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August 20, 2010

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DOCKET
08-AFC-9

DATE AUG 20 2010

RECD. AUG 20 2010

File No. 039610-0003

VIA FEDEX

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 08-AFC-9

1516 Ninth Street, MS-4

Sacramento, California 95814-5512

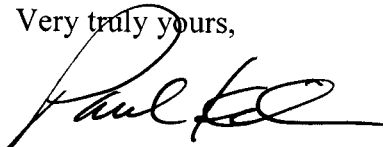
Re: City of Palmdale Hybrid Power Plant Project: Docket No. 08-AFC-9

Dear Sir/Madam:

Pursuant to California Code of Regulations, title 20, Sections 1209, 1209.5, and 1210, enclosed herewith for filing please find Applicant's Request to Set Date for Evidentiary Hearing for the Palmdale Hybrid Power Project.

Please note that the enclosed submittal was filed today via electronic mail to your attention and served on all parties to the above-referenced project.

Very truly yours,



Paul E. Kihm
Senior Paralegal

Enclosure

cc: 08-AFC-9 Proof of Service List (w/encl., via E-mail and U.S. Mail)
Michael J. Carroll, Esq. (w/encl.)

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STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:) DOCKET NO. 08-AFC-9
)
APPLICATION FOR CERTIFICATION,) REQUEST TO SET DATE FOR
FOR THE PALMDALE HYBRID POWER) EVIDENTIARY HEARING
PROJECT BY THE CITY OF PALMDALE)
)
_____)

On behalf of the City of Palmdale (“Applicant”) for the Palmdale Hybrid Power Plant Project (08-AFC-9) (“PHPP”), and pursuant to Title 20, California Code of Regulations Sections 1203(c) and (d) and 1204(a), we hereby request that the Committee set a schedule for evidentiary hearings in this matter.

The Application for Certification in this matter was deemed data adequate on October 8, 2008. The Preliminary Staff Assessment was issued in two parts on December 23, 2009 and February 2, 2010. Applicant has submitted all information necessary for completion of the Final Staff Assessment. Yet, Staff has not published the FSA or even provided any projected publication date.

To the extent that there are outstanding issues related to the Project, they are legitimate disagreements between the Applicant and the Staff that are ripe for adjudication by the Committee. These disagreements should not be used as a basis for Staff’s failure to issue an FSA, thereby delaying indefinitely the proceedings in this matter. The most recent communication from Staff, docketed on August 12, 2010 and attached hereto, is a perfect example. It restates two concerns that Staff has regarding the emission offset strategy for the Project:

- *Should restrictions on the use of inter-district offsets contained in the San Joaquin Valley Air Pollution Control District rules be applied to the Project even though the Project is located in the Antelope Valley Air Quality Management District?*

Applicant's position is "no." The rules that apply to the Project are the rules of the air district in which it is located. The Antelope Valley AQMD agrees (See attached June 29, 2010 letter from the AVAQMD in response to CEC Staff comments on the Final Determination of Compliance).

- *Must the Antelope Valley Air Quality Management District adopt a rule in order to implement the Project's proposed PM10 offset strategy?*

Applicant's position is "no." Existing credit generation rules provide for the proposed offset strategy. The Antelope Valley AQMD agrees (See attached June 29, 2010 letter from the AVAQMD in response to CEC Staff comments on the Final Determination of Compliance).

As illustrated by the above examples, the existing disagreements between Staff and Applicant (and in this case, the local air district as well) are discreet, well-defined, and long-standing. Under these circumstances, the site certification process established by the Warren-Alquist Act and its implementing regulations provides for the Staff and the Applicant to present their positions to the Committee for adjudication. Staff's refusal to publish an FSA, or even provide a projected date for publication, frustrates this process. Therefore, Applicant respectfully requests that the Committee advance the process by setting a date for the respective positions of the Parties to be presented to the Committee.

