff Assessment publication date of August 1, 2012. However, due to circumstances articulated below, staff has also determined that the Hidden Hills Preliminary Staff Assessment (PSA) cannot be published on applicant's proposed date of April 13, 2012. An April PSA would have major gaps in data, analyses, and proposed mitigation, would lack critical survey information, would fail to include important information from outstanding data requests, and would fail to fully account for the applicant's project changes articulated in their February 27, 2012, boiler optimization plan. Staff therefore recommends that the Committee establish a June 1, 2012, PSA publication date.

While staff requested a PSA publication date of April 13, 2012, in both its Status Reports #1 and #2, it has become clear that publishing a PSA on that particular date would result in an incomplete document without significant findings and recommendations in a number of important technical disciplines, as described below.

PROOF OF SERVICE (REVISED 3/9/12) FILED WITH
ORIGINAL MAILED FROM SACRAMENTO ON 3/16/12
EKS

BIOLOGICAL RESOURCES

Applicant has not yet responded to several important data requests. Once received, staff will require time to analyze and verify data submitted, obtain feedback from responsible agencies, and assimilate the information into the PSA. Additionally, staff will require time to evaluate recently submitted technical reports. A PSA publication date of June 1, 2012, will give staff time to prepare a complete biological resources analysis, provided that responses to outstanding data requests are received by April 6, 2012.

Responses to Data Requests and Technical Issues:

- The applicant filed the Winter 2012 Bat Survey (Technical Memorandum) on March 5, 2012. This is the first quarterly bat acoustic monitoring report for the project. Staff must review this data, determine if the project may impact special status bats, and if necessary, formulate suitable mitigation and/or adaptive management strategies. Coordination with the California Department of Fish and Game (CDFG) is also required.
- The applicant submitted the Winter 2012 Burrowing Owl Survey (Technical Memorandum) on March 5, 2012. Staff will need time to verify the survey methodology used for these surveys, assimilate the data into the PSA, and determine suitable mitigation in coordination with the CDFG.
- Staff requested a draft Waters of the State delineation report on November 17, 2011. On December 17, 2011, the applicant requested a 30-day extension for its response. However, staff has yet to receive this report, which will require considerable time to evaluate¹. To properly address this issue, additional analyses will involve close coordination with CDFG, another site visit with CDFG to verify applicant's results, and a determination of suitable mitigation.
- The applicant submitted the January 2012 Golden Eagle Use Survey Report (Technical Memorandum) on March 5, 2012. Staff needs additional time to review and confer with raptor experts from CDFG and the U.S. Fish and Wildlife Service (USFWS), analyze potential impacts, and formulate appropriate mitigation measures if it is determined that impacts are likely to occur.
- Biological Resource staff needs time to work with Soil and Water staff to interpret the February 2012 aquifer pump test data (report in progress). The pump test provided substantial new information regarding the response of the aquifer to pumping; staff is concerned about cumulative and potentially unmitigatable impacts to the federally designated Stump Springs Area of Critical Environmental Concern (ACEC). Following Soil and Water staff analysis of pump test data,

¹ Bruce Kinney, CDFG Deputy Regional Manager, stated during the February 22, 2012 workshop that the process of permitting work in state waters can typically take CDFG up to 90 days to complete. Staff notes that although Energy Commission has in-lieu permitting authority, only CDFG staff has the training and capability to review the applicant's application for a Lake and Streambed Alteration Agreement and verify the results.

Biological Resource staff need time to complete a scientifically supportable analysis of the project's direct, indirect, and cumulative impacts from groundwater use on biological resources and designated conservation areas (Stump Springs) in the Pahrump Valley, and ensure any significant impacts are suitably mitigated.

