May 6, 2012

Quail Brush Genco, LLC
Ms. Lori Ziebart
Project Manager
9405 Arrowpoint Boulevard
Charlotte, NC 28273

Regarding: **QUAIL BRUSH GENERATION PROJECT (11-AFC-3), Dorian Houser's (Intervenor) Data Requests, 1 through 27**

Pursuant to Title 20, California Code of Regulations, section 1716, I request information for the items in the enclosed data requests. The information is requested in order to 1) adequately evaluate the impacts of the proposed project on the environment, 2) determine if adequate and reasonable alternatives exist that have not been considered, 3) determine if the analyses were performed consistent with standard practices and guidelines, and to 4) determine if mitigation measures will meet mitigation objectives. These data requests are made in the areas of Alternatives, Air Quality, Noise and Biological Resources.

If you are unable to provide the requested information, or object to providing the information, please send notification me and the Committee within 20 days receipt of this notice. Please provide reasons or justifications for not providing the information.

Please contact me at dhouser@cox.net or 619-889-5170 should you have questions regarding the enclosed data request.

Sincerely,

Dorian S. Houser

Dorian S. Houser, Ph.D.

ANALYSIS OF ALTERNATIVES

Background: The applicant provides alternatives to the proposed power plant location that are effectively in the same location and which provide relatively little variation in the environmental impacts resulting from construction and operation. Under CEQA, an analysis of alternatives should consider "…alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly [CEQA Guidelines Section 15126.6(b)][1]." Furthermore, the City of San Diego General Plan, Economic Prosperity Element[2], states that industrial land use should make efficient use of existing employment lands (EP-5). No discussion of potential sites besides that which occurs next to the Sycamore Landfill is provided by the Applicant. No discussion of the potential for using areas currently zoned as industrial or power generation facilities scheduled for retirement is provided.

1. Data Request: Please provide information on alternative sites within the SDG&E territory that satisfy the basic requirements for plant construction and operation. Please provide information on the potential to use locations currently zoned as industrial and those with older facilities that could be upgraded.

AIR QUALITY

Background: Pursuant to 20 CA ADC § 1716[3], "(b) Any party may request from the applicant any information reasonably available to the applicant which is relevant to the notice or application proceedings or reasonably necessary to make any decision on the notice or application. All such requests shall include the reasons for the request."

The action proponent has requested that no preconstruction monitoring of criterion pollutants be required of them (AFC 4.7-45). This request is made based on the argument that most monitored pollutants impact the air basin on a regional level and that the terrain at the proposed site, which affects the dispersion modeling, is similar to that of other available monitoring locations. As such, the action proponent is requesting use of the three most recent year's data from the Overland Avenue monitoring site in Kearny Mesa, which is approximately 6 miles west of the proposed construction site.

Preconstruction monitoring should be required within the City of Santee as it is reasonably necessary to make a decision on the application. Preconstruction monitoring should be required because:

A. The topographical features at the proposed site and surrounding the City of Santee are dynamic relative to the flat terrain of Kearny Mesa. The City of Santee exists within a depression surrounded by elevated and variable topography, some of which is higher than that of the proposed stack heights, and steep sloping canyons. The dynamics of criterion pollutants as affected by these topographical features is unknown as no baseline data exists for the City of Santee and no neighborhood scale monitoring is conducted for most criterion pollutants in the

City. Since sensitive receptors respond to local conditions, the question of whether the dynamic topography contributes to local minima or maxima in criterion pollutants and how it seasonally varies is important to an adequate assessment of environmental impacts. Utilization of the Kearny Mesa site is inappropriate as baseline given its more homogenous topographical features.

