

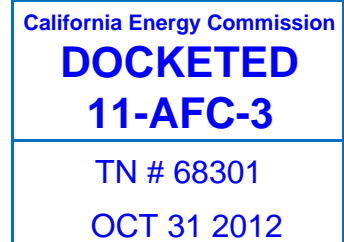
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October 31, 2012

C. Richard "Rick" Neff, Vice President
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**Re: Quail Brush Generation Project (11-AFC-03), Data Request Nos. 1-84
(Set One) of Intervenor HomeFed Fanita Rancho, LLC**

Pursuant to the provisions of Title 20, California Code of Regulations, Section 1716, HomeFed Fanita Rancho, LLC ("HomeFed"), hereby submits the enclosed Data Requests, numbered 1 through 84. The information requested is required in order to: (1) more fully understand the project; (2) adequately evaluate the impacts of the proposed project on the environment; (3) assess whether the project will be constructed and operated in compliance with all laws, ordinances, regulations and standards ("LORS"); (4) determine if adequate and reasonable alternatives exist that have not been sufficiently considered; (5) determine if the analyses were performed consistent with standard practices and guidelines; and (6) determine if mitigation measures are reasonable, sincere, attainable and will meet mitigation objectives, if any. The data requests are primarily made in the areas of: (1) Alternatives; (2) Air Quality; (3) Noise; (4) Biological Resources; (5) Fire Hazard; and (6) LORS.

On October 25, 2012, HomeFed docketed a Motion to Extend the Discovery Period ("Motion") in this matter. The Motion was based on the need for the development of a complete record in evaluating a possible LORS override by the CEC. In particular, HomeFed cannot complete its discovery until it is able to obtain the advice and assistance of relevant experts. Despite diligent efforts, HomeFed has been unable to secure the assistance of relevant expert consultants. Several consultants have had to withdraw or decline due to conflicts of interest. Further, all parties need the opportunity to digest and analyze the Applicant's most recent data submissions, including several documents docketed today, October 31, 2012. In light of these new filings, HomeFed reserves the right to serve additional Data Requests to address the issues raised in the new documentation. The Applicant should not be permitted to perform a data dump on the last day of discovery without allowing the intervenors and staff to adequately analyze these documents.

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law

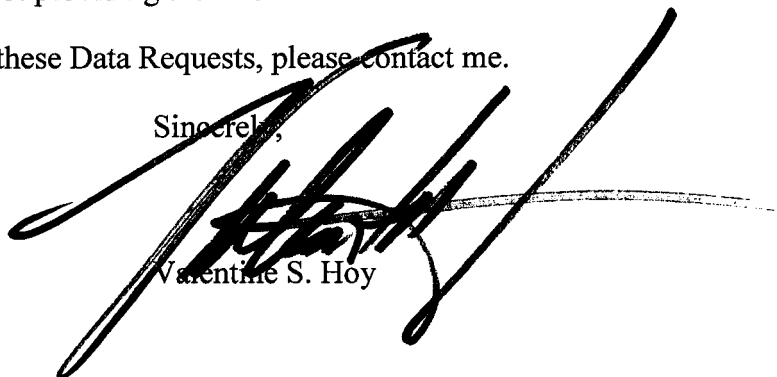
C. Richard "Rick" Neff, Vice President
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If you are unable to provide the requested information, or object to providing the information, please send notification to the Committee and us within 20 days receipt of this notice. Please provide reasons or justifications for not providing the information.

If you have any questions regarding these Data Requests, please contact me.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Valentine S. Hoy". The signature is written over the word "Sincerely," and extends across the right side of the page.