- Additionally, applicant has yet to provide staff with a water use mitigation plan. In response to staff's first water supply data request, the applicant agreed to provide this plan to staff by the end of January 2012. Mitigation would be required to address overdraft in the Pahrump Ground Water Basin, and the greater ecosystem dependent upon the groundwater source: the Stump Springs ACEC, vegetation dependent on groundwater, phreatophytes, and other special status plant and wildlife species that utilize groundwater.
- Staff has requested additional information regarding potential operational impacts to avian species and exposure to solar flux. Staff issued Data Request Set 2C on March 3, 2012. These data requests cover a range of complex technical issues, from the positioning and control of heliostats within the project site, the shape and spatial extent of solar flux zones, the establishment of tolerance thresholds of avian species to solar flux, development of mitigation and monitoring plans to address the potential effects of the project. Staff anticipates that this issue will require additional time to resolve since several technical specialties, including glint and glare, engineering, biology, and worker safety, must collaborate on this effort to determine the scope and types of potential impacts.
- The applicant recently proposed to do additional special-status plant surveys this spring hoping to find additional occurrence which could lessen the likelihood of significant impacts to several special-status plants. Staff has requested the offsite special-status plant survey data in Data Requests Set 2D filed on March 9, 2012. Field survey results will likely not be available until June or July, so this information and any changes to staff's significance conclusions would be presented in the Final Staff Assessment.

CULTURAL RESOURCES

Cultural Resources staff will be unable to complete their portion of the Hidden Hills PSA analysis by the current PSA publication date of April 13, 2012. If a work product is required by that date, most of the analysis and a good portion of the resource inventory will be missing or incomplete.

Status of Outstanding Reports, Surveys, and Data Requests

A response to Data Requests 105-106 (regarding the hydrology and ethnobiology of the project area) has not been received and there is no estimate of when the information will be available from the applicant. This information is particularly important given staff's concerns about cumulative and potentially unmitigable impacts to the Stump Springs ACEC (Area of Critical Environmental Concern). Stump Springs and other

springs in the project vicinity have Native American cultural significance, as well as significance to the context of the pioneer trails and settlement in the project area.

A response to Data Request 125 (regarding background and alignment on the Old Spanish Trail) has not been received. It was expected from the applicant at the end of February, 2012. Additional issues have been raised by the Old Spanish Trail Association (now an Intervenor) and BLM Nevada (within the last 10 days) regarding the actual alignment of the National Register listed trail within the project site.

A response to Data Requests 127-128 (requested to provide data to determine and resolve issues concerning the historic significance of archaeological sites identified in the AFC and Cultural Resources Technical Report) has not been received and there is no specific estimate of when the information will be available from the applicant. Consultation is ongoing between staff and the applicant's consultants to determine the extent of the requested survey and information request.

Responses to outstanding data requests must be received no later than April 13, 2012 for staff to analyze the information and incorporate it into the June 1, 2012 PSA.

Data Requests 129-132 (regarding ethnography and Native American cultural issues) were formally withdrawn and are being conducted in-house. Ethnographical studies, begun by staff following the applicant's initial refusal to initiate the requested studies, did not begin until January 18, 2012 and are still in progress. Fieldwork and the associated literature searches should be completed by March 16, 2012, but staff time is still needed to evaluate the data, incorporate it into the resulting analysis and report, and develop mitigation as appropriate. Continued coordination with Native Americans will also be necessary before the report can be finalized.

Status of Submitted Reports and Data Responses

A response to Data Request 104 was received on January 23, 2012, but did not provide the field data or requested map of toolstone sources or, alternatively, a plan for and expression of an intent to execute and report a field study to provide the requested information on toolstone distribution. In addition, no discussion of field methods (beyond that included in the AFC/Technical Report) was provided. The absence of this information or field study precludes the completion of this portion of the PSA.

Responses to Data Requests 115-117 (regarding the geomorphic contexts for each archaeological site and sketch maps for DPR Form 523s) were provided on January 23, 2012. However, the volume of information has precluded staff from completing their review.

A number of the data responses were based on a project area of analysis (PAA) defined by the applicant in Data Response 98 to only encompass the HHSEGS project site, the temporary construction laydown area to the west, and a 200-foot buffer around the site. Given the scope of the project and the expansive nature of cultural resources, including Native American ancestral lands, in the project area, this PAA is inadequate to evaluate the project's impact on these resources and is not consistent with the PAA identified by staff. As a result, much of the information provided in the applicant's Cultural Resources Data Responses is truncated, and does not provide staff with a complete or comprehensive picture of the resources or their context. The lack of the above

information greatly impairs and precludes a complete analysis of the impacts of the project on surrounding cultural resource features.