B. The City of Santee is immediately east to southeast of the proposed site. Given that the prevailing winds for the majority of the year are out of the west, the emissions from the proposed site have a high probability of being carried directly over the city. The concentration of sensitive receptors (e.g. people with cardiopulmonary compromise, elderly people, children, pregnant women) adjacent to and within several kilometers of the proposed plant argue for caution in evaluating the impact to these sensitive receptors and ensuring that emissions from the proposed plant, in addition to local baseline levels, do not exceed any NAAQS, or state or local standards. Accurate baseline measurements are essential to ensuring a thorough assessment of environmental impacts.
C. The Applicant utilizes CTSCREEN as a refined modeling approach after evaluation of the AERMOD results. CTSCREEN is utilized when local meteorological data are unavailable and invokes a large list of assumptions and predetermined meteorological conditions. The application of CTSCREEN in the AFC results in a substantial reduction in some pollutants that exceed their respective NAAQS or Significant Impact Levels (SIL) when modeled with AERMOD. The availability of local meteorological and terrain data permits the use of CTDMPLUS, which could provide the most accurate estimates of plume and terrain interactions. The use of CTDMPLUS is preferred to that of CTSCREEN and it is unclear as to why CTSCREEN was implemented after the more preferred AERMOD (*see below*).
D. The proposed construction of the power plant has generated considerable public interest and concern over the impact to air quality in the City of Santee. As such, it is important to provide those most immediately impacted by the emissions with the most accurate assessment of potential impacts to their health.

2. Data Request: Please collect air quality data within the City of Santee for use as baseline air quality data. Please collect data with sufficient temporal resolution to address seasonal variations in air quality and to determine the impact of plant operations with respect to the National Air Ambient Quality Standards (NAAQS) and any local or regional laws, ordinances or regulations (LORS).

Background: This request is made pursuant to 20 CA ADC § 1716 which states, "(b) Any party may request from the applicant any information reasonably available to the applicant which is relevant to the notice or application proceedings or reasonably necessary to make any decision on the notice or application. All such requests shall include the reasons for the request."

The wind rose currently used by the applicant is based on seasonal wind speed and direction collected at the Overland Avenue monitoring site in Kearny Mesa, which is approximately 6 miles west of the proposed construction site. The action proponent has requested that these data be used in the air

quality monitoring because of similarity in distance and orientation to terrain features between the two sites.

Wind speed and direction data from the proposed project location are reasonably necessary to make a decision on application for the following reasons:

A. The Overland Avenue monitoring site's representativeness of the proposed project site is weakly supported. The localized terrain features are significantly different than that of Kearny Mesa, starting with the location of the proposed site which exists along a depression that serves as the west entrance to the City of Santee. The small-scale features described in the AFC (4.7-23) are significant local terrain features that likely contribute to turbulent airflow in and around the city and proposed project site. The City of Santee is nestled within these features and other elevated topographical features. By contrast, the Overland Avenue site, which is on a mesa, has relatively stable nearby terrain features except to the east where it begins to become more dynamic.
B. As referenced in the AFC (4.7-23), the Workshop on the Representativeness of Meteorological Observations[4] defines representativeness as "the extent to which a set of measurements taken in a space-time domain reflects the actual conditions in the same or different space-time domain taken on a scale appropriate for a specific application." No data or measurements are provided by the action proponent to comparatively demonstrate the Overland Avenue site's representativeness of the proposed project site. The conclusion is made based upon theoretical projections.
C. Since the potential for turbulent airflow cannot be ruled out based on the utilization of the Overland Avenue monitoring station, additional information on wind dynamics should be obtained to determine if non-steady-state and time and space-dependent models (e.g. CALPUFF) should be utilized to accurately model pollutant dispersion.

3. Data Request:Please collect wind speed and direction from the location of the proposed site with sufficient resolution to address air quality modeling throughout the year. Please utilize this data in the air quality models.

Background: As noted in 40 CFR Part 51, Revision to the Guideline on Air Quality Models: Adoption of a Preferred General Purpose (Flat and Complex Terrain) Dispersion Model and Other Revisions; Final Rule (November 9, 2005), stagnant air conditions that include extended period of calm winds (< 1 m/s) may not be handled adequately with Gaussian plume-dispersion models. The wind rose referenced in the AFC shows a significant period of time during which wind speeds range from 0.5-2.1 m/s. AERMOD can accommodate "calm" conditions provided wind speeds are still within the detection limits of the measurement instruments, but during periods where wind speeds fall below detection limits the periods should not be ignored and the averages should be adjusted accordingly. How these periods are handled is not detailed in the AFC.

4. Data Request: Please provide details on how the calculation of 3-, 8-, and 24-hour averages were derived from the relevant Gaussian plume-dispersion models for periods where wind speeds were below instrument detection limits.

