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DOCKET	
08-AFC-1	
DATE	DEC 03 2009
RECD	DEC 03 2009

December 3, 2009

VIA E-MAIL GFAY@ENERGY.STATE.CA.US

Gary Fay, Hearing Officer
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Re: Docket No. 08-AFC-1 - Need for Response to Comments of Mr. Rob Simpson

Dear Mr. Fay:

At the December 2, 2009 Committee Conference on the Presiding Member's Proposed Decision ("PMPD"), Intervenor Rob Simpson made several comments regarding the PMPD. The Committee informed Mr. Simpson that his comments were late, as the November 10, 2009 notice for the Committee Conference on the PMPD directed the parties to file their initial comments on the PMPD no later than November 30, 2009. The Committee then granted Avenal Power Center, LLC ("Avenal Power") the option to respond to Mr. Simpson's comments.

Avenal Power has considered Mr. Simpson's comments based upon notes taken at the hearing and has concluded that they have already been adequately addressed in the record for this proceeding. Avenal Power therefore has no further comments at this time. Avenal Power thanks the Committee for the opportunity to respond to Mr. Simpson's comments.

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Very truly yours,

DOWNEY BRAND LLP

/S/

Nicholas H. Rabinowitsh

NHR:ln

cc: (Via E-Mail and U.S. Mail)
Jeffrey D. Byron, Commissioner & Presiding Member
Karen Douglas, Chair and Associate Member
Joseph Douglas, Project Manager
Lisa DeCarlo, Staff Counsel
California Energy Commission, Dockets Office
Service List

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

**APPLICATION FOR CERTIFICATION FOR
 THE AVENAL ENERGY PROJECT**

DOCKET NO. 08-AFC-1

PROOF OF SERVICE
 (Revised 6/24/09)

<p><u>APPLICANT</u></p> <p>Jim Rexroad, Project Manager Avenal Energy Center, LLC 500 Dallas Street, Level 31 Houston, TX 77002 jim.rexroad@macquarie.com</p>	<p><u>COUNSEL FOR APPLICANT</u></p> <p>Jane Luckhardt, Esq. Downey Brand, LLP 555 Capitol Mall, 10th Floor Sacramento, CA 95814 jluckhardt@downeybrand.com</p>	<p>Rob Simpson Environmental Consultant 27126 Grandview Avenue Hayward, CA 94542 rob@redwoodrob.com</p>
<p>Tracy Gilliland Avenal Power Center, LLC 500 Dallas Street, Level 31 Houston, TX 77002 tracy.gilliland@macquarie.com</p>	<p><u>INTERESTED AGENCIES</u></p> <p>California ISO 151 Blue Ravine Road Folsom, CA 95630 e-recipient@caiso.com Electronic Copy</p>	<p><u>ENERGY COMMISSION</u></p> <p>Jeffrey D. Byron Commissioner & Presiding Member jbyron@energy.state.ca.us</p>
<p><u>APPLICANT CONSULTANT</u></p> <p>Joe Stenger, Project Director TRC Companies 2666 Rodman Drive Los Osos, CA 93402 jstenger@trcsolutions.com</p>	<p><u>INTERVENORS</u></p> <p>Loulena A. Miles Marc D. Joseph Adams Broadwell Joseph & Cardozo 601 Gateway Boulevard, Suite 1000 South San Francisco, CA 94080 mdjoseph@adamsbroadwell.com lmiles@adamsbroadwell.com</p>	<p>Karen Douglas Chair and Association Member kdougl@energy.state.ca.us</p> <p>Gary Fay Hearing Officer gfay@energy.state.ca.us</p>
	<p>Ingrid Brostrom Center on Race, Poverty & the Environment 47 Kearny Street, Ste. 804 San Francisco, CA 94108 ibrostrom@crpe-ej.org</p> <p>John E. Honnette, Vice Chair Tihipite Chapter, Sierra Club 2543 15th Avenue Kingsburg, CA 93631-1110 jhonnette@aol.com</p>	<p>Joseph Douglas Project Manager jdouglas@energy.state.ca.us</p> <p>Lisa DeCarlo Staff Counsel ldecarlo@energy.state.ca.us</p> <p>Public Adviser's Office publicadviser@energy.state.ca.us</p>

Declaration of Service

I, Lois Navarrot, declare that on December 3, 2009, I served and filed copies of the attached **Letter to Gary Fay Regarding Need for Response to Comments of Mr. Rob Simpson**. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: www.energy.ca.gov/sitingcases/avenal. The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service List) and to the Commission's Docket Unit, in the following manner:

(check all that apply)

For Service to All Other Parties

X sent electronically to all email addresses on the Proof of Service list;

X by personal delivery or by depositing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service List above to those addresses **NOT** marked "email preferred."

AND

For Filing with the Energy Commission

X sending an original paper copy and one disk copy by hand delivery to the address below;

OR

depositing in the mail an original and 12 paper copies as follow:

California Energy Commission
Attn: Docket No. 08-AFC-1
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

docket@energy.state.ca.us

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

/s/
Lois Navarrot