Other Issues

- A portion of the Cultural Resources analysis is dependent on information from other technical areas, particularly Visual Resources, Biological Resources, Soil & Water Resources, and Paleontology. As noted in the issues expressed in other technical sections of this status report, much of this information has yet to be provided and/or analyzed. For example, the Soil & Water staff has just identified a possible discrepancy regarding the drawdown potential from project wells that may significantly affect springs that have been both a historic and current significant foci of Native American activity.
- The list of projects that must be considered in the cumulative analysis has yet to be finalized (for example, BrightSource recently revealed that it is planning another similar project near the Hidden Hills site) and the contributing impacts from these projects for each technical area must be analyzed. Completion of the cumulative analysis and determination is dependent on the receipt of the information indicated in the status of requests listed above. In addition, cumulative impacts to Native American access and traditional use of ancestral lands are being raised by local tribes and must be considered in the cultural resources cumulative impacts analysis.
- Staff requires better information on cultural resources at the alternative site location being analyzed at Sandy Valley. Unanticipated demands on staff assigned to Hidden Hills:
 - The archaeologist assigned to the Hidden Hills cultural resources section is also responsible, along with the assigned staff consultant for ARRA compliance, specifically, in this instance, the Genesis Solar Energy Project (GSEP). Recent archaeological and Native American issues at GSEP, beginning in October 2011 and escalating in January and February of this year, has required much of their time over the past four weeks.
 - The Built-Environment specialist for the Hidden Hills project was unable to complete her section of the PSA prior to her departure from the Energy Commission at the end of February, as some of the responses to the data requests for the Built-Environment were not received in time for them to be incorporated into her analysis.
 - Information on the alignment of the Old Spanish Trail, expected from the applicant at the end of February, has yet to be received. Although another staff person has been assigned, she is unfamiliar with the project and will need time to review and determine the adequacy of the data available, make an initial site visit, and incorporate it into her portion of the Cultural Resources PSA section.

LAND USE

Staff's Land Use PSA is almost complete. The applicant made a presentation before the Inyo County Board of Supervisors on March 13, 2012, regarding the project's inconsistency with Inyo County land use requirements. Should the applicant file a general plan amendment and additional appropriate applications per the Inyo County

zoning code (Title 18) and renewable energy ordinance (Title 21) to address the land use inconsistency, such changes would presumably rely on the Commission's environmental documents, and thus occur near the conclusion of the licensing proceeding. Therefore, staff's PSA would have to state that the applications have been filed, a decision by Inyo County is pending, and provide an estimated timeline for the county's decision. Staff would address the county's requirements in the FSA.

SOCIOECONOMICS

Inyo County is concerned that significant costs will be imposed on it by the project, and that such costs will not be reimbursed by increased tax assessments. Potential increased costs have been itemized by the County, and include damage to the Old Spanish Trail Road from truck use, law enforcement obligations, and various health and social service costs that could come with an increased local population from both construction and operation. The applicant intends to provide the county with additional information such as a Site Security Plan, which may include the internalization of some security requirements that would otherwise be the sole responsibility of the Inyo County Sheriff. Information on the security plan has not been provided.

The applicant made a presentation before the Inyo County Board of Supervisors on March 13, 2012 in Independence, CA. The presentation focused on the economic benefits of Hidden Hills in terms of jobs and expected tax revenues. In their presentation, BrightSource also indicated that they would be seeking a General Plan Amendment. In response to specific questions and concerns from Supervisors on the socioeconomic costs and benefits of the project, the applicant indicated that they would be working closely with staff to better identify and quantify the costs the County would have to absorb (i.e. law enforcement, public works). Socioeconomics staff attended the meeting, and participated in additional meetings with Inyo County staff in Bishop, CA on March 14, 2012 regarding these expected costs, and will continue the analysis of project impacts and associated mitigation measures.

A work authorization was recently approved and work has begun by an Energy Commission consultant on an economic and fiscal analysis report for Hidden Hills. The report will estimate potential economic impacts on jobs and spending, under a reasonably foreseeable scenario, from the construction and operation of the proposed project. It will also assess changes in the county government's fiscal situation if the proposed project is built. The analysis will not be available for an April PSA publication.

