

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

**APPLICATION FOR
CERTIFICATION FOR THE
ORANGE GROVE POWER PLANT
PROJECT BY ORANGE GROVE
ENERGY, LP**

DOCKET NO. 08-AFC-4
(AFC filed 06/20/08)

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DATE DEC 19 2008

RECD. DEC 19 2008

**ORANGE GROVE ENERGY, L.P.'s
OPPOSITION TO DFI FUNDING, INC.'s PETITION FOR INTERVENTION
December 19, 2008**

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Orange Grove Energy, L.P. ("Applicant") filed with the California Energy Commission ("Commission") an Application for Certification ("AFC") for the Orange Grove Power Plant Project (the "Orange Grove Project") on June 20, 2008. The Commission deemed the AFC data adequate on July 16, 2008. DFI Funding, Inc. ("DFI") filed a Petition for Intervention in this proceeding on December 16, 2008 (the "Petition"). Due to the issues presented by the Petition, Applicant hereby files this Opposition to the Petition.

I. *The Deadline for Filing a Petition for Intervention Has Run*

Title 20 of the California Code of Regulations provides that a Petition for Intervention in a power plant siting case "shall be filed no later than the Prehearing Conference or 30 days prior to the first hearing held pursuant to sections 1725, 1748, or 1944 . . . whichever is earlier, subject to the exception in subsection (c)." (20 C.C.R. § 1207[b].) The Committee's November 6, 2008 Notice of Prehearing Conference and Notice of Evidentiary Hearing also stated that the deadline to file a Petition for Intervention in the Orange Grove case was 9:00 a.m., Monday, December 1, 2008. This notice also provided that time extensions would not be granted for intervenors to review case materials since this proceeding has been ongoing since June 19, 2008. The time has passed for intervention, both according to Commission regulations and to the notice provided by the Committee. Therefore, DFI's Petition for Intervention is not timely, and the Committee should deny it.

II. *No Good Cause Exists for Granting DFI's Late Petition for Intervention Because the Owners of Record Had Full Notice of the Orange Grove Project*

The Title 20 regulations provide that the presiding committee member "may grant a petition to intervene filed after the deadline provided in subdivision (b) only upon a showing of

good cause by the petitioner.” (20 C.C.R. § 1207[c].) In its Petition for Intervention, DFI asserts that “good cause exists for the intervention of DFI at this time due to lack of notice of the proposed project and hearings related to the proposed project.” In the Declaration of Steve Anderson In Support of Petition to Intervene (the “Declaration”), Steve Anderson states: “Neither I nor DFI received any notice of the hearing set for December 19, 2008, or any of the past hearings that I am informed have already occurred.”

The Commission should deny DFI’s Petition for Intervention because all of the notice requirements in this proceeding have been satisfied, and therefore DFI has no good cause to support a late intervention. DFI has an interest as a lender in the following parcels, listed by APN: 110-07-5, 110-07-13, 110-07-14, and 110-07-17. At all times relevant to the Title 20 notice requirements for this project, these parcels were owned either by Prominence Partners (who has communicated with Applicant through Ray Gray, a partner, regarding the Orange Grove Project) or Tesla Gray (who also has communicated with Applicant about the Orange Grove Project through an employee named Angie Wolf). Not only did the owners of these parcels receive the notice required by Commission regulations, but they or their employees also were engaged in recurring contact with the Applicant in various matters relating to the Orange Grove Project.

A. The Commission Satisfied All Notice Obligations With Regard to the Parcels In Which DFI Has an Interest

The Orange Grove Project was originally filed under the Small Power Plant Exemption process (SPPE). The Public Advisor’s Office has indicated to Applicant that during this process adjacent landowners were notified about the project. Also, a sign was posted on the north side of Pala Del Norte Road at the edge of the project site announcing Applicant’s application for a Major Use Permit (MUP). The sign was posted on September 13, 2007, and remained in place until at least May of 2008. The County of San Diego (the “County”) kept a checklist of parcels to which notice of the application for the MUP was mailed. This checklist includes all four parcels in question. The County received only one inquiry regarding this notice from a Joe Chism. The County also tracked all returned notices. Only two notices were returned on the project, neither of which was the notice sent to Prominence Partners or Tesla Gray.

The Title 20 regulations contain requirements for notice to owners of land adjacent to a power plant project. These regulations provide that all owners of land adjacent to the proposed sites must receive notice of the first informational presentation for the project. (20 C.C.R. § 1709.7.) It is Applicant’s understanding that this notice was sent pursuant to the regulations. The regulations also require the applicant to file an appendix to its AFC containing a list of current assessor’s parcel numbers and owners’ names and addresses for all parcels within 500 feet of the proposed transmission line and other linear facilities, and within 1000 feet of the proposed power plant and related facilities. (20 C.C.R. Appendix B.) Tesla Gray and Prominence Partners were both included in this list. (See AFC Appendix 1-A.) The Commission then must issue a Notice of Receipt of Application for Certification, which is mailed to property owners located adjacent to the project site or any of the project-related facilities. (See 20 C.C.R. § 2324.) This Notice was filed on July 31, 2008. In this notice, all recipients were informed of the opportunity to sign up for the Orange Grove project mailing list, which causes anyone who signed up to receive notices of all project-related activities when

documents related to the project's review are available. The County of San Diego also requested a list of property owners and APN numbers, along with a map indicating their location, as part of the Grading Permit application. This list was provided by Applicant.

This project resulted in twice the usual amount of notice to the public because it was originally filed as a SPPE, which was later withdrawn. When Applicant filed its AFC in July of 2008, notice was again provided to adjacent landowners. Furthermore, any member of the public can register for the mailing list of any site certification proceeding. The notice provided to the owners of record during both the initial SPPE proceedings and the current AFC proceedings more than satisfies all applicable notice requirements.

B. The Owners of Record of the Parcels In Which DFI Has an Interest Were Well Aware of the Orange Grove Project From Recurring Communications With Applicant

As described in Attachment A below, since at least as early as September of 2007, the owners of the parcels at issue have engaged in dialog with Applicant. In September and October of 2007, Applicant's consultant, Joe Stenger, exchanged a series of e-mails with Rick Gittings of Hilltop Group and Angie Wolf of Gray Investment Group, seeking permission to conduct an archaeological resources survey on the part of the property adjacent to Pala Del Norte Road. The Orange Grove Project was discussed in these messages, and Angie Wolf requested copies of the documents relevant to the project. From December 3, 2007 to January 17, 2008, Steve Thome of J-Power exchanged e-mails with Ray Gray of Prominence Partners regarding potential uses of Mr. Gray's 350 acres in the power project, and also requested permission to conduct a biological survey on Mr. Gray's property. Finally, on April 17, 2008, Gray Investment Group sent a letter to San Diego Gas and Electric offering for sale the 350 acres consisting of APNs 110-072-05, -13, -14 and -17. This letter expressly acknowledged that "Jpower [sic] is proposing two 49 megawatt peaker power plants on the SDG&E property. Which would be located immediately adjacent to our property...." Therefore, the owner of all of these parcels had notice of the Orange Grove Project long before the AFC was even filed.

C. DFI Itself Had Actual Notice of the Project Since December of 2007

Although Applicant and the Commission have satisfied all notice requirements, DFI has even less cause to support a late intervention because it also has had notice of the Orange Grove Project since December of 2007. In that month, Ray Gray exchanged emails with Steve Thome of J-Power discussing whether there was any feedback on Ray Gray's "350 acre project in Pala." These emails were copied to steve@dfifunding.com, an address listed on DFI's website as belonging to Steve Anderson. Therefore, Ray Gray provided DFI, its lender, with notice of the proposed power plant. DFI has long had notice of the proceedings on this project, and its claim that it had no notice of this project and the hearings related to this project lacks merit.

D. DFI Can Voice Its Concerns During the Public Comment Period of the Evidentiary Hearing

DFI has the opportunity to present its issues with the Orange Grove Project to the Commission during the public comment period of the evidentiary hearing. DFI therefore does not need to intervene in order to voice its concerns. DFI has also requested the ability to

supplement the information contained in its December 18, 2008 letter brief to the Commission. DFI can supplement this information through the public comment process. It need not become a formal intervenor to continue to inform the Commission of its concerns.

III. Conclusion

The owners of record during the Orange Grove Project proceedings have received ample notice of the proceedings in this case. The notice requirements were fully satisfied when the project was originally filed under the SPPE process, and again when the project was re-filed under the Commission's standard site certification process. This notice involved several mailings, signs present on the project site along Pala Del Norte Road, publication and distribution of the AFC, publication of notices in newspapers, discussions between Applicant and the owners of record of the parcels in question (or their employees), and even messages regarding the project sent to DFI itself as early as December of 2007.