DATED: August 20, 2010

Respectfully submitted,

/S/ MICHAEL J. CARROLL

Michael J. Carroll
LATHAM & WATKINS LLP
Counsel to Applicant

DOCKET**08-AFC-9****DATE** AUG 12 2010**RECD** AUG 16 2010**Hilarie Anderson - PHPP AQ ERC Issues**

From: Felicia Miller
To: Docket Optical System
Date: 8/16/2010 9:52 AM
Subject: PHPP AQ ERC Issues

please docket and POS

>>> Steve Radis <steve.radis@mrsenv.com> 8/12/2010 5:07 PM >>>
 Felicia,

Below I have summarized where we stand on the applicant's current emission reduction credit (ERC) proposals. There is still work that needs to be done in order to establish a reasonable level of confidence that ERCs can be identified and evaluated in the FSA (and prior to licensing per Public Resources Code §25523(d)(2), and demonstrate that the mitigation is effective and results in a net air quality benefit.

Ozone Precursor ERCs (NOx and VOC)

The map below (Figure 1) shows the location of the proposed PHPP ERCs for NOx and VOC. The swap for the ERCs in Stockton and Tracy would involve a trade between Calpine and a currently unknown party to swap for reduction sites in the southern part of the basin. The fact that all of the ERCs are from Calpine, and that there appears to be a need for Calpine to swap ERCs from Stockton and Tracy, would make one suppose that there is some sort of relationship between the applicant and Calpine. There are plenty of other ERCs out there that would avoid the need for Calpine to swap ERCs, but perhaps dealing with just one party simplifies the process for the City of Palmdale.

The yellow circle on the map represents a 50 mile radius around the PHPP, while the salmon colored area represents a 50 mile wide zone extending from the western boundary of the Mojave Desert Air Basin (MDAB). No ERCs have been identified within a 50 mile radius of the PHPP, while only two ERC sources are within 50 miles of the MDAB. However, the majority of the ERCs are not that much further beyond 50 miles from the MDAB, with the main NOx ERCs from Elk Hills about 89 miles from PHPP and 60 miles from the western MDAB boundary (see Table 1). The proposed ERCs all appear to have been properly banked from actual emission reductions. The ERCs were also discounted at the time they were banked in order to produce a net air quality benefit. The main concern that we have at this time is whether or not some of these ERCs are too far from the PHPP to offset project emissions and result in a net air quality benefit.

The use of ERCs from the SJVAPCD is a reasonable approach and has been done in the past. Pollutant transport from the San Joaquin Valley and the impact on Antelope Valley Air Quality has been well established and is addressed in the AVAQMD's Air Quality Attainment Plan. Under AVAQMD Rule 1305, the Applicant will be required to obtain NOx and VOC ERCs at a ratio of 1.3:1 for those sources in the San Joaquin Valley (Rule 1305(C)(1)). However, given the distance of most of these ERCs, we should consider the level of benefit that these ERCs would provide in offsetting PHPP emissions, and explore additional offset ratios.

In the PSA, while under the assumption that all ERCs would be located in the southern San Joaquin Valley, Condition of Certification AQ-SC-18 required an offset ratio of 1.5:1 for all ERCs located more than 15 miles from the MDAB. A ratio of 1.5:1 was selected based on SJVAPCD Rule 2201, Table 4.2, which required a 1.5:1 for ERCs located "15 miles or more from the new or modified emissions unit's Stationary Source." The SJVAPCD also allows ERCs from another district as follows:

Offsets from another district may be used only if the source of the offsets is within 50 miles of the proposed emissions increases and the APCO has reviewed the permit conditions issued by the district in which the proposed offsets are obtained and certifies that such offsets meet the requirements of this rule and CH&SC Section 40709.6. (Rule 2201, 4.13.2)

None of the PHPP ERCs would meet this requirement, and only 11.7 tons/year of the VOC ERCs would be within 50 miles of the MDAB. While the AVAQMD is not bound by the SJVAPCD Rules and Regulations, the Commission can use the SJVAPCD Rules and Regulations as guidance for evaluating inter-district and inter-basin ERC transfers that involve large distances between the emission source and ERCs.

PM10 ERCs

The Applicant proposes to obtain PM10 ERCs through a new AVAQMD Rule that would be modeled on the Mojave Desert Air Quality Management District (MDAQMD) Rule 1406. Energy Commission staff has major issues with this mitigation approach since it is speculative as the rulemaking has not been completed and potentially may not be completed anytime soon. Therefore, the Energy Commission as the Lead Agency cannot find this mitigation approach to be acceptable if it remains speculative due to the need for other Agency future actions and also if it remains deferred in terms of the mitigation specifics. ERCs must be federally enforceable and be quantifiable, surplus, real and permanent. Currently, the proposed PM10 ERCs do not meet any of the required criteria.