Valentine S. Hoy

Enclosure

cc: Service List
Docket (11-AFC-3)

QUAIL BRUSH GENERATION PROJECT
(11-AFC-3)

HomeFed's Data Requests 1-84

October 31, 2012

ALTERNATIVES: Data Requests 1-13

Background: The CEC has made override findings for projects that violate LORS where a project initially complied with LORS, but the local agency amended its LORS in an attempt to “block” the project. (See Docket No. 07-AFC-06 for the Carlsbad Energy Center Project Finding 4.) In contrast, the proposed project appears to have selected a project site and examined site alternatives all of which violate LORS from the outset. The project site, Alternative B site (366-070-31) and Alternative C site (366-031-11) are all located in the City of San Diego’s MHPA and were zoned RS-1-8. (See, Sycamore EIR at Figure 5.1-2.) The Alternative A site (366-080-57) was zoned RS-1-8 and proposed for rezoning to IH-2-1 and removal from the MHPA only as part of the Sycamore Landfill approval, which specifically limited the landfill’s development of the Alternative A site to the already disturbed portions of the site, and whose landfill project description indicated the balance of the site would remain undisturbed. (See, Sycamore EIR at Figures 5.1-2, 5.5-5, 3-3.) These zoning issues call into question the selection and consideration of possible alternative locations for the project.

1. Please provide information on Applicant’s screening criteria for alternative sites, including information regarding whether one of the criteria was exploring the feasibility of alternatives that, at the outset, would not violate LORS.
2. Because the proposed project is in conflict with LORS, please describe which alternative sites would eliminate conflicts with LORS.
3. In your responses to CEC Staff’s Data Request Nos. 75 and 76, you indicated that Quail Brush was incorrect about the ownership status, availability, and feasibility of Alternative A. Please provide an updated list of alternatives considered, as well as the background source information consulted in selecting alternatives.
4. Please provide information on the Applicant’s screening criteria for alternative sites capable of meeting most project objectives. Please include information on sites outside the Sycamore Landfill / East Elliott area, including, but not limited to sites near other landfills, government property, or government surplus property.
5. Were any alternative locations considered outside of the area surrounding the Sycamore landfill? Please provide all information regarding alternatives considered in the SDG&E service area but outside of the area immediately adjacent to Mission Trails Regional Park.
6. The application describes why each site selected for inclusion as an alternative was rejected, but please also provide all information regarding why each site not selected as an alternative was rejected from further consideration in the application.
7. Your alternatives analysis, and specifically section 3.4.18, states that Alternative sites A, B, and C were eliminated from consideration in part due to a lack of site control. Were there any alternative sites considered where site control was not an issue? If that was to be a determining factor, why did each of the three alternatives included in the application ultimately feature this fatal flaw?

8. Does Quail Brush or its parent Cogentrix have site control over any other property located in the SDG&E service area?
9. In your response to Dr. Houser's Data Request No. 1, you indicated that "Quail Brush appropriately focused on alternative site locations and points of interconnection that would not require the construction of significant new infrastructure." You further explained that "[w]hile there may be sites within SDG&E's territory that would lessen some of the proposed project's less than significant effects, they do not 'avoid or substantially reduce' any significant effects." Please identify all data sources that you considered in making this determination, as well as any specific sites to which you were referring in the second sentence quoted above.
10. Also in your response to Dr. Houser's Data Request No. 1, posted on June 12, 2012, you made several references to compliance with City of San Diego's General Plan, Economic Prosperity Element. Since that time, the San Diego Planning Commission rejected your application. How does that decision impact your justification for not identifying any locations currently zoned as industrial or having older facilities that could be upgraded?
11. In your response to Dr. Houser's Data Request No. 29, and also during the October 19 workshop, you indicated that Quail Brush has a plan to obtain access to the proposed site. Please elaborate on those plans, including the possible use of eminent domain powers by a governmental entity or by SDG&E.

Background: Proximity to existing transmission and gas lines to reduce project costs appears to be a project goal and screening criteria applicant has established at the expense of compliance with LORS and protecting open space resources. CEQA Guidelines Section 15126.6(b) states that the analysis 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."

12. Please provide all information in support of and against the economic feasibility of construction of the project at an alternative site farther from an electrical transmission line or gas line than is currently proposed by the project and Alternatives A, B, and C.
13. Please provide all information in support of and against the engineering feasibility of construction at alternative sites.