The Commission has shown great dedication to processing the application for the Orange Grove Project on an expedited schedule, while retaining the transparency and public participation that is essential to a full and fair review. DFI had ample opportunity to participate in these proceedings as an intervenor since their inception, but instead it chose to wait to file its Petition for Intervention until three days before the evidentiary hearings begin. DFI still has the opportunity to raise its concerns during the public comment period of the evidentiary hearing. The Commission should not allow DFI to intervene this late in the process, after the deadline for intervention has run, when DFI has long had notice of these proceedings. The Commission should deny DFI's Petition for Intervention.

DATED: December 19, 2008

DOWNEY BRAND LLP

By: 

Nicolaas W. Pullin

ATTACHMENT A

**Timeline of the Orange Grove Project Proceedings and Contact With the Owners of
APNs 110-07-5, 110-07-17 and 110-07-13**

Date	Event	Details
7/07	Small Power Plant Exemption application filed	
9/4/07	Application for Major Use Permit filed	
9/21/07	E-mail from Joe Stenger of TRC Consulting to Rick Gittings of Hilltop Group, Inc.	Joe Stenger followed up on a phone call earlier in the same week seeking permission to access the Prominence Partners and Tesla Gray Properties adjacent to Pala Del Norte Road for an archaeological resources survey.
9/27/07	E-mail from Joe Stenger of TRC Consulting to Rick Gittings of Hilltop Group, Inc.	Joe Stenger again inquired about obtaining permission to access the portion of Ray Gray's property adjacent to Pala Del Norte Road for an archaeological resources survey.
9/28/07	E-mail from Angie Wolf of Gray Investment Group to Joe Stenger of TRC Consulting	Angie Wolf responded to Joe Stenger's 9/27/07 E-mail. Ms. Wolf informed Mr. Stenger that she was an employee of the property owner and that the property owner was not currently interested in speaking with Joe Stenger.
9/28/07	E-mail from Joe Stenger of TRC Consulting to Angie Wolf of Gray Investment Group	Joe Stenger apologized for any inconvenience to the property owner, and indicated that a simple verbal approval to conduct would be sufficient if the owner is busy.
10/1/07	E-mail from Angie Wolf of Gray Investment Group to Joe Stenger of TRC Consulting	Angie Wolf informed Joe Stenger that the property owner still did not consent to Joe Stenger's request for access to conduct the archaeological resources survey.
10/1/07	E-mail from Joe Stenger of TRC Consulting to Angie Wolf of Gray Investment Group	Joe Stenger informed Angie Wolf that he would be glad to answer any questions she may have "regarding the proposed plant."
10/1/07	E-mail from Angie Wolf	Angie Wolf requested copies of everything being

	of Gray Investment Group to Joe Stenger of TRC Consulting	done regarding the peaker plant, and stated that these documents needed to be reviewed before any permission to access the property would be granted.
12/3/07	E-mail from Ray Gray to Steve Thome of J-Power, CC'd to Steve Anderson of DFI Funding	Discussion regarding "power plants" expressly referenced Ray Gray's "350 acre site in Pala."
12/5/07	E-mail from Steve Thome of J-Power to Ray Gray, CC'd to Steve Anderson of DFI Funding	Steve Thome indicated to Ray Gray that he spoke to San Diego Gas & Electric about Ray Gray's 350 acres.
1/17/08	E-mail from Steve Thome of J-Power to Ray Gray	Steve Thome requested permission to conduct a biological survey of Ray Gray's Pala del Norte property to establish whether endangered species were present.
4/17/08	Letter from Angie Wolf of Gray Investment Group to San Diego Gas & Electric	The letter offered to sell 350 acres (APNs 110-072-13, -05, -14 and -17, TM5321) to SDG&E. The letter expressed Gray Investment Group's concern with the impact of J-Power's proposed peaker power plant on the value of the 350 acres.
6/19/08	Application for Certification filed	
7/16/08	First Business Meeting (Data Adequacy)	
7/23/08	Issues Identification Report provided by Staff	
7/29/08	Informational Hearing, Issues Identification, and Scheduling Conference	
7/31/08	Notice of Receipt of Application for Certification – Orange Grove Project	Notice of Receipt was mailed to property owners located adjacent to the project site or any of the project-related facilities. This notice also gave all recipients the opportunity to sign up for the mailing list, which causes anyone who signed up to receive notices of all project-related activities and notice when documents related to the project's review are

		available.
8/1/08	Staff provided data requests to Applicant	
8/29/08	Applicant submitted data responses	
9/11/08	Data response and issue resolution workshop	
9/15/08	Status Report #1	
11/6/08	Staff Assessment published	
11/17/08	Staff Assessment Workshop	
11/25/08	Prehearing Conference Statements due	
12/1/08	Prehearing Conference	
12/11/08	Amended Staff Assessment published	
12/16/08	DFI Funding, Inc. filed Petition for Intervention	
12/19/08	Evidentiary Hearings begin	

ATTACHMENT B

**Letter from Gray Investment Group to SDG&E
Offering to Sell 350 Acres**



Gray Investment Group

P.O. Box 53
Pala, CA 92059
Cell: (760) 533-5450
Office/Fax: (760) 742-4206

April 17, 2008

San Diego Gas & Electric
Attn: Juanita Hayes
571 Enterprise Street
Escondido, CA 92029

Re: Offer to Sell 350 acres immediately adjacent to the SDG&E property (substation) north of Highway 76, east of Interstate 15. Ocean view property, overlooking the San Luis Rey River. (APN's 110-072-13, -05, -14 & -17, TM5321)

To Whom It May Concern,

This letter is an offer to sell 350 acres referenced above to SDG&E, in order to provide the corporation a property that has development potential as well as habitat for the other power projects that the corporation is contemplating within its service territory. As you are aware Jpower is proposing two 49 megawatt peaker power plants on the SDG&E property. Which would be located immediately adjacent to our property and we see no way the proposed project would not have major negative impacts on our property and its value. Our property is currently being processed for 30 Single Family Ocean View Estates, with individual values of \$1,000,000.00 or more. To place such a heavy industrial use in a pristine area, which is currently an exclusively very expensive Single Family Ocean View Estates area, is not a use that can be mitigated in any way that would make economic sense for our property. It is for that reason that we would be willing to sell the property to either SDG&E or the proponent of the peaker plants

If we are unable to come to a mutually agreeable transaction, we will have no other recourse than to actively oppose the proposed use on your property. Which we see as having an extremely negative and deleterious impact on our property values. We would appreciate a response in the very near future, so we can determine our next steps in protecting our property rights and it's value.

Sincerely,

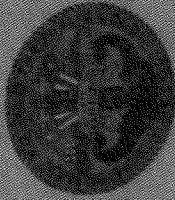
Angie Wolf
Project Coordinator

ATTACHMENT C

**Notice of Permit Application, in place on the Orange Grove site from September 13, 2007
to May of 2008.**

NOTICE OF PERMIT APPLICATION

For further information regarding this application,
call (858) 694-3292
and refer to **CASE NUMBER 3 300-07-009**



County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Date Posted

9-13-07

03/17/2008 17:20

NOTICE OF PERMIT APPLICATION

For further information regarding this application,
call (858) 694-3292

and refer to **CASE NUMBER 3300-07-009**



County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Date Posted

9-13-07

DPLU No. 319

ATTACHMENT D

Parcel Notification Report from the County of San Diego regarding notice of the Major Use Permit application