I talked with the EPA this morning and it would appear that they require new rulemaking for any ERCs from non-traditional emission reductions, such as road paving. They are quite firm that the AVAQMD must pass a rule in order to use road paving ERCs for any federal permits. The AVAQMD would also be required to complete an emission inventory and identify the potential ERCs as surplus in their plan. However, since the AVAQMD is in attainment of the federal PM10 standard, the burden of accepting road paving ERCs falls to the ARB. The ARB has also indicated that the AVAQMD will need to pass a new rule to allow for the use of PM10 emissions from road paving. The position of the EPA and ARB staff firmly support our concerns that we have been raising since April 1, 2009 where Data Request 102 specifically requested that the applicant "...identify the progress in developing a fugitive dust from paving roads banking rule with the AVAQMD."

The Applicant has not provided any information on the status of this proposed rule and the AVAQMD Rule Development Calendar does not provide any information on proposed Rule 1309.2 (AVAQMD Rule Development Calendar 2010; <http://www.avaqmd.ca.gov/Modules/ShowDocument.aspx?documentid=917>). Even if the AVAQMD successfully passes a new rule allowing for PM10 offsets from road paving, the ERCs would not be valid until the State Implementation Plan is revised and approved.

Compliance with AVAQMD Rule 1305 cannot be determined in the absence of approval of proposed Rule 1309.2, and a detailed analysis of how the Applicant would comply with this new, yet to be defined, rule. The Applicant has identified the specific roads in the vicinity of the PHPP that will be used to generate the PM10 ERCs, but has not provided all appropriate calculations including vehicle miles traveled via traffic counts and silt content analysis used to quantify the emission reductions that are expected to be generated. While we have preliminary estimates for these parameters, specific roads have not been identified and formal traffic counts have not been conducted.

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 HA**

Based on the AVAQMD "Rule Development Activities and Timing" guidance, the development of a new rule requires at least 90 days for public/agency review and approval once the rule has been developed. Therefore, it would appear that adoption of the final rule would not occur until sometime in early 2011 at the soonest, with PHPP compliance and ERC approval occurring sometime later in 2011. This represents an optimistic schedule for the development of an enforceable PM10 ERC package since the AVAQMD has not even completed a detailed PM10 emission inventory.

Issues Requiring Resolution

The main issues with the ERC package that need to be resolved are:

- Will ARB allow the use of road paving ERCs in the absence of a new rule? The ARB has recommended "... that AVAQMD should advise the applicant to find PM offsets from another source."
- Will the San Joaquin Valley APCD approve of the ERC transfer? The ARB has recommended "...that AVAQMD consult with ARB and USEPA staff prior to granting the use of the referenced inter-district/inter-basin offsets."
- Should distance ratios be applied to the ERCs from the San Joaquin Valley? Since the AVAQMD is very small (see Figure 2), no distance ratios were included in their rules. If the SJVUAPCD rules are used as guidance, many of the ERCs identified in the San Joaquin Valley would be questionable in terms of offsetting PHPP emissions and demonstrating a net air quality benefit. This is probably a decision best left to the ARB and USEPA prior to project licensing; however, per SJVAPCD Rule 2201 guidance, an offset ratio of 1.5:1 should be used at a minimum give the large distance between the PHPP and proposed ERCs.
- Should ERCs beyond 50 miles from the MDAB air basin be allowed? Under the SJVUAPCD rules for inter-district/inter-basin offsets, ERCs beyond 50 miles would not be allowed. Again, ARB and USEPA should be consulted for a determination prior to project licensing.