5. Data Request: Please describe how calm conditions were handled when analyses were conducted with CTSCREEN.

Background: In the Data Request Responses to Set 1 for the Quail Brush Generation Project (11-AFC-3) provided by the Applicant to the CEC, which was docketed March 8, 2012, the Applicant states that CTDMPLUS and CTSCREEN "remain as the preferred models for use in complex terrain" as discussed in 40 CFR Part 51, Revision to the Guideline on Air Quality Models: Adoption of a Preferred General Purpose (Flat and Complex Terrain) Dispersion Model and Other Revisions; Final Rule (November 9, 2005). However, this conclusion is contrary to 40 CFR Part 51 which states the following:

> *"AERMOD's complex terrain component has been evaluated extensively by comparing model-estimated regulatory design values and concentration frequency distributions with observations. These comparisons have demonstrated AERMOD's superiority to ISC3ST and CTDMPLUS (Complex Terrain Dispersion Model PLUS unstable algorithms) in estimating those flat and complex terrain impacts of greatest regulatory importance. For incidental and unique situations involving a well-defined hill or ridge and where a detailed dispersion analysis of the spatial pattern of plume impacts is of interest, CTDMPLUS in the Guideline's appendix A remains available. (p.68220)"*

The Applicant may have opted to use CTDMPLUS given the terrain characteristics of the proposed power generation site, but it remains unclear as to why CTSCREEN, a screening tool, was utilized in its stead and in preference to AERMOD. According to EPA practices, AERMOD is the preferred modeling tool, although CTSCREEN is acceptable for terrain above stack top. It does not appear from the receptor maps provided that receptors at which the significance levels for several pollutants (e.g. PM_{10} and $PM_{2.5}$) are exceeded all occur at locations above the stack height. As noted in the staff's data request, the use of CTSCREEN provides a substantial reduction in modeled pollutant concentrations.

6. Data Request: Please provide further justification for the use of CTSCREEN over AERMOD with particular reference to EPA recommendations. For areas where CTSCREEN was utilized, please provide an explanation as to the factors that resulted in a 4-5 fold reduction in PM_{10} and $PM_{2.5}$.

NOISE

Background: On 4.3-2 of the AFC, the Applicant incorrectly defines several acoustic terms. A 3dB increase is not a doubling of sound pressure, it is a doubling of sound power. A 6 dB increase is a doubling of sound pressure. Similarly, a 10 dB change is not a 10-fold change in sound pressure, but it is a 10-fold change in sound power. A 20 dB change is a 10-fold change in sound pressure. The definition of

Leq is not correct. Leq is the steady continuous sound pressure that would give the same sound energy (*not pressure*) as the actual fluctuating sound. In Table 4.2, the definition of sound pressure level is incorrect and the first sentence describing Propagation and Attenuation is describing sound attenuation, not propagation.

7. Data Request: Please provide updated and corrected definitions for sound in the noise section of the AFC.

Background: The noise data provided by the action proponent consist of A-weighted sound pressure levels (SPL; dB re 20 µPa) averaged over extended periods of time. The A-weighting takes into account the human frequency range of hearing and sensitivity and reduces, or "weights," the averaged SPL across frequencies for which sensitivities are poor. A-weighting is derived from equal loudness contours collected near the threshold of audibility in humans. The approach is consistent with guidelines for annoyance and damage risk criteria as applied to humans. However, it is inadequate with respect to non-human receptors, which may have substantially different frequency ranges of audibility and thresholds. The current analysis of noise impacts does little to address issues to wildlife, particularly that of protected species in the region that may be indirectly impacted by plant construction and operation.

8. Data Request: Please provide unweighted noise levels for previously reported noise maps, tables, and propagation modeling and extend the frequency range of analysis to 32 kHz (~1 octave above the current analysis band). For the spectral analysis of significant noise sources, please utilize 1/3 octave bands. Please generate new noise maps with the unweighted sound pressure levels. (*I understand that the noise recording equipment utilized may have insufficient bandwidth, sensitivity, or calibration data to provide acoustic information for frequencies as high as 32 kHz. In such circumstances, the full available bandwidth of the system should be utilized.*)

Background: Relatively little information and analysis is provided on the impact of noise on wildlife. The metrics used for characterization of noise sources are generally related to human damage risk criteria and annoyance, which utilizes weighted sound pressure level averages while ignoring other salient features of sound. Estimating the impact of anthropogenic sound on wildlife should take into account other characteristics of sound (e.g. peak pressure, impulse, sound exposure level, etc.) as it relates to specific or general behavioral disturbances. Impulsive sources, in particular, have the potential to induce flight (fleeing) reactions in vertebrate species because of the rapid onset of the signal and may potentially lead to site abandonment. As such, any impulsive sources associated with the construction or operation of the proposed power generation project should take such noise sources and their potential impact to protected species into account.