@ 4500 ft

Parcel Notification Report

SANGIS.PARCE	SANGIS.PARCELS_ALL.OWN_NAME1	SANGIS.PARCELS_ALL.OWN_ADJ	SANGIS.PARCELS_ALL.OWN_A
✓1100211000	W H P WARNER RANCH L P	7727 HERSCHEL AVE	LA JOLLA CA
✓1100212400	AVOCADO FORTY FIVE	P O BOX 3808	LOS ALTOS CA
✓1100212500	ALLISON SARAH M	301 RAINBOW CREST RD	RAINBOW CA
✓1100212600	BAKER GREG&NANETTE A	1816 30TH AVE W	SEATTLE WA
✓1100212900	COAST ASSET PROPERTIES L L C	824 SAN ANTONIO RD	PALO ALTO CA
✓1100213000	COAST ASSET PROPERTIES L L C	824 SAN ANTONIO RD	PALO ALTO CA
✓1100213100	SAN DIEGO GAS&ELECTRIC CO	CALIFORNIA STATE ASSESSED	
✓1100710900	GLUSAC PETER D&PAMELA M	519 W CARSON ST #101	CARSON CA
✓1100711000	ROSTVET JAMES L&ARDITH M	16710 DAZA DR	RAMONA CA
✓1100711100	GLUSAC REVOCABLE FAMILY TRUST 12-20	6456 VIN DE ANZAR	RANCHO PALOS VERDES CA
✓1100711200	ROSTVET JAMES L&ARDITH M	16710 DAZA DR	RAMONA CA
✓1100711300	GLUSAC REVOCABLE FAMILY TRUST 12-20	6456 VIN DE ANZAR	RANCHO PALOS VERDES CA
✓1100711400	GLUSAC REVOCABLE FAMILY TRUST 12-20	6456 VIN DE ANZAR	RANCHO PALOS VERDES CA
✓1100711500	GLUSAC REVOCABLE FAMILY TRUST 12-20	6456 VIN DE ANZAR	RANCHO PALOS VERDES CA
✓1100712000	DAVIS FAMILY REVOCABLE TRUST	5978 LA JOLLA CORONA DR	LA JOLLA CA
✓1100720100	COOK FAMILY TRUST	2014 LAKE MORENA DR	CAMPO CA
✓1100720200	COOK FAMILY TRUST	2014 LAKE MORENA DR	CAMPO CA
✓1100720300	GREGORY CANYON LTD	3 EMBARCADERO CTR #2360	SAN FRANCISCO CA
✓1100720400	GREGORY CANYON LTD	3 EMBARCADERO CTR #2360	SAN FRANCISCO CA
✓1100720500	PROMINENCE PARTNERS	P O BOX 538	FALLBROOK CA
✓1100720600	SAN DIEGO GAS&ELECTRIC CO	CALIFORNIA STATE ASSESSED	
✓1100720800	LAI ZONA C	196 W LEGION RD	BRAWLEY CA
✓1100720900	LAI ZONA C	196 W LEGION RD	BRAWLEY CA
✓1100721000	RAINBOW MUNICIPAL WATER DISTRICT	PUBLIC AGENCY	
✓1100721100	LAI ZONA C	196 W LEGION RD	BRAWLEY CA
✓1100721200	AVACADO 45	1628 TORREY PINES RD	LA JOLLA CA
✓1100721300	PROMINENCE PARTNERS	P O BOX 538	FALLBROOK CA
✓1100721400	PROMINENCE PARTNERS	P O BOX 538	FALLBROOK CA
✓1100721500	JONES RANDALL V	36313 PALA DEL NORTE RD	PALA CA
✓1100721600	GRAY TESLA	P O BOX 538	FALLBROOK CA
✓1100721700	GRAY TESLA	P O BOX 538	FALLBROOK CA
✓1100721800	CHUNG KYUNG HEE&JAE JIN	209 SURFRIDER WAY #G	OCEANSIDE CA
✓1100721900	W M SPECIALTY MORTGAGE L L C	C/O COUNTRYWIDE HOME LOANS	400 COUNTRYWIDE WAY
✓1100722000	CHUNG JAE YUL&CHOON HO	10692 PALA RD	PALA CA

✓1100722200	ZALESCHUK VICTOR S TRUST 10-29-02	10693 HIGHWAY 76	PALA CA
✓1100722400	MAZUR PAUL&GEORGIANA	25251 ORELLANO WAY	LAGUNA HILLS CA
✓1100722500	GLUSAC REVOCABLE FAMILY TRUST 12-20	6456 VIN DE ANZAR	RANCHO PALOS VERDES CA
✓1100722600	SAN DIEGO GAS&ELECTRIC CO	CALIFORNIA STATE ASSESSED	
✓1100722700	PALA BAND OF MISSION INDIANS	C/O GILES CO	1920 FELICE DR
✓1100722800	SAN DIEGO GAS&ELECTRIC CO	CALIFORNIA STATE ASSESSED	
✓1100722900	PALA BAND OF MISSION INDIANS	C/O GILES CO	1920 FELICE DR
✓1100723000	SAN DIEGO GAS&ELECTRIC CO	CALIFORNIA STATE ASSESSED	
✓1100723100	PALA BAND OF MISSION INDIANS	C/O GILES CO	1920 FELICE DR
✓1100900100	W H P WARNER RANCH L P	7727 HERSCHEL AVE	LA JOLLA CA
✓1100900200	HERNANDEZ FRANK D&MARY L TRS	10880 PALA RD	PALA CA
✓1100900400	YARGER KENNETH W TRUST 08-24-98	30293 PECHANGA DR	TEMECULA CA
✓1100900500	YARGER MARILYN N	10734 HIGHWAY 76	PALA CA
✓1100900800	ZALESCHUK VICTOR S TRUST 10-29-02	10693 HIGHWAY 76 RD	PALA CA
✓1100900900	ZALESCHUK VICTOR S TRUST 10-29-02	10693 HIGHWAY 76 RD	PALA CA
✓1100901000	PALA BAND OF MISSION INDIANS	C/O GILES CO	1920 FELICE DR
✓1100901100	PALA BAND OF MISSION INDIANS	C/O GILES CO	1920 FELICE DR
✓1100901900	PALA BAND OF LUISENO MISSION INDIANS	P O BOX 43	PALA CA
✓1100902000	PALA BAND OF LUISENO MISSION INDIANS	P O BOX 43	PALA CA
✓1101500100	GREGORY CANYON LTD	3 EMBARCADERO CTR #2360	SAN FRANCISCO CA
✓1101500200	SAN DIEGO GAS&ELECTRIC CO	CALIFORNIA STATE ASSESSED	
✓1101502400	GREGORY CANYON LTD	3 EMBARCADERO CTR #2360	SAN FRANCISCO CA
✓1101502500	GREGORY CANYON LTD	3 EMBARCADERO CTR #2360	SAN FRANCISCO CA
✓1101504300	GREGORY CANYON LTD	3 EMBARCADERO CTR #2360	SAN FRANCISCO CA
✓1101504400	GREGORY CANYON LTD	3 EMBARCADERO CTR #2360	SAN FRANCISCO CA
✓1101504500	GREGORY CANYON LTD	3 EMBARCADERO CTR #2360	SAN FRANCISCO CA
✓1101504600	GREGORY CANYON LTD	3 EMBARCADERO CTR #2360	SAN FRANCISCO CA
✓1101600500	GREGORY CANYON LTD	3 EMBARCADERO CTR #2360	SAN FRANCISCO CA
✓1101600600	HINDS A G	C/O NADYA CRUTCHER	2124 FAYTON CT
✓1101600800	PALA BAND OF MISSION INDIANS	C/O GILES CO	1920 FELICE DR
✓1101600900	GREGORY CANYON LTD	3 EMBARCADERO CTR #2360	SAN FRANCISCO CA
✓1101601000	SAN DIEGO GAS&ELECTRIC CO	CALIFORNIA STATE ASSESSED	
✓1101601200	PALA BAND OF MISSION INDIANS	C/O GILES CO	1920 FELICE DR
✓1101601400	PALA BAND OF MISSION INDIANS	C/O GILES CO	1920 FELICE DR
✓1101601900	UNITED STATES OF AMERICA(PALA INDIAN	PUBLIC AGENCY	
✓1103611600	GREGORY CANYON LTD	3 EMBARCADERO CTR #2360	SAN FRANCISCO CA
✓1103611800	FRITZ FAMILY TRUST 1-20-1977 TRUST 3	1253 URANIA AVE	LEUCADIA CA

✓1103620800	GREGORY CANYON LTD	3 EMBARCADERO CTR #2360	SAN FRANCISCO CA
✓1103620900	GREGORY CANYON LTD	3 EMBARCADERO CTR #2360	SAN FRANCISCO CA
4103621000	FRITZ FAMILY TRUST T-20-1977 TRUST 3	1253 URANIA AVE	LEUCADIA CA
✓1103700100	SAN DIEGO GAS&ELECTRIC CO	CALIFORNIA STATE ASSESSED	
✓1103700200	PALA BAND OF MISSION INDIANS	35008 PALA TEMECULA RD #PMB	PALA CA
✓1103700300	PALA BAND OF MISSION INDIANS	C/O GILES CO	1920 FELICE DR
✓1103700400	PALA BAND OF MISSION INDIANS	C/O GILES CO	1920 FELICE DR
✓1103700500	PALA BAND OF MISSION INDIANS	C/O GILES CO	1920 FELICE DR
✓1103700600	PALA BAND OF MISSION INDIANS	C/O GILES CO	1920 FELICE DR
✓1103700700	PALA BAND OF MISSION INDIANS	C/O GILES CO	1920 FELICE DR
✓1103700800	PALA BAND OF MISSION INDIANS	C/O GILES CO	1920 FELICE DR
✓1103700900	GREGORY CANYON LTD	3 EMBARCADERO CTR #2360	SAN FRANCISCO CA
✓1103701000	PALA BAND OF MISSION INDIANS	C/O GILES CO	1920 FELICE DR
✓1103701100	PALA BAND OF MISSION INDIANS	C/O GILES CO	1920 FELICE DR
✓1103701200	PALA BAND OF MISSION INDIANS	C/O GILES CO	1920 FELICE DR
✓1103701300	PALA BAND OF MISSION INDIANS	C/O GILES CO	1920 FELICE DR
✓1103701400	PALA BAND OF MISSION INDIANS	C/O GILES CO	1920 FELICE DR
✓1280200300	GREGORY CANYON LTD	3 EMBARCADERO CTR #2360	SAN FRANCISCO CA
✓1284701500	GREGORY CANYON LTD	3 EMBARCADERO CTR #2360	SAN FRANCISCO CA
✓1284701600	GREGORY CANYON LTD	3 EMBARCADERO CTR #2360	SAN FRANCISCO CA
✓1284701800	GREGORY CANYON LTD	3 EMBARCADERO CTR #2360	SAN FRANCISCO CA