Figure 1. Location of PHPP Proposed Emission Reduction Credits

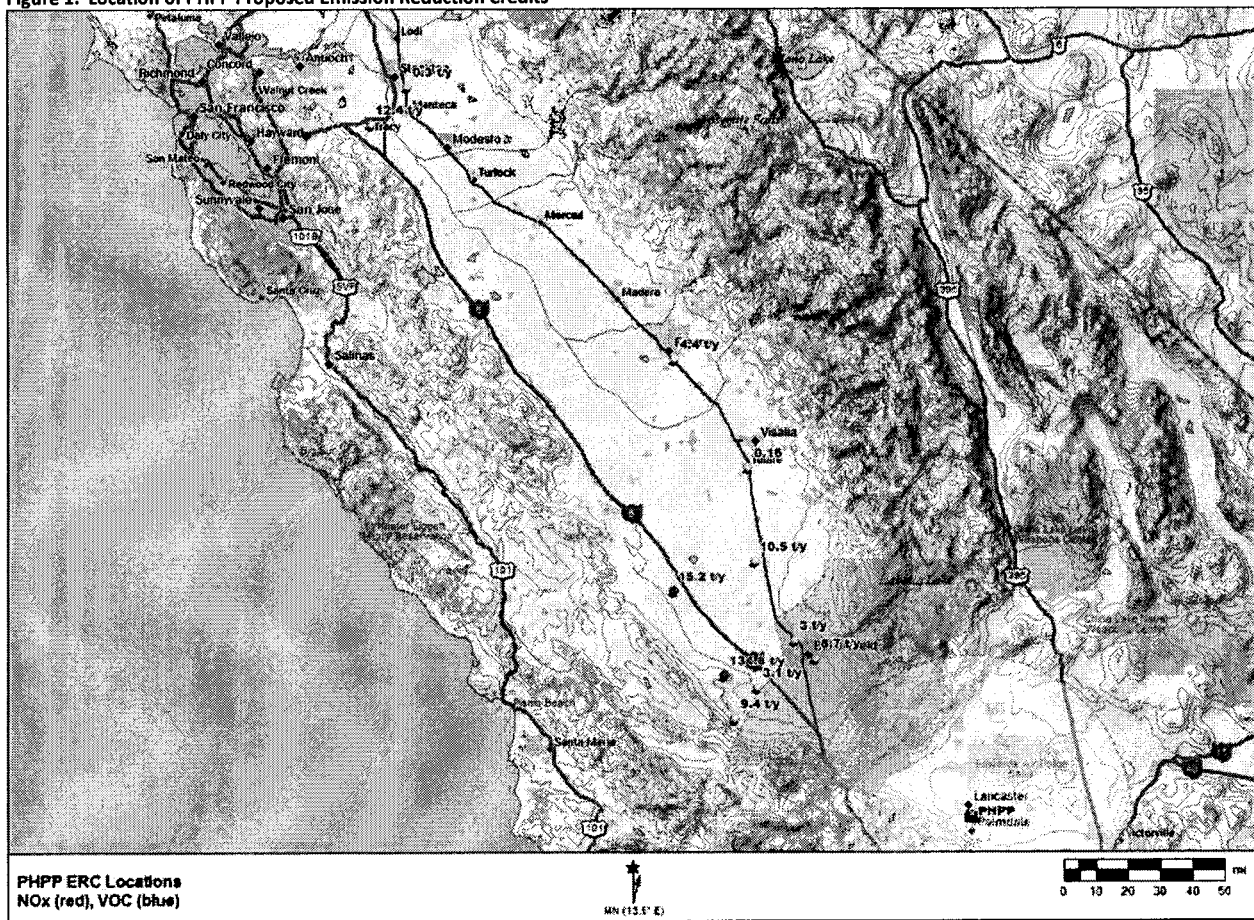


Figure 2. California Air Districts

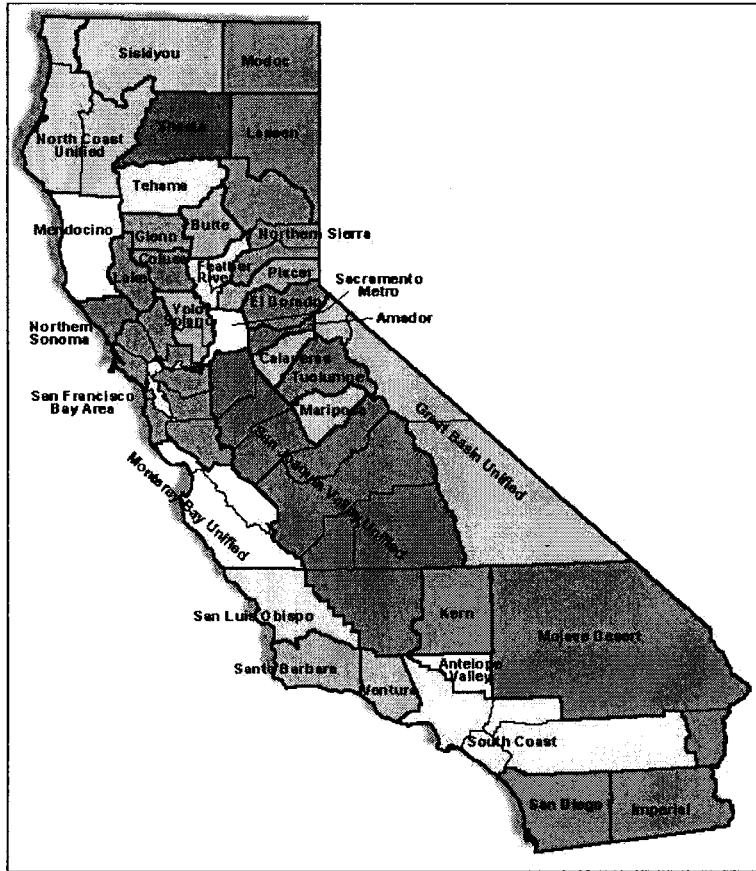



Table 1. Summary of PHPP Proposed Emission Reduction Credits

Certificate #	ERC Type	Qtr 1 (pounds)	Qtr 2 (pounds)	Qtr 3 (pounds)	Qtr 4 (pounds)	Total (lb/yr)	Total (t/yr)	Price (\$/tpy)	SJVAPCD Region	Location of Emission Reduction	Distance from PHPP (mi)
S-3298-2	NOx	2,103	9,681	9,531	9,076	30,391	15.20	\$88,768	Southern	Heavy Oil Western, Lost Hills; STR 19/26S/21E	116
S-3114-2	NOx	65,801	66,862	68,123	69,023	269,809	134.80	\$88,768	Southern	Elk Hills, Tupman, CA; STR NE35/30S/23E	89
Total	NOx	87,704	76,543	77,654	78,099	300,000	150.00	\$88,768			
S-3368-1	VOC	1,500	1,500	1,500	1,500	6,000	3.00	\$32,400	Southern	Rosedale Hwy; STR 8/29S/27E	78
S-3261-1	VOC	4,454	4,972	3,890	4,155	17,471	8.736	\$32,400	Southern	2201 East Brundage Lane, Bakersfield, CA 93301	69