GREENHOUSE GAS EMISSIONS: Data Requests 14-16

Background: The proposed project estimates greenhouse gas emissions would be approximately 200,000 metric tons of carbon dioxide equivalents ("GHG"). Nevertheless, in correspondence pursuant to the its appeal of the City of San Diego Planning Commission denial of the project's community plan amendment initiation, the applicant stated: "The proposed Project would 'reduce the City's overall carbon dioxide footprint by improving energy efficiency...' (*Id.*, p. CE-7); assist in the City's goal to 'be prepared for, and able to adapt to adverse climate change.' (*Id.*) The proposed Project would also help allow less efficient older power plants to operate less and ultimately retire. Thus, a failure to construct more efficient generation facilities such as the Project will likely result in continued reliance by San Diego and

California on older, less efficient, less environmentally friendly facilities.” In *Center for Biological Diversity v. City of Desert Hot Springs* (Riverside Sup. Ct. Case No. RIC 464585 [August 6, 2008]), the Court rejected similar claims that a large subdivision project would have a “beneficial impact on CO₂ emissions” because the homes would be more energy efficient and located near relatively uncongested freeways. The relative energy efficiency of a project does not determine whether or not a project makes a cumulatively considerable contribution to global warming. The existing condition at the site is the appropriate baseline for measuring a project’s GHG impact. (Pub. Res. Code 15064.4(b)(1).) Therefore, unless the project proposes to be constructed on a site that is already emitting 200,000 metric tons of GHG or its project description specifically proposes to decommission a less efficient older power plant, then it does not “reduce the City’s overall carbon dioxide footprint.”

14. What is the GHG emission level from the proposed project site?
15. Please identify the specific fossil fuel emitting power plant(s) the Applicant is/are proposing to obtain the right to decommission as part of the proposed project and what evidence does the applicant have to support its right to shut down such a facility.
16. Please identify the methodology used to determine the significance of the project’s contribution to global warming and the evidence in support of that methodology.

HAZARDOUS MATERIAL HANDLING – FIRE HAZARDS: Data Requests 17-23

Background: The project is located in an area classified by the California Department of Forestry as a “Very High Fire Severity Zone.” The application states that the project will create a Fire Protection Plan.

17. Please provide all information regarding the project’s fire protection plan and what performance standards must be met to mitigate fire risks in the Fire Protection Plan.
18. Please provide all information regarding the degree of biological impacts on wildlife and sensitive plant species within the brush management zone areas of the project.

Background: The application states that brush management will not occur where sensitive habitat occurs.

19. Please provide all information regarding mechanisms to enforce non-encroachment into sensitive habitat areas during brush management and (a) whether a biologist is required to survey the area before brush management activities; (b) what qualifications the biologist must have; (c) what protocol the Applicant must follow if sensitive species are discovered in the brush management area; (d) whether barriers will be constructed to reduce noise levels to sensitive species that may be nesting in the area; and (e) what noise reduction level the noise barriers must achieve.
20. Please provide all information regarding the significance of the fire hazard remaining at the evacuation routes and near the project structures at locations where sensitive habitat is not removed.

Background: The application states that hazardous and explosive materials will be stored on site, but that the risk of fire and explosion at the generating facility would be minimal. Nevertheless, the decision to permit and construct a facility creates an increased risk of the number and intensity of fire and explosions in a Very High Fire Severity Zone creating a significant impact on the environment.

21. Please provide detailed information on how the project would mitigate the impact of wildfires it may generate from construction, operation and decommissioning of the site.

Background: On July 1, 2005, the City of Santee terminated its Automatic Aid Agreement with the City of San Diego to provide fire service, but the two cities agreed to continue their mutual aid on a month to month basis "as long as no construction in the East Elliot area adjacent to the City of Santee has commenced."

22. Please provide all information on the fire department that will service the project, the response times for providing such service, and the how those response times compare to the response times stated in the applicable general plan or land use plan.
23. Please provide all correspondence with the fire department that will service the project and whether or not such department must expand their facilities to provide services within the prescribed response times. If new facilities are required, please provide information on the environmental impacts of constructing such facilities.

HAZARDOUS MATERIAL HANDLING – UNEXPLODED ORDINANCE:
Data Requests 24-29

Background: The project is located in Sector 4 of the U.S. Army Corps of Engineers 1988 feasibility study for East Elliott on the threat and clean-up of Unexploded Ordinance (“UXO”). According to the application at page 4.9-11, Sector 4 is the area with the highest concentration of UXO in East Elliott and the sweep to clean up East Elliott located ordinance eighteen (18) inches below the surface.