ATTACHMENT E

List of Property Owners within 4,500 feet of the Orange Grove Project Site, from the County of San Diego during the Major Use Permit process

List of Property Owners within 4,500 feet of the Orange Grove Project Site

110-072-01 & 110-072-02
Cook Family Trust
2014 Lake Morena Drive
Campo, CA 91906

110-072-08, 110-072-09,
& 110-072-11
Zonac Lai
196 West Legion Road
Brawley, CA 92227

110-072-16 & 110-072-17
Gray Tesla
PO BOX 538
Fallbrook, CA 92088

110-072-20
Chung Jae Yul & Choon Ho
10692 Pala Road
Pala, CA 92059

110-021-26
Greg & Nanette A. Baker
1816 30th Avenue West
Seattle, WA 98199

110-072-24
Georgiana & Paul Mazur
25251 Orellano Way
Laguna Hills, CA 92653

110-090-01 & 110-021-10
WHP Warner Ranch LP
7727 Herschel Avenue
La Jolla, CA 92037

110-090-04
Kenneth W Yarger Trust
30293 Pechanga Drive
Temecula, CA 92592

110-071-09
Pamela M & Peter D Glusac
519 West Carson Street # 101
Carson, CA 90745

110-072-10
Rainbow Municipal Water District
3707 Old Highway 395
Fallbrook, CA 92028

110-072-05, 110-072-13,
& 110-072 -14
Prominence Partners
PO BOX 538
Fallbrook, CA 92088

110-072-12
Avocado 45
1628 Torrey Pines Road
La Jolla, CA 92037

110-072-18
Chung Kyung Hee & Jae Jin
209 Surfrider Way # G
Oceanside, CA 92054

110-072-22, 110-090-08,
& 110-090-09
Victor S. Zaleschuk Trust 10-29-02
10693 Highway 76
Pala, CA 92059

110-021-25
Sarah M. Allison
301 Rainbow Crest Road
Rainbow, CA 92028

110-090-19 & 110-090-20
Pala Band of Luiseno Mission Indians
PO Box 43
Pala, CA 92059

110-090-02
Frank D. & Mary L. Hernandez TRS
10880 Pala Road
Pala, CA 92059

110-090-05
Marilyn N Yarger
1734 Highway 76
Pala, CA 92059

110-071-10 & 110-071-12
James L & Ardith M Rostvet
16710 Daza Drive
Ramona, CA 92065

110-072-19
W.M. Specialty Mortgage LLC
C/O Countrywide Home Loans
400 Countrywide Way
Simi Valley, CA 93065

110-021-24
Avocado 45
PO Box 3808
Lòs Altos, CA 94024

110-072-25, 110-071-11, 110-071-13
110-071-14, & 110-071-15
Glusac Family Trust 12-20-88
6456 Vin De Anzar
Rancho Palos Verdes, CA 90275

110-072-15
Randall V. Jones
36313 Pala Del Norte Road
Pala, CA 92059

110-361-18
Fritz Family Trust 1-20-1977
1253 Urania Avenue
Leucadia, CA 92024

110-370-02 & 110-160-19
Pala Band of Mission Indians
35008 Pala Temecula Road # PMB50
Pala, CA 92059

110-021-29 & 110-021-30
Coast Asset Properties LLC
824 San Antonio Road
Palo Alto, CA 94303

110-160-06
A G Hindas
c/o Nadya Crutcher
2124 Fayton Court
Camarillo, CA 93010

110-071-20
Davis Family Revocable Trust
5978 La Jolla Corona Drive
La Jolla, CA 92037

List of Property Owners within 4,500 feet of the Orange Grove Project Site

110-072-27, 110-072-29, 110-072-31,
110-370-03, 110-370-04, 110-370-05,
110-370-06, 110-370-07, 110-370-08,
110-370-10, 110-370-11, 110-370-12,
110-370-13, 110-370-14, 110-090-10,
110-090-11, 110-160-08, 110-060-12
& 110-060-14

Pala Band of Mission Indians
C/O Giles & Co.
1920 Felice Drive
Escondido, CA 92026

110-072-06, 110-072-28, 110-072-30,
110-370-01, 110-150-02, 110-160-10,
& 110-021-31

San Diego Gas & Electric
Attn. Corporate Real Estate
8335 Century Park Court, CP11D
San Diego, CA 92123

110-072-03, 110-072-04, 110-370-09,
110-150-01, 110-150-24, 110-150-25,
110-150-43, 110-150-44, 110-150-45,
110-150-46, 110-362-09, 110-160-05,
110-160-09, 110-361-16 & 128-470-16

Gregory Canyon LTD
3 Embarcadero Center #2360
San Francisco, CA 94111

ATTACHMENT F

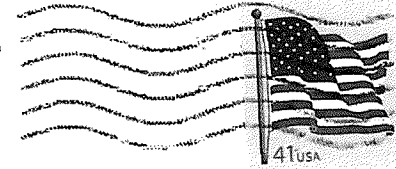
Two returned notices for Applicant's Major Use Permit application

DEPARTMENT OF
PLANNING & LAND USE
5201 Suite B, Ruffin Road
San Diego, CA 92123
Mail Sta. 0650

ANK

SAN DIEGO CA 921

10 SEP 07 PM 11 L



110-072-01 & 110-072-02
Cook Family Trust
2014 Lake Morena Drive
Campo, CA 91906

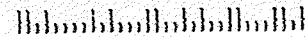
NIXIE 921 CE 1 72 09/13/07

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 92123

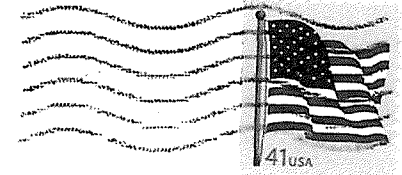
*2304-22392-10-41

9208+1802



SAN DIEGO CA 921

10 SEP 07 PM 5 L



DEPARTMENT OF
PLANNING & LAND USE
5201 Suite B, Ruffin Road
San Diego, CA 92123
Mail Sta. 0650

RECEIVED
SEP 14 2007

DEPARTMENT OF PLANNING
AND LAND USE

Palm Springs

110-090-19 & 110-090-20
Pala Band of Luiseno Mission Indians
PO Box 43
Pala, CA 92059

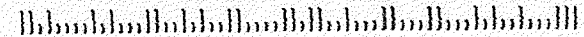
NIXIE 921 CE 1 72 09/13/07

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 92123167774

*1704-08702-10-41

9208+0000@1677



DPLU #524 (8/03)



ATTACHMENT G

Notice to Property Owners regarding Applicant's Major Use Permit

NOTICE TO PROPERTY OWNERS

An application for the following discretionary permit(s) for a property in your neighborhood has been filed with the Department of Planning and Land Use:

Case number MUP 07-009 Date received 9-4-07

Site Address 4 Miles northeast of I-15, on Pala Del Norte Road, north of SR-76

Proposed use Power Generation Facility Thomas Brothers Page 1029, Grid D5, E5

Owner/Applicant Orange Grove Energy Engineer Sega, Inc.