S-3283-1	VOC	0	150	171	0	321	0.161	\$32,400	Southern	400 South M Street, Tulare, CA	128
N-882-1	VOC	157	144	137	137	575	0.288	\$32,400	Northern (anticipated ERC Swap)	4547 Frontier Way, Stockton, CA 95215	285
Formerly C-1027-1	VOC	2,235	2,161	2,112	2,251	8,759	4.38	\$32,400	Central	2365 E North Ave, Fresno, CA 93725	169
N-710-1	VOC	6,210	6,210	6,210	6,210	24,840	12.42	\$32,400	Northern (anticipated ERC Swap)	757 11 th Street, Tracy, CA 95378	282
S-3300-1	VOC	4,636	4,705	4,774	4,771	18,886	9.443	\$32,400	Southern	Heavy Oil Western, Moco T; STR 35/12N/24W	80
S-3116-1	VOC	1,440	1,546	1,621	1,621	6,228	3.114	\$32,400	Southern	South Coles Levee Gas Plant; STR SW0313/S/25E	78
S-3292-1	VOC	4,804	6,146	6,632	3,338	20,920	10.46	\$32,400	Southern	391 Road 120, Delano; Str NW35/24S/26E	104
Total	VOC	25,436	27,534	27,047	23,983	104,000	52.00	\$32,400			

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APPLICATION FOR CERTIFICATION
For the PALMDALE HYBRID
POWER PROJECT

Docket No. 08-AFC-9

PROOF OF SERVICE

(Revised 7/1/2010)