24. Please provide information on the maximum depth of excavation anticipated to construct the site.
25. Because the application defers any details about the future clean-up of hazardous UXO material at the site, please provide information regarding what standards and process are used to comply with regulations for UXO clean-up.
26. Please provide data on the indirect environmental impacts from the clean-up of the UXO, including biological impacts of clearing vegetation to scan for UXO at the maximum depth of excavation for the site and cultural resource impacts from the same.
27. Please provide information on any consultation with the school district regarding treatment, handling and disposal of ultra-hazardous UXO.
28. Please provide information on the risk of fire hazards from exploding UXO in an Very High Fire Severity Zone.

29. Please provide all information and correspondence, emails, minutes of meetings, reports, surveys, remedial investigations, work plans, feasibility studies, sampling and analysis plan, sampling and digital geophysical mapping, technical management plan and/or explosives management plan prepared the United States Army Corps of Engineers (“USACE”), USACE consultants and contractors, the Applicant or the Applicant’s consultants or contractors regarding the project site.

DECOMMISSIONING IMPACTS – Data Requests 30-33

Background: The application states that the facility may or may not close after thirty (30) years.

30. Please provide all information regarding the environmental impacts of operating the site beyond thirty (30) years, including biological, traffic, air quality, global warming, noise impacts and impacts from handling hazardous materials.

Background: Whenever the facility does close, the application states that the project will not necessarily be dismantled and restored to existing conditions. It states that it might be “mothballed.” In contrast, the landfill’s post-closure plan is to convert the landfill into park space, which is consistent with the open space plans for East Elliott identified in the Community Plan and is one reason why the temporary landfill is a compatible use. CEQA requires an analysis of the “whole of the action” to avoid understating the environmental impacts of project, which includes analyzing the impacts from all stages of the project – site preparation (grading and UXO removal), construction, operation, and decommissioning.

31. Please provide all information regarding the environmental impacts from the decommissioning phase of the project in each of the application’s section 4.0 environmental categories.
32. To the extent the decommissioning option is unclear, please provide information regarding the worst-case scenario for the decommissioning phase, including, but not limited to the visual impacts, biology, and safety impacts from a “mothballed” power plant adjacent to a regional park and post-landfill park.
33. Please provide all information on the performance standards the future decommissioning plan must satisfy under the worst-case scenario?

NOISE: Data Requests 34-43

Background: The application claims the proposed project site is located near undeveloped land. (AFC 4.3-5.) However, part of the project site is zoned residential and is adjacent to proposed residential development.

34. Please identify and provide all information for the closest sensitive receptor(s).
35. Please provide all information relating to potential noise impacts to residential development in the adjacent parcels.

36. 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: The proposed project site is located adjacent to a large regional wildlife preservation that is home to endangered and threatened vegetation and animal species. The application focuses on noise impacts to residents, while largely ignoring noise impacts on wildlife in and around the proposed project site.

37. Please identify and provide all information relating to noise impacts to wildlife on and around the proposed project site.
38. 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.
39. 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 would be required to ensure impacts to species of concern observed near the project location are insignificant.

Background: The application claims that, by following the City of San Diego and the City of Santee's construction activity restrictions, the construction noise will be insignificant.

40. Please provide information on the equipment that might be used for project construction. Please include source levels and time frames for operation.

Background: The current description of noise mitigation is insufficient to provide an adequate assessment of mitigation effectiveness. The mitigation measures largely ignore noise impacts to wildlife in the surrounding areas.

41. 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.
42. Please provide information on the proposed noise mitigation to wildlife in the surrounding area.

Background: Baseline ambient noise levels are measured over relatively short period of time (2 days). This does 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.

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

BIOLOGY: Data Requests 44-52

Background: The proposed project will result in biological impacts to plant and animal species and will impact wildlife species in the MSCP and MHPA. The application focuses on primary impacts. Secondary impacts to threatened species that utilize plants in the region are 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 operational nitrogen deposition.

44. Please provide information on the anticipated impact to plant species in the vicinity of the power plant, particularly species of concern 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).
45. Please provide an analysis of the secondary impacts to animal species that rely on project site plant species likely to be impacted by nitrogen deposition.