Community/Sub-Regional Plan Area Paula/Pauma North Arrow

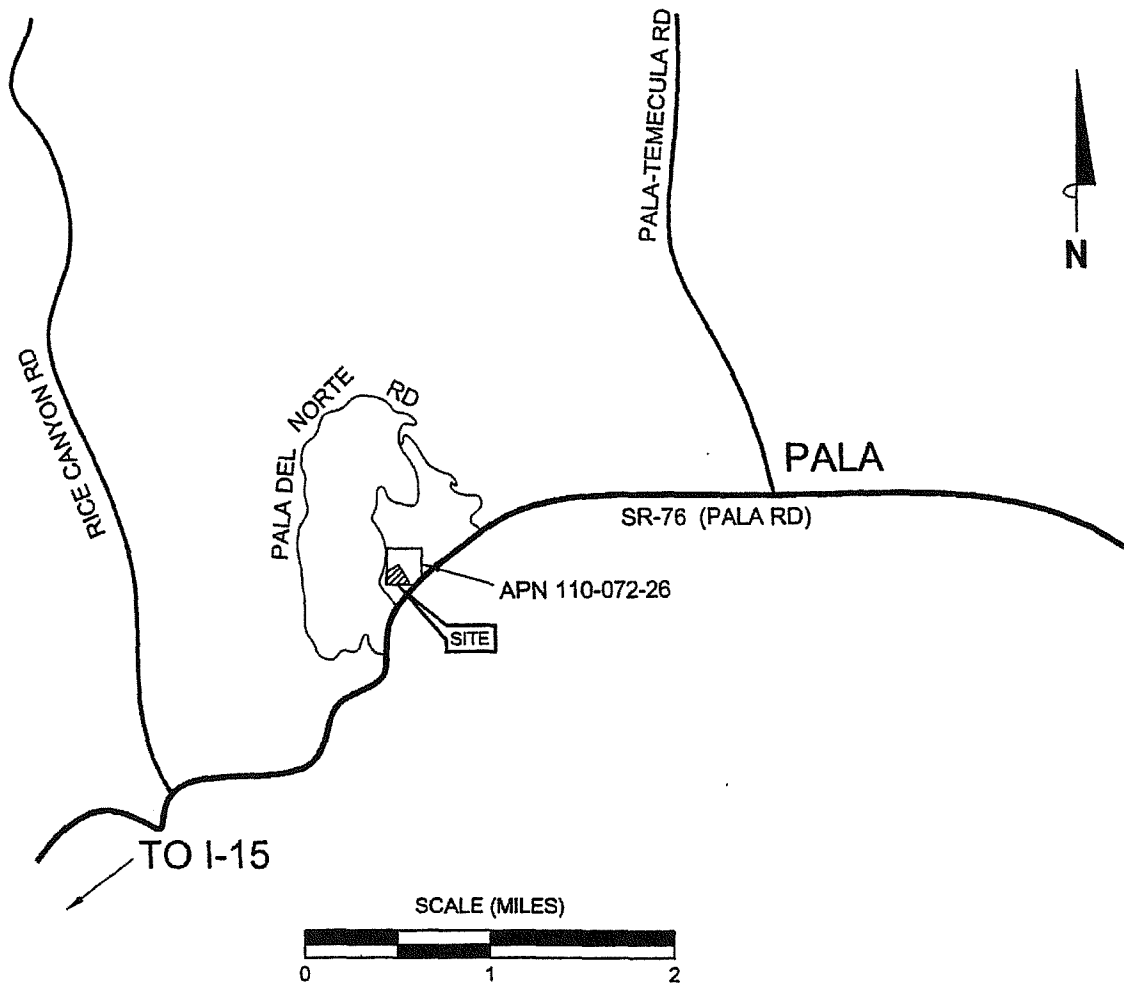
General Plan Designator General Agriculture Regional Category _____ See below

Zoning Designation: Existing A72 Proposed A72

Acres 8.5 Number of lots 1 Number of dwelling units none

Assessor Parcel Number(s) 110-072-26 Scale: 1"= See below

**For further information or planner/analyst assignment,
please call (858) 694-3292.**



ATTACHMENT H

Major Use Permit Checklist

MVPC -009

Lisa Hobles 358-694-2262

Effective July 1, 2007

Major Use Permit: STANDARD APPLICATION*

*Wireless Communication Facilities have Separate Requirement Sheet

		FEE	DEPOSIT/FEE	FEE CODE
DPLU PLANNING		\$2,800	D	4900
DPLU ENVIRONMENTAL		\$4,890	D	4900
DPW ENGINEERING		\$1,835	D	
DPW INITIAL STUDY REVIEW		\$1,940	D	
STORMWATER		\$1,325	D	
DEH	SEPTIC/WELL	\$1,202	D	
	SEWER	\$1,202	D	
PARKS		\$179	F	
TOTAL		\$14,171		

VIOLATION FEE \$1,000.00

FORMS/REQUIREMENTS

- ✓ 126 Acknowledgement of Filing Fees and Deposits
- W 176 Authorization Form for Pre-Scoping Meeting
- 238 Major Use Permit Staff Checklist
- 247 Fish and Game Fees
- 267 Appointment Letter
- ✓ 298 Supplemental Public Notice Procedure
- ✓ 299 Supplemental Public Notice Certification
- ✓ 305 Ownership Disclosure
- ✓ 320 Evidence of Legal Parcel - See Spec. Handling form by Jerod ✓
- ✓ 346 Discretionary Permit Application Form
- ✓ 346S Supplemental Application Form
- ✓ 367 AEIS - #366 attached
- 374 Resource Protection Study
- ✓ 394 Preliminary Floodplain Evaluation Form ✓
- ✓ 399F Fire Availability Form (If Applicable) ✓
- n/a - 399S Sewer Availability Form (If Applicable)
- ✓ 399SC School Availability Form (If Applicable - Give Two) ✓
- W 399W Water Availability Form (If Applicable)
- 510 Major Use Permit Applicant's Guide
- ✓ 514 Public Notice Certification
- ✓ 515 Public Notice Procedure
- ✓ 516 Public Notice Applicant's Guide
- ✓ 524 Vicinity Map/Project Summary
- ✓ 580 Hazardous Waste Substance Verification
- ✓ 581 Plan Check Pre-Application Notice
- 702 Limited Plan Check for Landscape Plans - Applicant Check List N/A by Jarrett Ramaiya

SDC DPLU RCVD 09-04-07

P 07-009

Major Use Permit: STANDARD APPLICATION*

- ✓ G-3 Determination of Legal Parcel - per Jarrett R. (spec handling form enclosed)
- ✓ ZC 039 Storm Water Management Plan For Priority Projects (Major SWMP)
- Biological Mapping Requirements
- Grading Plan Handout
- Preliminary Grading Plans Guidelines

Page 2

deed rec'd attached to app. of 07/01/07 - Applicant will bring/mail deed in coop.

NOTES:

- ✓ 1. Twenty-five (25) bluelines or blacklines of the plot plan, floor plans, grading and elevation renderings (twenty-eight (28) bluelines or blacklines of each page if the project is in the Upper San Diego River Project area of Lakeside and twenty-nine (29) bluelines or blacklines of each page if the project is for a wireless facility). **Plans are to be stapled together in sets and folded to 8½" x 11" with the lower right-hand corner exposed.**
- ✓ 2. Two (2) copies of a Stormwater Management Plan (SWMP) (Ordinance No. 9424).
- n/a* 3. For Heliport/Airport add DPLU form #509.
- n/a* 4. Fees may be waived for some mobile home park. (See Zoning Ordinance Section 7602(d)(3&4).
- ✓ 5. Give applicant forms no. 319 (Notice of Application Form) and 382 (Flagging Procedure for Projects.)
- ✓ 6. A Major Pre-Application Meeting is MANDATORY prior to the submittal of this application. *3992-07-085*
- ✓ 7. At INTAKE, a copy of the Major Pre-Application letter from DPLU or a copy of the form waiving the Major Pre-Application Meeting MUST be submitted by the applicant. *3992 07-085*
(Techs: Check KIVA to be sure the applicant has completed a Major Pre-Application Meeting. If not, we cannot accept the submittal).
- ✓ 8. Inform applicant that project goes to local Community Planning Group and/ or Design Review Board for recommendation.
- ✓ 9. Use the same PROJECT # (not case #) as the Major Pre-Application when entering this application into KIVA. *Proj. # 07-0079134*

Additional materials submitted (see other side)

ATTACHMENT I

Public Notice Certifications – Major Use Permit



**SUPPLEMENTAL
PUBLIC NOTICE CERTIFICATION**
(Board of Supervisor's Policy I-49
"Distribution of Notification of Land Use Hearings.")

I hereby certify that I have been informed of the supplemental notice requirements pursuant to Board Policy I-49 and understand that if any of the information below is incorrect, the permit processing and/or the public hearing may be delayed.

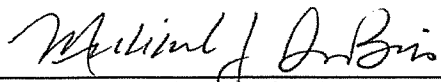
I hereby certify that the following properties submitted with the Public Notice Package for Case Number MUP07009 shall be posted with DPLU Form #319 within ten (10) days from the date processing fees are paid.

Assessor's Parcel Number(s)

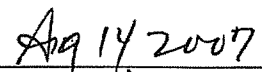
110-072-26

APPLICANT:

If posting cannot be accomplished the applicant shall notify the assigned project planner within ten (10) days of the date processing fees are paid.



Signature of Applicant



Date

**SDC DPLU RCVD 09-04-07
P 07-009**



DPLU-299 (6/13/01)



PUBLIC NOTICE CERTIFICATION

I hereby certify that the names and addresses submitted with the Public Notice package for MUP07-009 are those of the owners of record of the project site and of all properties within 300 feet plus* of the exterior boundaries of the property described in the application, and that the Assessor's Parcel Number and ownership information were obtained from the latest adopted San Diego County Tax Roll, and any update thereto, maintained in the office of the San Diego County Tax Assessor on April 9, 2007.