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DECLARATION OF SERVICE

I, Hilarie Anderson, declare that on, August 16, 2010, I served and filed copies of the attached Email Regarding Air Quality Issues. 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:

[<http://www.energy.ca.gov/sitingcases/palmdale/index.html>]. 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:

- sent electronically to all email addresses on the Proof of Service list;
- by personal delivery;
- by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

- sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

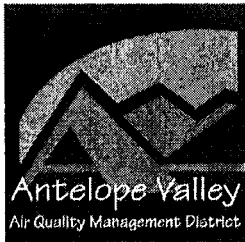
___ depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 08-AFC-9
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, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Original Signature in Dockets
Hilarie Anderson



Antelope Valley Air Quality Management District
43301 Division St., Suite 206
Lancaster, CA 93535-4649

661.723.8070
Fax 661.723.3450

Eldon Heaston, Executive Director

June 29, 2010

Matthew Layton
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

DOCKET	
08-AFC-9	
DATE	JUN 29 2010
RECD.	JUL 07 2010

Re: June 16, 2010 Letter Regarding Palmdale Hybrid Power Project FDOC (08-AFC-9)

Dear Mr. Layton:

The Antelope Valley Air Quality Management District (District) has reviewed your June 16, 2010 letter on the Final Determination of Compliance (FDOC) as issued on May 13, 2010 for the Palmdale Hybrid Power Project. The FDOC is not a “draft” and the District disagrees that the FDOC does not meet District or the USEPA requirements. The District has prepared the following to address the concerns expressed in your letter.

San Joaquin Valley Emission Reduction Credits

The District disagrees that the FDOC does not contain any information as to whether the San Joaquin Valley Air Pollution Control District (SJVAPCD) ERCs would effectively mitigate the Palmdale Hybrid Power Project emissions. The applicant has identified sufficient ozone precursor emission reductions to offset the proposed project, as required by Rule 1302(C)(5)(b). The applicant has provided proof of a contractual arrangement covering sufficient emission reductions in good standing in the SJVAPCD emission reduction credit registry. The District recognizes that the issuance of emission reduction credits by SJVAPCD confirms those credits as real, quantifiable, permanent, surplus and enforceable, and hence meets USEPA criteria. Emission reduction credits have been transferred from the SJVAPCD into the Antelope Valley and Mojave Desert air districts in the recent past, in accordance with state and local laws and regulations (including ERC regulations, NSR regulations and California Health & Safety Code (H&S Code) §40709.6). The District has no reason to believe the proposed transfer cannot occur, and has no regulatory authority to force purchase and transfer of the SJVAPCD credits at this stage of the proposed project. The applicant has provided sufficient information that the ERCs are available, but the District has no objection to the California Energy Commission including a requirement that the credit transfer must be approved by the SJVAPCD and AVAQMD Boards, as required by state law, prior to the start of construction.

Compliance with California Health & Safety Code §40709.6

The primary statute governing the use of ERCs across air basin and air district boundaries is found in H&S Code §40709.6. As you are aware the San Joaquin Valley is classified non-attainment for the federal eight hour ozone standard and designated extreme while the desert

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ORIGINAL MAILED FROM SACRAMENTO ON 07/7/10
SS



portion of Los Angeles County within the Mojave Desert Air Basin is classified nonattainment and designated moderate (40 CFR 81.305). For state purposes both the San Joaquin Valley and the Mojave Desert Air Basin are classified nonattainment (17 Cal. Code Regs. §60201). As stated in your letter, the San Joaquin Valley is upwind and contributes overwhelmingly to air pollution within the Mojave Desert Air Basin (*Assessment of the Impacts of Transported Pollutants on Ozone Concentrations in California*, CARB March 2001). These facts indicate that the provisions of H&S Code 40709.6(a)(1) and (a)(2) can be, and indeed have been, met.

The fact that there are rules creating a credit bank and setting forth a process for determining the type and quantity of ERCs within the SJVAPCD indicates that the providing district has made the proper determination pursuant to H&S Code §40709.6(b). The net result of this particular subsection is the District must recognize and accept whatever the final determination regarding amount and type of ERCs made by the SJVAPCD as evidenced in the amount of ERCs approved for transfer by the SJVAPCD.