9. Data Request: Please identify impulsive sound sources (e.g. jack-hammers) associated with the construction or operation of the proposed project and provide the unweighted peak or peak-peak sound pressure level as measured 1 m from the source.

10. Data Request: Please describe the potential for flushing (birds) or site abandonment (all animals) as a function of distance from identified impulsive sources. Please specifically describe mitigation that required to ensure impacts to species of concern observed near the project location (e.g. Coopers hawk) are insignificant.

Background: The Applicant does not include specific sound level data associated with HDD equipment that might be utilized in gas pipeline construction. This information should be provided to permit a complete evaluation of potential noise sources.

11. Data Request: Please provide information on the HDD equipment that might be used for gas pipeline construction. Please include source levels and time frames for operation.

Background: The building design for attenuating sound from operational sources within the power generation plant is stated as being "conceptualized," yet the mitigation of sound is projected to cause no more than a 1-2 dB increase of noise at sensitive receptors (Figure 4.3-5). The current description of noise mitigation measures is insufficient to determine the effectiveness of the mitigation, particularly with respect to low frequency noise which can bend around barriers and have a greater perceptual quality at distance from mitigation sources. Low frequencies demonstrate an upward spread of masking so that they are better maskers of a signal than are sounds with frequencies at or above the frequency of the signal of interest. Thus, low frequency signals have potential to mask biologically relevant signals of native wildlife, including threatened and endangered species. The current description of noise mitigation is insufficient to provide an adequate assessment of mitigation effectiveness.

12. Data Request: Please provide more detailed information on the proposed noise mitigation procedures as it relates to the reduction of operational noise impacts (e.g. what will be used, what degree of attenuation will be provided). Please provide detail on how low frequency noise will be sufficiently mitigated.

Background: Several protected species of wildlife live within and near the region of the proposed Quail Brush Generation Project. These include the Least Bell's vireo (*Vireo bellii pusillus*) and possibly the coastal California gnatcatcher (*Polioptila californica californica*). Many protected bird species rely upon acoustic display for mate attraction and territorial defense and likely utilize audible and visual cues for predator detection. An evaluation of the potential for operational and construction noise from the power plant to impact survivorship, reproductive success, and reproductive effort should be determined in context of each species' protected status. A determination should be made of whether a formal consultation with U.S. Fish and Wildlife or other responsible agency is required.

13. Data Request: Please provide an analysis of the potential impact of sound exposure on threatened and endangered species in proximity of the proposed power plant with a particular emphasis on the potential for masking biologically significant acoustic cues.

Background: The greatest unmitigated noise emitters are the stacks, of which there are eleven. Based on information provided by the manufacturer the sound power is estimated at 130 dBA. Approximately 35 dB of attenuation are estimated utilizing an inline silencer. However, no data on the inline silencer from the manufacturer or real-world data from similar systems is provided for evaluation. Furthermore, it is unclear as to whether this estimate is for all of the stacks operating simultaneously or for each individual stack. For this reason, the proposed mitigation cannot be adequately assessed.

14. Data Request: Please provide stack sound power or source level as unweighted values and verify that all stacks operating simultaneously were modeled in previous noise models.

15. Data Request: Please provide additional information on the silencing system or data on realized sound attenuation collected from other facilities with similar stacks and silencing systems.

Background: The Applicant states that "numerical noise limits that apply in residential zones will not be applied to the undeveloped San Diego parcels (AFC 1.3-5)." No justification is provided for how the statutes governing noise on a parcel with a particular zoning can be ignored. The region under discussion is undeveloped, but zoned as residential and the noise limits imposed under city LORS still apply.

16. Data Request: Please provide justification as to how the LORS can be ignored given the zoning of the parcels at and surrounding the proposed project site.

Background: Baseline ambient noise levels are measured over relatively short periods of time. They therefore do not adequately account for temporal variations in the ambient noise, e.g. road noise declines on the weekend due to reduced traffic loads. Longer term noise recordings are required to adequately evaluate baseline noise and variability.

17. Data Request: Please collect additional noise data at previous receptor sites and extend the duration of the recordings. Please make recordings during the week and weekends.