I understand that if it is found that any of this information is incorrect, the public hearing may be declared null and void by the decision making body or the courts and the application may have to be refilled and the fee paid again.

August 14, 2007
Date

Michael Dubois
Owner or Agent Signature

Michael Dubois, Vice President of Asset Management
Print or type name and title of signator

*Parcels beyond 300 feet were added to achieve the minimum 20 property owners required pursuant to the Major Use Permit public notice requirements outlined in DPLU Form #515.

**SDC DPLU RCVD 09-04-07
P 07-009**



DPLU-514 (3/13/00)

ATTACHMENT J

Major Use Permit Application Requirements

TABLE 1

**MAJOR USE PERMIT APPLICATION REQUIREMENTS PURSUANT TO
SAN DIEGO COUNTY DPLU FORM # 510**

FORM 510 DESCRIPTION	APPLICABILITY
Discretionary Permit Application Form (DPLU #346). Complete the front of this form. The back of this form will be completed at the time of submittal.	The Discretionary Permit Application Form is included in Attachment 1 of this Application.
Supplemental Application Form (DPLU #346S). The purpose of this supplement is to provide a thorough description of the proposed use. This part of the application is very important because it provides information which is used in the analysis of the project and preparation of recommendations and conditions of the permit. All relevant information should be described including the purpose, capacity, hours of operation, number and area of buildings, number of parking spaces, signs, phasing and access. If the application requests Variances you should list these Variances with reasons. Please use extra sheets if necessary.	The Supplemental Application Form is included in Attachment 1 of this Application.
Threshold Decision on Board of Supervisors Policy 3.8 (DPLU #433). Supplemental application to establish procedural guidelines for authorization of the processing of Major Use permit pursuant to Zoning Ordinance Section 7354 for mobile homes/manufactured homes. This policy allows low and moderate income housing by permitting higher residential densities than are normally permitted by the General Plan. Please refer to DPLU #433 for additional information.	Not applicable to the Orange Grove Project.
Environmental Documents. Four copies of Application for Environmental Initial Study (AEIS) (DPLU #367), including all information/documents required on cover sheet. OR A letter requesting a determination that previously certified Negative Declaration (ND) or EIR adequately covers the project (See DPLU #366). OR If the project is categorically exempt from environmental review pursuant to state guidelines for implementation of the California Environmental Quality Act (CEQA), no environmental documentation is needed.	Form 366 is included in Attachment 1 of this Application.
Resource Protection Ordinance. A Resource Protection Ordinance Study is required to determine if sensitive lands are located on the property and whether the Resource Protection Regulations should be applied. Please refer to DPLU #374 and #394 for additional information.	Sections 2.0 and 6. 1 through 6.17 in Exhibit A provide detailed descriptions of existing resources and protection requirements and applicable laws, ordinances, regulations and standards.
Evidence of a legal parcel (DPLU #320). See policy G.3 Tope Half must be completed and signed.	DPLU Form # 320 is included in Attachment 1 of this Application.
Disclosure Statement (DPLU #305). Must be completed, signed and dated.	The Disclosure Statement is included in Attachment 1 of this Application.

TABLE 1

**MAJOR USE PERMIT APPLICATION REQUIREMENTS PURSUANT TO
SAN DIEGO COUNTY DPLU FORM # 510
(Continued)**

FORM 510 DESCRIPTION	APPLICABILITY
Agent Authorization (if applicable). A signed letter authorizing the applicant to apply for the permit is necessary if the applicant is not the owner(s). See Section 7354 of the Zoning ordinance.	Not applicable to the Orange Grove Project.
School Service Letter(s) (DPLU #399SC). Must be completed and signed by each school district (elementary and high school).	The School Service Letters (2) are included in Attachment 1 of this Application.
Sewer Service Letter (DPLU #399S). Must be completed and signed by the district or public agency which would provide sewer service for the project.	Not applicable. The Orange Grove Project will utilize a septic system for sewage purposes.
Water Service Letter (DPLU #399W). Must be completed and signed by the district or public agency which would provide water service for the project.	The Water Service Letter is included in Attachment 1 of this Application.
Fire Service Letter (DPLU #399F). Must be completed and signed by the district or public agency which would provide fire protection service for the project.	The Fire Service Letter is included in Attachment 1 of this Application.
<p>Public Notice (DPLU # 514, 515, 516, 524). This Department must notify all property owners within 300 feet of the subject property and a minimum of 20 different property owners (Board Policy I-49). In order to complete the notification the following must be submitted with the application - refer to DPLU #516 for detailed instructions:</p> <ul style="list-style-type: none"> a. Separate sheets (11x17) of the San Diego Assessor's map(s) showing the entire property outlined in red with a green line encircling the property at a distance of 300 feet from the property line. Each parcel lying wholly or in part within the 300 feet shall have its number colored yellow with a "highlighter" pen or colored pencil. Assessor's maps must be 11" x 17" (full size) at true scale and not reduce. b. A typed list of all affected property owner's parcels highlighted in yellow as above; by Assessor's Parcel number with names and address. Minimum of 20 different property owners. The addresses must be the property owner and no the leaser or renter. c. One set of gummed labels on 8.5 " x 11" sheets containing the names and addresses of al property owners. These labels are necessary for a possible appeal. Then names on these labels must match names o the typed list. <p>One set of stamped (no postage meter allowed), and addressed (typed) plain (no letterhead) envelopes (4.5"x9.5" business size) for each property owner on the list. If a property owner has several parcels, you need only submit one envelope. No enclosed business cards are allowed. The Department of Planning and Land Use will provide the return address at intake.</p>	These public notice requirements are included in Attachment 2 of this Application.

TABLE 1

**MAJOR USE PERMIT APPLICATION REQUIREMENTS PURSUANT TO
SAN DIEGO COUNTY DPLU FORM # 510
(Continued)**

FORM 510 DESCRIPTION	APPLICABILITY
Complete Public Notice Certification (DPLU #514). This form, signed by the applicant, certifies that the names and addresses submitted with the public notice package are from the latest adopted San Diego Assessor's tax Roll. You should be aware that if any of this information is incorrect, the processing may be delayed.	The Public Notice Certification Form is included in Attachment 2 of this Application.
Supplemental Public Notice (DPLU #299). Board of Supervisors Policy i-49, Item 2, pertains to the notification of apartment buildings and mobile home parks. Comply with the requirements listed in the Supplemental public Notice Procedure (DPLU 298) and submit a completed Supplemental public Notice Certification 9DPLU #299).	The Supplemental Public Notice Certification Form is included in Attachment 2 of this Application.
Vicinity Map and Project Summary (DPLU #524). Must be completed and vicinity map prepared according to the instructions on the form.	DPLU Form #524, with vicinity map, is included in Attachment 2 of this Application.
Hazardous Waste and/or Substance Site Verification Form (DPLU #580). Please consult the San Diego County list of hazardous waste and/or Substance Sites compiled by the State of California. The list is available at the DPLU Zoning Counter.	DPLU Form # 580 is included in Attachment 1 of this Application.
Posting of Notices (DPLU #298). Applicants should use the guidelines provided when posting Notices of Permit Applications. Failure to post or comply with the guidelines may result in delays of processing your project.	Orange Grove Energy, L.P. acknowledges and will comply with instructions pursuant to DPLU Form # 298.
Acknowledgement of Filing Fees and Deposits (DPLU #126). Applicant should sign the back of the application to acknowledge that additional deposits may be required after the initial deposit. This assists the County in seeking full recovery of the processing costs (Board of Supervisors Policy B-29).	DPLU Form # 126 is included in Attachment 1 of this Application.
Stormwater Management Plan. Two (2) copies of a Stormwater Management Plan. (Refer to Stormwater Management Plan Requirements handout for further information.)	Three (3) copies of the Stormwater management Plan are included as Exhibit B of this Application, as required by DPLU's Pre-Application Meeting Summary for Major Pre-App (07-085)
Authorization/Waiver Form for Pre-Scoping meeting (DPLU #176). The applicant must sign the request for a Pre-Scoping Meeting of the waiver of the Pre-Scoping Meeting.	DPLU Form #176 is included in Attachment 1 of this Application. The applicant is waiving its right to a Pre-Scoping Meeting.
Notice to Applicants for Site Plans, Variances, Administrative Permits and Use Permits (DPLU #581).	DPLU Form #581 is included in Attachment 1 of this Application.
Plot Plan. All plot plans should contain sufficient information to describe the project. The following is a list of information pertinent to a Major Use Permit Plot Plan. All of this information may not be pertinent to every proposal, but where applicable it should be included. One (1) additional plot plan for wireless facilities in addition to those required above.	Detailed descriptions and preliminary plot plans and other engineering drawings for the project are provided in the SPPE Application in Exhibit A .