Background: State and federally recognized plant and animal species of special concern (“SSC”) exist within the East Elliott region but it is unclear the extent of the project’s impacts on these species. Furthermore, it is unclear how proposed mitigations would reduce impacts to any SSCs. Impacts to these species cannot be adequately determined from the available information.

46. Please conduct a population survey for each SSC at the proposed project site and any region potentially impacted by construction or operation. Please provide a sighting report and density estimate for this species at the proposed project location. Please provide information relating to proposed mitigation.

Background: The proposed project will impact plant and animal species that are federally and locally recognized as “threatened” or “endangered” State and federal take authorizations may have to be obtained. Other listed species, as well as vernal pool branchiopods, may be subject to “take” as a result of the project.

47. Please provide any supporting documents (letter or record of conversation) that resulted from communication with United States Fish and Wildlife Service (“USFWS”) and California Department of Fish and Game (“CDFG”) regarding potential impacts to the state and federally listed species. Please provide contact information for the USFWS and CDFG agency personnel that were contacted. Please provide copies of the applicant’s written requests for both state and federal take authorizations.
48. Please provide any written material developed by the Applicant to support endangered species consultations, both state and federal.
49. Please provide copies of all terms and conditions required in state and federal take authorizations.

Background: Mission Trails Regional Park Master Plan Update (“MPU”) is in process and proposing inclusion of the entire East Elliott Community Planning Area within the park boundaries.

50. Please provide all information relating to when the Applicant was made aware of the MPU. If the MPU is adopted, please explain how the project will be compatible with the MPU.

Background: A number of the mitigation measures proposed by the Applicant require a biologist.

51. Please provide the criteria for selecting a qualified biologist. Please identify and provide information relating to the biologist's responsibilities.

Background: A number of the mitigation measures lack performance criteria, resulting in insufficient information to provide an adequate assessment of mitigation effectiveness.

52. Please provide more detailed information on the performance standards for the proposed biological mitigation measures.

AIR QUALITY: Data Requests 53-66

Background: The U.S. EPA tightened the federal 24-hour PM_{2.5} ambient air quality standard from 65 µg/m³ to 35 µg/m³, effective December 17, 2006. Compliance with this new standard is mandated by 2015.

53. Please discuss the existing background PM_{2.5} concentrations and projected PM_{2.5} concentrations in the region including emissions from the project in view of this standard. Please discuss how the project's incremental emissions would affect future compliance of the region's air quality with the federal 24-hour ambient air quality standard for PM_{2.5} of 35 µg/m³. Please include a discussion of potential worst-case daily PM_{2.5} emissions.

Background: It is not evident whether emissions analysis is based on the assumption that the construction of the project will be conducted in subsequent phases.

54. Please provide a detailed construction project schedule that identifies potential overlaps for all construction subphases, or, alternatively, discuss how overlap of these construction phases would be avoided.
55. Please provide construction emissions for the peak month based on the construction project schedule and discuss how the cumulative impacts from simultaneous construction of these project components would be mitigated, or, alternatively incorporate a condition of certification ("CoC") into the AFC mandating that all construction subphases will be constructed successively.
56. Please provide a description and support for the daily process rates for each of the emission sources.

Background: The AFC provides insufficient information for analyzing dust emissions.

57. Please revise fugitive dust emissions from wind erosion.

58. Please revise fugitive dust emissions from all drop operations on site, i.e. accounting for all equipment handling and all material handling. Please use an appropriate moisture content for these calculations.
59. Please revise fugitive dust emissions on unpaved roads to include all equipment operating on site, specifically operation of the loaders. Please include the emission factors for trucks to reflect the average weight of vehicles traveling these roads rather than calculating an emission factor for every vehicle class.
60. Please estimate fugitive emissions for mud/dirt carryout, stockpiles, and entrained road dust on paved roads or explain why they are excluded.
61. Please calculate maximum daily combustion and fugitive dust emissions for each month of the construction period based on the updated construction equipment list, construction worker commuter vehicles, and delivery trucks and taking into account the issues to determine maximum potential daily emissions from the site. Please provide electronic copies of the emissions calculations.
62. Please revise the ambient air dispersion modeling for construction emissions based on the revised emissions estimates. Please provide electronic copies of the modeling files.