Background: Table 4.3-5 of the AFC suggests that only one of each piece of construction equipment would be operational for the reported analysis outcome. More than one piece of the same equipment

operating at the same time will add to the noise. It is unclear from the table provided exactly how the construction noise was modeled.

18. Data Request: Please provide more detailed information on the construction noise modeling, including how many pieces of construction equipment might be operating at a time.

BIOLOGICAL RESOURCES

Background: Table 4.12-6 has amphibians listed under reptiles and reptiles listed under amphibians.

19. Data Request: Please provide a corrected Table 4.12-6.

Background: Mitigation measures listed in AFC 4.12 Biological Resources are not accurately matched to the species for which they are proposed in several places. For example, mitigation BIO-3, which is designed for mitigating impacts to Barrel Cactus (*Ferocactus viridescens*), is proposed for use in mitigating impacts to the Coronado Island Skink (*Plestiodon skiltonianus interparietalis*) and nesting birds (AFC 4.12-42). Other inappropriate associations of proposed mitigation measures and species occur in this section.

20. Data Request: Please correctly associate mitigation measures with the appropriate species for which they are proposed in AFC 4.12.

Background: Given the limited amount of rainfall in 2012 until late in the season, it is possible that surveys for the Quino will provide negative results because of a lack of suitable plant habitat available for oviposition and the late emergence of pupae. As stated by the U.S. Fish and Wildlife Service in the Quino Checkerspot Butterfly (*Euphydraseditha quino*) Survey Protocol Information[5], "Butterfly surveys may not be considered credible if: 1) unfavorable weather such as drought limits Quino checkerspot butterfly detectability;…(p.6)." A single season evaluation of the Quino habitat during a year in which host opportunity or reproductive success is limited, or where the flight season is significantly extended, could lead to erroneous conclusions about densities and habitat utilization. In addition, declaration that a region no longer supports the Quino during years supporting poor sighting conditions could significantly impact low density and re-founding populations that may occur when environmental conditions improve. Survey biologists have stated concern that poor weather conditions this year have resulted in low densities of adult Quino checkerspot butterflies and potentially affected survey reliability (http://www.fws.gov/carlsbad/TEspecies/Documents/QuinoDocs/QuinoMonRef/Quino_Ref_Info.htm).

21. Data Request: Please describe how uncertainty in the suitability of the Quino checkerspot butterfly survey will be interpreted given the poor weather conditions supporting suitable recruitment habitat during 2012.

Background: The CEQA Guidelines Appendix G, Environmental Checklist Form referenced in the AFC (14.12-36) states that an analysis should be performed to determine if the proposed project will interfere with the movement of native resident wildlife species through wildlife corridors. MHPA guidelines listed in the City of San Diego MSCP Subarea Plan states (1.2-15) in reference to the current landfill and potential future expansion, that "Development of the landfill shall not preclude wildlife movement through more than one of the three wildlife corridors in East Elliott (i.e., Spring, Oak or Quail Canyon)." Similar assertions will logically be applied to the proposed project. Spring Canyon and its associated creek beds have the potential to serve as linkages across SR52. Given that many animals are primarily nocturnal, the potential for corridor use by native species likely increases at night. Operations at the Sycamore Landfill occur during the day such that the area is dominated by ambient environmental noise during the night with little contribution from anthropogenic noise outside that generated from traffic on SR52. As part of the proposed power plant, additional structures with noise producing potential throughout the 24-hr day will be constructed with some potentially in the vicinity of Spring Canyon (e.g. switchyard). The impact of noise on the potential movement of animals through these linkages receives little attention in the AFC and the impact to corridor usage cannot be adequately assessed, particularly during nighttime hours.

22. Data Request: Please collect data or provide information from previous surveys on the use of nearby creek beds as wildlife corridors during nighttime hours. Please provide a list of species known to use these particular corridors.

23. Data Request: Please estimate noise emissions from structures potentially located next to Spring or Quail Canyon and its associated creek beds and discuss its potential for displacing animals that might use the linkage. Please use unweighted noise level estimates for continuously operated and intermittent sources (e.g. switchyard).