You have indicated concern that the FDOC does not fully determine the effectiveness of transferred ERCs in mitigating the emissions increases from the proposed project as required by H&S Code 40709.6(c)(1). Pursuant to District rules, this determination has been made “in the same manner and to the same extent as the district would do so for fully credited emissions reductions from sources located within its boundaries.” The District has properly determined the impact in compliance with the applicable provisions of District Rules 1302 and 1305 and such analysis is reflected in the FDOC. The District is statutorily precluded from performing a different impact analysis for this particular project based solely upon the fact that the proposed ERCs are not located within the District and the air basin, nor would any such additional analysis be warranted.

Your final concern regarding compliance with H&S Code §40709.6 revolves around the technical approval process for transferring credits found in subsection (d). The SJVAPCD Governing Board has delegated the authority to approve such transfers to its Air Pollution Control Officer as provided for by statute. The APCO of the SJVAPCD can approve the transfer by letter specifying the particular ERCs to be transferred, the amount, and making the specific findings. The District Governing Board would likewise need to approve the transfer by resolution at a meeting. Given the fact that these types of transfers have occurred in the recent past and that there have been no substantive changes to the impacts on air quality, public health and the regional economy since those transfers occurred, the District has no reason to believe that the transfer would not be possible.

San Joaquin Valley Origin Offset Ratio

The determination by CARB that emissions from the San Joaquin Valley have an overwhelming influence on ozone concentrations in the Mojave Desert Air Basin does not make distinctions between different portions of the San Joaquin Valley. The District has no distance ratio provision in any rule or regulation, and does not believe a distance ratio can be technically justified given the existing overwhelming transport from the origin air basin. Thus, the state agency specifically charged with analyzing the effects of transported pollutants, and equipped with the expertise to do so, has determined that inter-basin transfers from anywhere in the San Joaquin Valley into the Mojave Desert Air Basin are appropriate and authorized pursuant to state

law. Implicit in this determination is that such transfers would effectively mitigate emission increases in the downwind basin. The FDOC relies upon this analysis and determination made by CARB. This satisfies Rule 1305 and H&S §40709.6 for credit transfers from SJVAPCD into the District. It would be unnecessary and inappropriate for either the District or the CEC to repeat the analysis conducted by CARB, or to usurp its authority to establish transport couplings.

If the CEC staff believes that the analysis conducted by CARB and the District with respect to the location of the offsets is deficient in some specific way, the CEC staff has its own authority, with proper technical justification, to provide specific limitations regarding the locations within the SJVAPCD from which ERCs will be acceptable.

Pursuant to District Rule 1305(B)(5), approval of use of offsets from other districts and outside the air basin require only consultation with CARB and USEPA. The PDOC, revised PDOC and FDOC, including the proposal to utilize inter-basin offsets, have been provided to both CARB and USEPA, which meets the requirement for consultation. Only inter-pollutant trade ratios would require approval by USEPA, and inter-pollutant trading is not being proposed by the applicant.

PM₁₀ Offsets

The applicant has identified sufficient public unpaved roads that can be paved to generate PM₁₀ emission reductions to offset the proposed project's PM₁₀ emissions (including fugitive emissions from vehicles involved in maintenance of solar field equipment), using a District approved calculation methodology. The approved methodology includes verifying the existence and status of the unpaved roads, specifies ongoing road surface inspection procedures, and establishes eventual maintenance responsibility (and control) for the paved public road surface. The applicant has identified specific public (Palmdale and County of Los Angeles) road segments and traffic levels. A commitment to maintain the integrity of the paved road surface by the public entity with control over the paved road will be required as an element of each road paving ERC application, in accordance with District Rules 1305 and 1309.

The District is attainment for the federal PM₁₀ standard. Therefore, there is no regulatory requirement to adopt a PM₁₀ plan, road paving rule, or any other preparatory regulatory action prior to responding to an ERC application for emission reductions resulting from the paving of an existing unpaved road. For the same reason USEPA approval is not required for any District action involving PM₁₀ credits (1305(B)(3)(d)). Furthermore, the District is attainment for both the federal and state PM_{2.5} standards, and therefore the PHPP is not required to offset its PM_{2.5} emissions.