Background: The AFC does not include models of the annual average concentrations for the combustion portion of PM₁₀ emissions from construction equipment and determined the carcinogenic risk for the construction period from these modeled emissions.

63. Please provide all data, calculations, reports, correspondence, and other information that supports using a less than lifetime exposure duration to estimate cancer risk from diesel exhaust.
64. Please prepare a cancer risk analysis for diesel exhaust emissions during construction of on-site and linear facilities based on the revised construction emissions requested, and based on a lifetime exposure duration and/or a 60-month exposure duration. Please present the results in a figure which shows risk isopleths and locates all sensitive receptors. Please provide all modeling input/output files in electronic format.
65. Please identify all proposed mitigation measures (in a construction mitigation plan) that would reduce combustion emissions due to project construction and demonstrate that these mitigation measures would reduce the significant cancer risks due to construction to a level below the significance threshold.
66. Please develop a detailed construction mitigation management plan that specifies all mitigation measures to control diesel exhaust and fugitive dust emissions that will be implemented for construction of the proposed project.

MISCELLANEOUS: Data Requests 67-84

Background: The following information is needed to better understand the project, project objectives and project impacts.

67. Please describe all necessary electrical transmission, natural gas, water service and sanitary pipelines (linear facilities) necessary to service the project and potential environmental impacts.
68. Please provide all information relating to easement and right-of-way acquisition for the linear facilities.
69. Please provide Applicant's prediction of equivalent availability factor. Please describe the basis for the reliability factor and reliability-enhancing features of the project.
70. Please provide all information for how and why the project objectives were selected.

Background: On October 10, 2012 SDG&E provided a letter to Cogentrix purportedly discussing the need for the project.

71. Please provide all correspondence, emails, notes, memos between SDG&E and Cogentrix and its representatives or consultants.

Background: In order to understand the financial resources available to mitigate the detrimental impacts of the project and the motivations for the continued pursuit of this project, despite denial of the Applicant's request for a zoning change by the San Diego Planning Commission and in the face of ardent opposition by the community, HomeFed seeks information regarding the financial interests at stake in the project.

72. Please provide all information explaining the past and current ownership structure of Cogentrix Energy, LLC, and its members.
73. Please provide all information regarding the proposed ownership structure of the Project after completion.
74. Please provide all information regarding how the project is planned to be capitalized.
75. Please provide all information regarding how the project is planned to be financed.
76. Please provide all financial projections and pro forma financial analyses created for the Project and its current or planned future owners, whether or not the pro forma analyses and projections were printed, shared with third parties, or used in any way.
77. Please provide all information about how Goldman Sachs or any of its affiliated companies will be compensated for its/their role(s) in the Project.
78. Please provide all writings that reflect estimates, calculations, or projections of fees, payments, profits, distributions and compensation of any kind to Goldman Sachs or any of its affiliated companies relating to the Project.
79. Please provide all information about how Cogentrix or any of its affiliated companies will be compensated for its role in the project.

80. Please provide all writings that reflect estimates, calculations, or projections of fees, payments, profits, distributions and compensation of any kind to Cogentrix or any of its affiliated companies relating to the Project.
81. Please provide all writings that reflect estimates, calculations, or projections of fees, payments, profits, distributions and compensation of any kind to TetraTech EC, Inc., relating to the project.
82. Please provide all information about how investors will participate in any syndication or offering of interests in the Project or its ownership.
83. Please provide all offering materials and other information provided to any and all investors or prospective investors.
84. Please provide all internal writings that mention or relate to offering materials and other information that has been or may in the future be provided to any and all investors or prospective investors.



**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 10/29/2012)**

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**ENERGY COMMISSION –
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DECLARATION OF SERVICE

I, Timothy M. Hutter, declare that on October 31, 2012, I served and filed copies of the attached Data Requests (Set One) of Intervenor HomeFed Fanita Rancho, LLC, dated October 31, 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:

- 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 to those addresses marked **"hard copy required"** or where no e-mail address is provided.

AND

For filing with the Docket Unit at the Energy Commission:

- 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-03
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.ca.gov

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
Sacramento, CA 95814
michael.levy@energy.ca.gov

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.