Background: Coastal sage scrub near San Diego is generally exposed to high levels of nitrogen (N). As stated in the CEC publication, Impacts of Nitrogen Deposition on California Ecosystems and Biodiversity, N deposition may be > 8 kg-N ha^{-1} yr^{-1} in some regions (CEC-500-2005-165). Preliminary modeling of project-only nitrogen deposition provided by the Applicant in response to staff data requests, and provided to Mr. Eric Solorio on April 13, 2012 suggest additional N deposition around the power plant at a rate between 3-4 kg-N ha^{-1} yr^{-1}. A recent estimate for regional deposition rates of 10.77 kg-N ha^{-1} yr^{-1} was referenced by Mr. Solorio in the CEC, Staff's Data Requests, 1 through 58, docketed on February 7, 2012. Thus, cumulative deposition rates could be projected to be in excess of 13 kg-N ha^{-1} yr^{-1} at the project location.

Rates of N deposition at referenced levels have been demonstrated to affect plant community dynamics by impacting species composition and enhancing the establishment of invasive species. Cacti require less nitrogen than many other species of plant and excess nitrogen can produce aberrant growth and

fruiting patterns and potentially increase susceptibility to disease. Furthermore, the secondary impact to threatened species that utilize plants in the region (e.g. Hermes copper butterfly) is not addressed. An adequate evaluation of the significance of the project impacts should not only determine at what thresholds impacts begin to occur, but should also attempt to assess the degree and type of impact based on expected cumulative levels of nitrogen deposition.

24. Data Request: Please provide information on the anticipated impact to plant species in the vicinity of the power plant, particularly species of concern such as the barrel cactus or variegated dudleya which are already anticipated to experience significant project impacts requiring mitigation. Please include expectations of impacts to community composition and alterations of plant physiology (e.g. growth, fruiting).

25. Data Request: Please provide an analysis of the secondary impact to animal species (e.g. butterflies) that rely on project site plant species likely to be impacted by nitrogen deposition.

Background: Vernal pools exist within the East Elliott region but it is unclear the extent of their ephemeral existence within significant areas of nitrogen deposition. Vernal pools are important to a number of native plant and animal species, yet there is little discussion as to how nitrogen deposition could impact vernal pool quality.

26. Data Request: Please provide information on the seasonal and spatial distribution of vernal pools within the area of anticipated elevated nitrogen deposition. Please provide information on nitrogen accumulation impacts to vernal pool habitat quality and its secondary effects on species supported by the vernal pools.

Background: The Coronado Island skink was observed foraging in the northern part of the proposed site, according to the AFC (4.12-41). The Coronado Island skink is a California Species of Special Concern (SSC) due to habitat loss. According to the AFC, there are no plans to survey for the Coronado Island skink and impacts are assumed to be significant. It is unclear how proposed mitigations would reduce impacts to this SSC. Impacts to this species cannot be adequately determined from the available information.

27. Data Request: Please conduct a population survey specifically for the Coronado Island skink at the proposed project site and any region potentially impacted by construction during site development. Please provide a sighting report and density estimate for this species at the proposed project location.

References

1. CEQA Guidelines. 2011. California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387
2. City of San Diego General Plan. 2008. Economic Prosperity Element. pp.1-36
3. California Code of Regulations. 20 CA ADC § 1716
4. Nappo C.J., Caneill J.Y., Furman R.W., Gifford F.A., Kaimal J.C., Kramer M.L., Lockhart T.J., Pendergast M.M, Pielke R.A., Randerson D., Shreffler J.H., and Wyngaard J.C. 1982. The Workshop on the Representativeness of Meteorological Observations. *Bulletin of the American Meteorological Society*. 63, 761-764.
5. U.S. Fish and Wildlife Service. 2002. Quino Checkerspot Butterfly (*Euphydryas editha quino*) Survey Protocol Information. pp.1-8.

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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APPLICATION FOR CERTIFICATION
FOR THE *QUAIL BRUSH GENERATION PROJECT*

DOCKET NO. 11-AFC-03

PROOF OF SERVICE
(Revised 4/12/2012)

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DECLARATION OF SERVICE

I, Dorian S. Houser, declare that on, May 6, 2012, I served and filed a copy of the **QUAIL BRUSH GENERATION PROJECT (11-AFC-3), Dorian Houser's (Intervenor) Data Requests, 1 through 27**, dated May 6, 2012. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at:

http://www.energy.ca.gov/sitingcases/quailbrush/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-3
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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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.

/ Dorian S. Houser