The responses from the Kern, Inyo & Mono counties of California Building Trades Council (BTC) and the United Association Local 525 (Plumbers, Pipefitters, and HVAC Refrigeration Technicians), Las Vegas both indicated if the project contractor enters into a Project Labor Agreement with the affiliates of the BTC, they expect that nearly all of the construction workforce would come from California. If the project contractor does not enter into a Project Labor Agreement, the construction workforce would mostly come from Clark and Nye counties in Nevada. Applicant announced this week that there will be a project labor agreement. However, even with such an agreement, it is difficult to assess where the labor for construction will come from, where it will reside, and what costs this will impose on the County. Staff has requested more information from the

applicant on where the construction workforce will come from, as a greater California workforce would be likely to impose greater burdens on the County. That information has not yet been provided.

Staff has not yet received a response to the November, 17, 2011, Worker Safety and Fire Protection Data Requests, Set 1C, Numbers 95 and 96. The data requests advise the applicant to provide either confirmation of an agreement with Southern Inyo Fire Protection District (SIFPD) that there would be no expected impacts resulting from the construction and operation of the project or a Fire Protection and Emergency Services Risk and Needs Assessment. Without this agreement or documentation, staff cannot fully assess the potential project impacts to SIFPD's ability to provide fire protection and emergency medical services to the project and still fulfill their responsibilities to the rest of the public.

TRAFFIC/TRANSPORTATION AND VISUAL RESOURCES

Incomplete data responses to Data Requests 148, 149, and 154 regarding Glint and Glare were submitted by the applicant on March 6, 2012, and will require additional time for resolution. Because this information is needed to complete the Traffic and Transportation and Visual Resources sections of the PSA, staff may issue additional data requests in order to better understand these impacts, and receive further information and clarification from the applicant.

Traffic and Transportation staff also continues to review Inyo County's February 16, 2012, fiscal impact letter that detailed a number of anticipated county costs associated with the construction and operation of the proposed Hidden Hills project. One of the larger Inyo County expenditures indicated by the county in their letter relates to expected transportation impacts from project-related truck (and passenger vehicle) traffic on local roads in Southeast Inyo County, and the cost of improving Old Spanish (Tecopa) Road adjacent to the proposed project and over Immigrant Pass to accommodate this new level of use. Staff met with Inyo County in Bishop, CA on March 14, 2012, to discuss the anticipated traffic impacts and appropriate mitigation measures to address these impacts.

WATER RESOURCES

Staff is awaiting the applicant's complete assessment of its mid-February aquifer pump test. The test provided new data for this part of the Pahrump Ground Water Basin. Staff requires time for a thorough analysis of the new data and the applicant's assessment. Staff is concerned about the project's potential to create a significant and possibly immitigable impact to the federally designated Stump Springs Area of Critical Environmental Concern (ACEC). The data and applicant's report are important for completion of the staff analysis.

On March 12, 2012, the US Bureau of Land Management (BLM) submitted a letter to staff, signed by the state directors of both BLM California and BLM Nevada. This letter indicates that project pumping combined with cumulative impacts from other reasonably foreseeable projects in the area would be an issue of agency concern. The letter also provides thresholds for mitigation of impacts that staff should consider in the project

analysis. Specifically, the BLM letter said, “Through monitoring a series of wells radiating out from the project area, define groundwater elevation triggers to local surface-dependent resources and the Amargosa W&SR [Wild and Scenic River] the exceedance of which would require the HHSEGS to modify or stop pumping...” Staff will continue to analyze the raw aquifer pump test data submitted by the applicant on March 9, 2012. Staff also looks forward to a public workshop in Inyo County in late March where the Applicant will present updated information on project groundwater resources and impacts. Staff anticipates the workshop will facilitate a more thorough discussion of groundwater resources with interveners The Nature Conservancy and Amargosa Conservancy and members of the public.