TABLE 1

**MAJOR USE PERMIT APPLICATION REQUIREMENTS PURSUANT TO
SAN DIEGO COUNTY DPLU FORM # 510
(Continued)**

FORM 510 DESCRIPTION	APPLICABILITY
Number of Copies – 25 blueslines or blacklines of each page of the plot plan.	One hard copy and 30 compact disc (cd) copies of the SPPE Application, including project description and plot plans, are included in Exhibit A .
Size - Plot plans must be folded to an 8.5" by 11" size with lower right hand corner exposed. Multiple sheets must be stapled together.	Please see Exhibit A .
Legibility – The plot plan must be legible. Faded prints or excessively dark prints that are difficult to read or reproduce clearly are not acceptable.	Please see Exhibit A .
North Arrow/Scale – A north arrow is necessary to establish the direction. An engineer's scale is required.	Please see Exhibit A .
Assessor's Number – Include the Assessor's Book, Page and Parcel number on the plot plans.	See Figure 2.2-3: <i>Site and Property Boundary Exhibit A</i> of this Application. The Orange Grove Project is located in Assessor's Book number 110, on page 7 (sheet 2 of 2), parcel 26.
Dimensions – Show the following dimensions: Exterior property lines, width of roads and easements, size of structures, setbacks from property lines and centerlines to existing and/or proposed structures, distances between detached structures, parking areas and driveways.	These features are described in detail and shown in plot plans in the SPPE Application in Exhibit A , including Figures 2.2-4 and 2.2-7, and Sections 2.0 and 6.13: <i>Visual Resources</i> , Appendix 6.13-A, Table 1.
Elevations – Complete architectural elevations of all sides of the building(s) are required. Indicate structural heights/dimensions and whether existing or proposed. All finish materials must be indicated on the drawing. Elevations should be shown on a separate drawing.	See Exhibit A Figures 2.2-5: <i>Facility Elevation View Looking North</i> (Plot Plan Drawing GA100), 2.2-6: <i>Facility Elevation View Looking East</i> (GA101), and 2.2-4: <i>Site Layout Plan</i> (C100) in the SPPE Application included as Exhibit A of this Application. Finish materials and structure heights are described in Section 6.13: <i>Visual Resources</i> , Appendix A, Table 1 of the SPPE Application. A full text description of project site elevations is included in Section 2.2.2: <i>Elevations, Grading, and Drainage</i> of the SPPE Application.

TABLE 1

**MAJOR USE PERMIT APPLICATION REQUIREMENTS PURSUANT TO
SAN DIEGO COUNTY DPLU FORM # 510
(Continued)**

FORM 510 DESCRIPTION	APPLICABILITY
<p>Structures – Show all existing and proposed structures and their dimensions and floor area, including buildings, sheds, storage areas and recreation facilities such as swimming pools and playgrounds. Indicate number of stories of buildings. Indicate if structures are existing or proposed. Label buildings and open area as to their use. Show fences, wall trash enclosures or dumpster locations. Indicate heights where applicable.</p>	<p>See Section 2: <i>Project and Facility Description</i> in the SPPE Application in Exhibit A. Furthermore, see Figures 2.2-4: <i>Site Layout Plan</i> (Plot Plan Drawing C100), 2.2-5: <i>Facility Elevation View Looking North</i> (GA100), 2.2-6: <i>Facility Elevation View Looking East</i> (GA101), 2.2-7: <i>Yard Layout Plan</i> (Y100), 2.2-8: <i>Preliminary Landscape Plan</i> (L100), 2.2-9: <i>Preliminary Grading and Drainage Plan</i> (C100), and 2.2-10: <i>Preliminary Drainage Area Map</i> (C400) in the SPPE Application.</p>
<p>Pedestrian and Vehicular Circulation and Parking – Show walkways, driveways, entrances, exits and parking lot areas with all dimensions. Label handicapped parking. Show contiguous streets with centerlines and all easements. Show parking for service and delivery vehicles and loading and unloading areas.</p>	<p>See Section 2: <i>Project and Facility Description</i> in the SPPE Application in Exhibit A. Furthermore, see Figure 2.2-4: <i>Site Layout Plan</i> (Plot Plan Drawing C100) in the SPPE Application.</p>
<p>Drainage – Indicate any natural drainage (including streams) and any proposed drainage systems. Show the slopes of the property and any proposed grading.</p>	<p>A full description of Project Site drainage and grading is included in Exhibit A, Sections 2.2.2: <i>Site Elevation, Grading, and Drainage</i> and 6.5.1.1: <i>Surface Water</i> of the SPPE Application included as Exhibit A of this Application. Furthermore, see Figures 2.2-9: <i>Preliminary Grading and Drainage Plan</i> (Plot Plan Drawing C300), 2.2-10: <i>Preliminary Drainage Area Map</i> (C400), and 6.5-2: <i>Existing regional Surface Drainage and Topography</i> in the SPPE Application.</p>
<p>Existing Natural Features – Indicate trees with over 6” trunk diameter, streams, rock outcroppings, location of flood zones. Extensive natural features may be shown on a separate drawing.</p>	<p>Existing natural features relevant to project design and impact assessment are described in detail in Exhibit A, including relevant vegetation and biology, water geology and flooding parameters.</p>
<p>Landscape Areas – Areas suitable for landscaping and areas of required landscaping must be shown. Include the size and species of both existing and proposed plantings. Indicate any removal of existing trees. Extensive landscaping information may be shown on a separate drawing.</p>	<p>Project landscaping is described in Exhibit A including Section 2.2.4: <i>Landscaping</i> and Appendix 2-A: <i>Native Tree and Shrub Species</i>. Furthermore, see Figures 2.2-8: <i>Preliminary Landscape Plan</i> (Plot Plan Drawing L100) and 6.6-4: <i>Site Biological Resources</i> Exhibit A.</p>

TABLE 1

**MAJOR USE PERMIT APPLICATION REQUIREMENTS PURSUANT TO
SAN DIEGO COUNTY DPLU FORM # 510
(Continued)**

FORM 510 DESCRIPTION	APPLICABILITY
Buffering and Screening – Show areas to be screened and materials for screening.	Buffering and screening are described in Exhibit A including Section 2.2.4: <i>Landscaping</i> and Section 6.13: <i>Visual Resources</i> . Photo-simulations of the completed project facility from three (3) key observation points (KOPs) are included in Appendix 6.13-B: <i>Aesthetic Viewshed Study Figures</i> .
Signs – Show all existing signs to remain and proposed signs, Included elevation drawings with area and height dimensions and construction materials indicated and the proposed method of illumination.	Project signage will be developed as part of a detailed design package prior to construction. Project signage will comply with all terms to be outlined within the Major Use Permit.
Lighting – Show locations and types of all project lighting.	Lighting is described in Exhibit A Sections 2.9: <i>Plant Auxiliaries</i> and 6.13.3: <i>Project Appearance</i> .
Utilities – Show all utility lines and easements.	Utilities are described in Exhibit A Section 2: <i>Project and Facility Description</i> and shown on Figure 2.2-4: <i>Site Layout Plan</i> (Plot Plan Drawing C100) of the SPPE Application included as Exhibit A of this Application.
Grading – A grading plan must be filed with a Major Use Permit conforming to all requirements of Section 87.203 of the San Diego County Code of Regulatory ordinances, except that it shall not be required to show the estimated grading starting and completion dates. The level of detail required may be less than would be required for actual construction, but shall be sufficient to permit analysis of all on-site and off-site environmental impacts and mitigation measures.	Grading is described in Exhibit A Section 2.2.2: <i>Site Elevation, Grading, and Drainage</i> , and a grading plan is included in Exhibit A Figure 2.2-9: <i>Preliminary Grading and Drainage Plan</i> (Plot Plan Drawing C300).
Fencing – Show existing and proposed fencing including heights and materials.	Fencing is described in Exhibit A Section 2.2.3: <i>Access, Roads, and Fencing</i> , and is shown in plot plans in Figures 2.2-4: <i>Site Layout Plan</i> (Plot Plan Drawing C100) and 2.2-7: <i>Yard Layout Plan</i> (Y100).
Phasing – Indicate any phasing of the project. Phasing is particularly useful in large multi-structured projects such as churches. This may reduce the need for future permit modification to accommodate projected growth.	Not Applicable. There is no phasing involved in the construction or development of the Orange Grove Project.