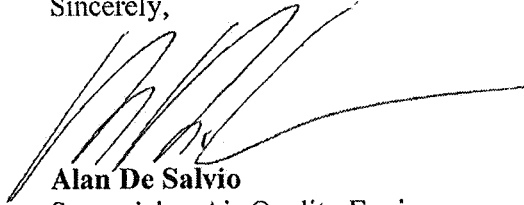
Offset Timing

The District would not presume to dictate to the Commission on licensing decisions. Nor would the District place requirements on a proposed project beyond District regulatory authority. In accordance with District rules and regulations, the District has: (1) required the applicant to provide proof of the existence of adequate offsets, in the form of transferable credits in good standing within the San Joaquin Valley ERC registry (which can be transferred in accordance with state and local law) and in the form of existing unpaved roads which can be paved to

generate PM₁₀ offsets; and (2) placed a requirement (proposed permit condition) on the proposed project to surrender the totality of offsets prior to the commencement of construction.

If you have any questions regarding this letter, please call me at (760) 245-1661, extension 6726.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alan De Salvo', with a long horizontal flourish extending to the right.

Alan De Salvo
Supervising Air Quality Engineer

Cc: Steve Williams, Palmdale City Manager
Tony Penna, Inland Energy
Sara Head, AECOM
Karen K. Nowak, District Counsel
Bret Banks, AVAQMD
Chris Anderson

AJD/KKN/CA

CEC FDOC Response.doc



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

APPLICATION FOR CERTIFICATION
For the **PALMDALE HYBRID**
POWER PROJECT

Docket No. 08-AFC-9

PROOF OF SERVICE

(Revised 7/1/2010)

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DECLARATION OF SERVICE

I, Sabrina Savala, declare that on, July 7, 2010, I served and filed copies of the attached PHPP Antelope Valley AQMD Response to Staff's Comments on FDOC, dated June 29, 2010. 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: [<http://www.energy.ca.gov/sitingcases/palmdale/index.html>]. 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:

- sent electronically to all email addresses on the Proof of Service list;
 by personal delivery;
 by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

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

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 08-AFC-9
1516 Ninth Street, MS-4
Sacramento, CA 958 14-5512
docket@energy.state.ca.us

I declare under penalty of perjury 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.

Sabrina Savala

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

In the Matter of:)	Docket No. 08-AFC-9
)	
Application for Certification,)	PROOF OF SERVICE
for the CITY OF PALMDALE HYBRID)	
POWER PLANT PROJECT)	(Revised July 1, 2010)
)	
_____)	

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PALMDALE HYBRID POWER PROJECT
CEC Docket No. 08-AFC-09

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PALMDALE HYBRID POWER PROJECT

CEC Docket No. 08-AFC-09

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PALMDALE HYBRID POWER PROJECT
CEC Docket No. 08-AFC-09

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PALMDALE HYBRID POWER PROJECT
CEC Docket No. 08-AFC-09

DECLARATION OF SERVICE

I, Paul Kihm, declare that on August 20, 2010, I served and filed copies of the attached:

REQUEST TO SET DATE FOR EVIDENTIARY HEARING

to all parties identified on the Proof of Service List above in the following manner:

California Energy Commission Docket Unit

- Transmission via electronic mail and by depositing a copy with FedEx overnight mail delivery service at Costa Mesa, California, with delivery fees thereon fully prepaid and addressed to the following:

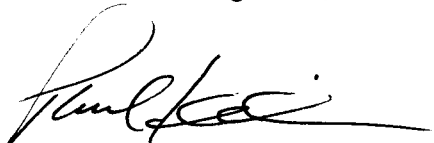
CALIFORNIA ENERGY COMMISSION
Attn: DOCKET NO. 08-AFC-09
1516 Ninth Street, MS-4
Sacramento, California 95814-5512
docket@energy.state.ca.us

For Service to All Other Parties

- Transmission via electronic mail to all email addresses on the Proof of Service list; and
- by depositing one paper copy with the United States Postal Service via first-class mail at Costa Mesa, California, with postage fees thereon fully prepaid and addressed as provided on the Proof of Service list to those addresses **NOT** marked "email preferred."

I further declare that transmission via electronic mail and U.S. Mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 20, 2010, at Costa Mesa, California.



Paul Kihm