The applicant has yet to provide staff with a water use mitigation plan. In response to staff’s first data request (Set 1A, No 39), the applicant agreed to provide this plan to staff (Set 1A Responses, dated 11/17/11) by January 2012. Early in the permitting process, staff realized that mitigation might be recommended to address the project’s potential contribution to the existing overdraft in the Pahrump Ground Water Basin. The availability of appropriate mitigation is unknown at this time but crucial to this projects viability. BLM’s March 12, 2012 comment letter also acknowledged the absence of an applicant-proposed mitigation plan and concern about the lack of local water rights available to purchase for project offset purposes Accordingly, BLM suggested extensive mitigation, protection, and monitoring measures that staff is currently reviewing. Given the applicant’s lack of a mitigation plan and ongoing analysis of groundwater impacts, staff may not be able to present a complete Water Resources analysis in the PSA.

WASTE MANAGEMENT

There are several outstanding issues impacting staff’s ability to complete the waste management section of the PSA. One of the issues is the County of Inyo Integrated Waste Management’s letter submitted in the county’s February 16, 2012, socioeconomic/fiscal impact letter. Staff is working to verify an additional cost increase of \$52,000 per year the County’s letter indicated would be necessary for additional waste collection and disposal for the influx of construction workers residing in the area surrounding the Hidden Hills project site. Staff met with Inyo County staff on March 14, 2012, in Bishop, CA and will continue to work towards resolution of this issue.

Additionally, the California Integrated Waste Management Act (AB 939, Sher, Chapter 1095, Statutes of 1989 as amended [IWMA]) made all California cities, counties, and approved regional solid waste management agencies responsible for enacting plans and implementing programs to divert 50 percent of county waste every year. Inyo County reports to CalRecycle (previously called the Integrated Waste Management Board). Currently Inyo County is not in full compliance with AB 939, and the county’s programs will be reviewed by CalRecycle (which requires review even if waste is being sent to Nevada landfills). CalRecycle has requested that their requirements for the county be addressed in the PSA.

ALTERNATIVES

The Alternatives analysis in the AFC includes a little over 26 pages of text; brief analyses of eight potential off-site alternatives and three alternative technologies are included in the applicant's analysis. The applicant's work product provided a minimal basis for Energy Commission staff to prepare an analysis of potentially feasible alternatives that complies with the requirements of the California Environmental Quality Act (CEQA). Significant work has been required to evaluate the project alternatives discussed in the AFC and to define the scope, approach, and method for the Alternatives section of the staff assessment. The following lists summarize work completed to date and work in progress for the Alternatives section of the staff assessment, which is in preparation.

Work completed to date:

- Reviewed and edited the applicant's project objectives to alter or eliminate those that clearly support development of the proposed project. This work was done to facilitate staff's analysis of a reasonable range of potentially feasible alternatives to the proposed project, in accordance with CEQA.
- Drafted an expanded outline of staff's Alternatives analysis, including discussions of CEQA requirements for the analysis, the alternatives screening process, and the applicability of California's Renewables Portfolio Standard program to the statement of project objectives.
- Completed an independent assessment of the applicant's original list of potentially feasible alternatives and determined which of those project alternatives would be evaluated in the staff assessment. The results of this review and assessment are included in staff's draft Alternatives analysis.
- Defined and drafted a description of the No-Project Alternative.
- Prepared two sets of data requests that were submitted to the applicant in November 2011 and January 2012. Responses to the first set of data requests were incomplete (i.e., no new information was provided beyond what was in the AFC); the second set included both resubmitted and new data requests. Data responses were reviewed and distributed to the project team for use in comparing the project alternatives for different environmental topic areas (e.g., biological resources, project engineering, visual resources, etc.)
- Reviewed the Draft Preliminary Conservation Strategy for the Desert Renewable Energy Conservation Plan and evaluated the feasibility of siting a 500-megawatt solar power tower project in the Barstow preliminary renewable energy study area. The results of this analysis are included in staff's draft Alternatives analysis.
- Attended several public workshops for the project, including public workshops in Tecopa, CA in October 2011 and January 2012. Also participated in several tribal meetings, including a January 19, 2012 meeting in Shoshone, CA with Native American groups.