TABLE 2

**REQUIRED MAJOR USE PERMIT APPLICATION SUBMITTAL ITEMS
PURSUANT TO SAN DIEGO COUNTY DPLU PRE-APPLICATION
MEETING SUMMARY: MAJOR PRE-APP (07-085)
DATED AUGUST 3, 2007**

DPLU REQUIREMENT	RESPONSE
Plot Plan (30 Copies)	Exhibit A provides one hard copy and 30 CD copies of the SPPE Application, including Section 2.0, which provides a detailed project description, preliminary plot plans, and other engineering drawings.
Biological Letter Report With Open Space Exhibit (5 copies)	Exhibit A provides one hard copy and 30 CD copies of the SPPE Application, including Section 6.6 describing existing biological resources and potential project impacts. No biological open space is proposed.
Archaeological Report (3 copies)	Exhibit A provides one hard copy and 30 CD copies of the SPPE Application, including Section 6.7, describing archaeological resources and potential project impacts.
Noise Analysis (3 copies)	Exhibit A provides one hard copy and 30 CD copies of the SPPE Application, including Section 6.12, describing existing noise levels and sources and potential project impacts.
Preliminary Grading Plan (with supporting information) (5 copies)	Exhibit A provides one hard copy and 30 CD copies of the SPPE Application, including Section 2.0 describing the project and providing a preliminary grading plan.
Mineral Resource Evaluation (3 copies)	Exhibit A provides one hard copy and 30 CD copies of the SPPE Application, including Section 6.3, describing existing mineral resources and potential project impacts.
Fire Protection Plan with Technical Report (5 copies)	The Fire Protection Plan for the Orange Grove Project has been prepared by a qualified consultant and is in the process of being submitted to the Fire District for review and approval. A copy will be provided to DPLU as soon as Fire District approval is received.

TABLE 2

**REQUIRED MAJOR USE PERMIT APPLICATION SUBMITTAL ITEMS
PURSUANT TO SAN DIEGO COUNTY DPLU PRE-APPLICATION
MEETING SUMMARY: MAJOR PRE-APP (07-085)
DATED AUGUST 3, 2007
(Continued)**

DPLU REQUIREMENT	RESPONSE
Air Quality Study (3 copies)	Exhibit A provides one hard copy and 30 CD copies of the SPPE Application, including Section 6.2, which provides detailed descriptions of existing air quality and potential project impacts.
Hazardous Materials Information (3 copies)	Exhibit A provides one hard copy and 30 CD copies of the SPPE Application, including Section 6.15 describing hazardous materials.
Storm Water Management Plan (3 copies)	Exhibit B provides three copies of the SWMP.
Focused Traffic Study (4 copies)	Exhibit A provides one hard copy and 30 CD copies of the SPPE Application, including Section 6.11, which provides a focused traffic study.
Draining/Flooding (5 copies)	Exhibit A provides one hard copy and 30 CD copies of the SPPE Application, including Section 2.0 and Appendix 2-D, which describe engineering measures for drainage to prevent flooding.
Memorandum of Understanding (Fire only, one copy)	See Exhibit C
Location/Description of Offsite Improvements	Exhibit A provides one hard copy and 30 CD copies of the SPPE Application, including Section 2.0, which describes proposed offsite improvements.
Geologic Reconnaissance Report	Exhibit A provides one hard copy and 30 CD copies of the SPPE Application, including Section 6.3, which describes geologic hazards and resources at the site and in the region.

ATTACHMENT K

**Correspondence between Ray Gray and Steve Thome of J-Power regarding power plants,
copied to Steve Anderson**

Rabinowitsh, Nicholas

From: Steve Thome [sthome@jpowerusa.com]
Sent: Wednesday, December 05, 2007 10:12 AM
To: raylinte@adelphia.net
Cc: steve@dfifunding.com
Subject: RE: Power plants

Ray,

I have spoken to SDG&E about your 350 acres. They are going to pass the information internally to their real estate people. No one seems to move very quickly and no one seems to have authority to do much of anything. I can't imagine that we will get any sort of response before the holidays.

Your timing on PG&E may be very good. They are coming out with an RFP in the next couple of months. There should be a resource plan that gives a hint of what they are looking for. Given your site, the following are plausible options:

- large 500-1,000 MW combined-cycle power station.
- a 50-100 MW solar facility (depending on how sunny the location is). You will need at least 5 acres per MW for a plant.
- a hybrid combined-cycle and solar facility... this is my best version of a quasi-green large power plant. I think a similar plant is being developed in Victorville.

J-Power owns a number of large combined-cycle facilities. We have recently investigated a solar thermal project in California City (western side of the Mohave Desert).

Steve

Stephen Thome
 Vice President of Development
 J-Power USA

847-908-2876 Office
 720-221-7954 Mobile
 720-221-0662 Fax

sthome@jpowerusa.com

-----Original Message-----

From: raylinte@adelphia.net [mailto:raylinte@adelphia.net]
Sent: Monday, December 03, 2007 1:58 PM
To: Steve Thome
Cc: steve@dfifunding.com
Subject: Power plants

Steve--I had my ranch manager check out the power lines on my ranch up north near Hollister. Good news--the main power lines actually cross two separate areas of my ranches. One of them crosses a ranch I have on Little Panoche Road, aka Shields Rd, in San Benito County. My consultant, Rick Gittings (ex-city manager of San Marcos, CA), who met with SDGE in reference to your Peaker Plant, thinks that the

12/18/2008

above location on my 11,000 acre ranch could be ideal for a quasi-green, large-megawatt power plan. He was involved in one for the City of San Marcos. The other ranch that power lines cross is on Panoche Road off of Hwy. 5. It crosses over a 1000 acre ranch that I have in Fresno County. Let's sell power to PGE!

Any feedback on my 350 acre project in Pala?

Thanks...Ray Gray

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

**APPLICATION FOR CERTIFICATION
ORANGE GROVE POWER PLANT**

DOCKET NO. 08-AFC-4

**PROOF OF SERVICE
(Revised 10/27/08)**

INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 08-AFC-4
1516 Ninth Street, MS-15
Sacramento, CA 95814-5512
docket@energy.state.ca.us

<p><u>APPLICANT</u></p> <p>Stephen Thome J-Power USA Development 1900 East Golf Road, Suite 1030 Schaumburg, IL 60173 sthome@jpowerusa.com</p>	<p><u>COUNSEL FOR APPLICANT</u></p> <p>Jane Luckhardt Downey Brand, LLP 621 Capital Mall, 18th Floor Sacramento, CA 95814 jluckhardt@downeybrand.com</p>
<p>Mike Dubois J-Power USA Development 1900 East Golf Road, Suite 1030 Schaumburg, IL 60173 mdubois@jpowerusa.com</p>	<p>Wayne Song Morgan, Lewis & Bockius LLP 300 S Grand Avenue, 22nd Floor Los Angeles, CA 90071 wsong@morganlewis.com</p>
<p><u>APPLICANT CONSULTANT</u></p> <p>Joe Stenger, PG. REA TRC 21 Technology Drive Irvine, CA 92619 usingh@trcsolutions.com</p>	<p><u>INTERESTED AGENCIES</u></p> <p>Ca. Independent System Operator 151 Blue Ravine Road Folsom, CA 95630 e-recipient@caiso.com</p>

<p>Steve Taylor San Diego Gas & Electric 8306 Century Park Court San Diego, CA 92123 srtaylor@semprautilities.com</p>	<p><u>ENERGY COMMISSION</u></p> <p>JAMES D. BOYD Presiding Member jboyd@energy.state.ca.us</p>
	<p>ARTHUR ROSENFELD Associate Member pflint@energy.state.ca.us</p>
<p><u>INTERVENORS</u></p> <p>Anthony J. Arand 219 Rancho Bonito Fallbrook, CA 92028 (760) 728-7388 Voice tony@envirepel.com</p>	<p>Kenneth Celli Hearing Officer kcelli@energy.state.ca.us</p> <p>Felicia Miller Project Manager fmiller@energy.state.ca.us</p>
<p>Alliance for a Cleaner Tomorrow (ACT) c/o Arthur S. Moreau, Klinedinst, PC 501 West Broadway, Suite 600 San Diego, CA 92101 amoreau@klinedinstlaw.com</p>	<p>Jared Babula Staff Counsel jbabula@energy.state.ca.us</p> <p>Public Adviser's Office pao@energy.state.ca.us</p>
<p>Archie D. McPhee 40482 Gavilan Mountain Road Fallbrook, CA 92028 Archied1@earthlink.net</p>	<p><u>Courtesy Copy</u></p> <p>DFI Funding, Inc. c/o Best Best & Krieger LLP Melissa W. Woo Cyndy Day-Wilson 655 West Broadway, 15th Floor San Diego, CA 92101 Melissa.woo@bbklaw.com Cyndy.day-wilson@bbklaw.com</p>

DECLARATION OF SERVICE

I, Lois Navarrot, declare that on December 19, 2008, I deposited a copy of the attached **ORANGE GROVE ENERGY, L.P.'s OPPOSITION TO DFI FUNDING, INC.'s PETITION FOR INTERVENTION** in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of the California Code of Regulations, title 20, sections 1209, 1209.5 and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

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

A handwritten signature in cursive script, reading "Lois Navarrot", is positioned above a horizontal line.

Lois Navarrot