- Determined the process to evaluate the comparative merits of the alternatives. Prepared and distributed guidelines to staff that will be used to facilitate staff's analyses comparing the potential environmental effects of the proposed project to the same or similar effects of the project alternatives.

Work in progress or yet to be completed:

- Evaluate the potential for the project alternatives to meet the project objectives and identify and analyze feasibility issues for those alternatives. A total of five alternatives to the proposed project are being fully evaluated in the staff assessment, including the No-Project Alternative. This work will include a discussion of the power purchase agreement for the project, comparative cost discussions, and an analysis of site control issues.
- Analyze and discuss feasibility issues that resulted in the elimination of many other renewable technologies from the Alternatives analysis.
- Complete drafts of some of the subsections of the Alternatives analysis, including discussions of public and agency participation and descriptions of alternatives eliminated from detailed consideration.
- Attend one or two more public workshops for the project, as necessary.
- Coordinate preparation of figures for the Alternatives analysis.
- Review the separate analyses prepared by staff for each of the approximately 15 technical areas included in the staff assessment, and incorporate those discussions into the Alternatives section. Synthesize and summarize those individual analyses for each of the five alternatives and identify the environmentally superior alternative based on the comparative discussions for the five project alternatives. This portion of the Alternatives analysis is expected to take approximately 5 to 6 weeks to complete prior to publishing the PSA.

SUMMARY

As discussed above, an April 13, 2012 PSA would be incomplete, potentially missing entire sections, and lacking in both analysis and conclusions in important areas. The applicant is still responding to data requests that are critical to the analysis. There is no scheduling advantage to the filing of an incomplete PSA document, as it does not hasten the filing of a complete FSA. Staff therefore suggests a June 1, 2012 date for the PSA, followed by FSA publication in August. Staff emphasizes that these dates are largely contingent on the applicant responding promptly to all outstanding data requests.

STAFF'S REVISED SCHEDULE – Hidden Hills SEGS - (11-AFC-2)

ACTIVITY	DATE
AFC filed	08-05-11
AFC Data Adequacy determination at Commission Business Meeting	10-05-11
Status Report #1	01-17-12
Data Response / Issues Resolution Workshop – Tecopa	01-18-12
Committee Status Conference	01-24-12
Data Response / Issues Resolution Workshop – Sacramento	01-25-12
Staff files Data Requests (Set 2C)	01-30-12
Status Report #2	02-15-12
Data Response / Issues Resolution Workshop – Sacramento	02-22-12
Committee Status Conference	02-28-12
Status Report #3	03-15-12
Data Response / Issues Resolution Workshop – Shoshone	03-30-12
Committee Status Conference	04-03-12
Status Report #4	04-15-12
Data Response / Issues Resolution Workshop – Sacramento	04-24-12
Committee Status Conference	05-01-12
Status Report #5	05-15-12
Committee Status Conference	05-22-12
Preliminary Staff Assessment filed	06-01-12
Preliminary Staff Workshop – Shoshone	06-29-12
Conclusion of 30-day PSA comment period	07-02-12
Status Report #6	07-16-12
Final Staff Assessment filed	08-01-12
Prehearing Conference*	09-01-12
Evidentiary Hearings*	09-08-12
PMPD*	11-15-12
CEC Final Decision*	12-28-12

*Committee-directed events



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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**APPLICATION FOR CERTIFICATION
FOR THE *HIDDEN HILLS SOLAR ELECTRIC
GENERATING SYSTEM***

**DOCKET NO. 11-AFC-2
PROOF OF SERVICE
(Revised 3/9/2012)**

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DECLARATION OF SERVICE

I, Elizabeth Stewart, declare that on March 16, 2012, I served and filed copies of the attached HIDDEN HILLS SOLAR ELECTRIC GENERATING SYSTEM (11-AFC-2) STATUS REPORT #3, dated March 16, 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/sitingcases/hiddenhills/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:

- X Served electronically to all e-mail addresses on the Proof of Service list;
- X 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 to those addresses **NOT** marked "e-mail preferred."

AND

For filing with the Docket Unit at the Energy Commission:

- X 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
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Original signed by _____
Elizabeth Stewart
Project Assistant