



DOCKET

09-AFC-3

DATE DEC 09 2010

RECD. DEC 09 2010

CALPILOTS
C/O Andy Wilson
31438 Greenbrier Lane
Hayward, CA 94544
(510) 303-9027

December 9, 2010

Mr. Craig Hoffman
Project Manager
California Energy Commission
1516 Ninth Street, MS 15
Sacramento, CA 95814-5512

Subject: Mariposa Energy Project (09-AFC-03)

Re: Comments to Staff Assessment November 2010, CEC 700-2010-017

Dear Mr. Hoffman,

Following are California Pilots Association (CALPILOTS) comments as referenced above:

General Statement:

CALPILOTS objects to Mariposa Energy (09-AFC3) and East Altamont (08-AFC-07 and 08-AFC-07C) power plants with their visible and invisible thermal plumes and plume emissions being sited in their respective locations within in the Byron Airport (C83) airport influence area and within compatibility Zone D, (CCCALUC 2000, Byron Airport Compatibility Map) . Requirements of **Trans 7** and **Trans 8** confirm a Hazard and to pilots, passengers and aircraft to avoid over flight. NOTAMS and lighting notices to prevent over flight which reduces useable airspace which is required for the diverse aircraft using the airport and are not acceptable mitigations.

No reference or studies were made for future demands (20 years) and use of the Byron airport (C83) as compared to the future life expectancy use of the Mariposa energy power plant in excess of 40 years. This would include but not limited to airspace requirements, control tower requirements and additional Instrument Approaches or Terminal Instrument Procedures (TERPS).

CALPILOTS requests that Mariposa Energy be denied a license for construction.

Air Quality 4.1-1

CALPILOTS objects to both the Mariposa Energy and East Altamont power plants which will cause pilots and passengers and aircraft to be subjected to continuous exposure to thermal plume both visible and invisible, exhaust gasses and particulate matter. The Bay Area Air Quality Management (BAAQMD) continues to ignore pilots and passengers as sensitive

receptors in their PDOC and FDOC documents flying into plumes that do not have time to disperse in the atmosphere.

Hazardous Materials (4.4-23)

Staff continues to ignore pilots, passengers and aircraft flying in and near both Mariposa Energy and East Altamont power plants. CALPILOTS requests Byron Airport be informed

CALPILOTS

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Staff Assessment Response

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of any Hazardous Materials release occurs considering pilots and passengers and aircraft will potentially be flying between two power plants which increases the risk of a hazardous release.

Land Use (4.12-1)

Request:

Staff to show consistency:

Distance of Mariposa Energy from Byron Airport

Distance of Mariposa Energy from Byron Airport Runway 30

Distance of East Altamont from Byron Airport

Distance of East Altamont form Byron Airport Runway 30

Re: Figure 2:

Add East Altamont and comments to location in Airport Zone D.

Re: Page 4.10-2

This would apply to both Mariposa Energy and East Altamont.

Contra Costa County Airport Land Use Compatibility Plan (CCC-ALUCP), Policies: 4.3.4, FAA Notification; 4.3.6 Other, Flight Hazards; 6.7.4 and 6.5.4 Height Limitations; 6.9.3 Hazards to Flight Provides requirements for: protection of airspace; FAA notification for objects that may exceed a Federal Aviation Regulation (FAR) Part 77 conical surface (and intrude into airspace); definition of the airport influence area to encompass the FAR Part 77 conical surface; Airport Land Use Commission (ALUC) review for any proposed object taller than 100 feet in Compatibility Zone "D"; **and prohibition of land uses which would cause flight hazards**

Re: Page 4.12-18

East County Area Plan (ECAP)

Program 63: The County shall delineate the boundaries of the Byron Airport's referral areas on Alameda County land use and zoning maps to identify areas that are subject to airport compatibility review.

Program 64: The County shall refer all discretionary permit applications (e.g., Conditional Use Permits, Site Development Review, etc.), in addition to general plan amendments and zoning changes, that are proposed within the Byron Airport referral area to the Contra Costa County Airport Land Use Commission for review and comment. (This action shall not constitute a referral as described under state ALUC law, Public Utilities Code section 21676.) In addition, all discretionary permit applications in the referral area shall be required to include an aeronautical study and noise study (if the study(ies) are appropriate for the type and scale of project being proposed) prepared by a qualified aviation consultant to determine if the proposed project would create a hazard to avigation or an adverse impact on airport operations. The County may consider height restrictions on structures, marking or lighting of structures, noise impact

analyses, noise insulation in structures, avigation and/or noise easements, and other appropriate measures to minimize or eliminate potential adverse impacts of development on avigation or airport operations. The recommendations of both the Contra Costa County ALUC and the Federal Aviation Administration (FAA) will also be considered in formulating project conditions of approval in addition to the recommendations in the aviation consultant's report. If a proposed project, including any mitigation measures, is determined by the County, in

CALPILOTS

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consultation with Contra Costa County ALUC, the FAA, and other affected parties, to create a hazard to avigation or an adverse impact on airport operations, the County shall not approve the project.

Policy 150: The County shall recognize the Byron (East Contra Costa County) Airport as a regional resource, and shall work with Contra Costa County to ensure that land uses approved in Alameda County within the Byron Airport's referral area are compatible with the airport's operations.

Traffic and Transportation (4.10-1)

Request:

Staff to show consistency:

Distance of Mariposa Energy from Byron Airport

Distance of Mariposa Energy from Byron Airport Runway 30

Distance of Mariposa Energy from Centerline of RNAV Approach Obstacle Clearance Surfaces And RPZ's

Distance of Mariposa Energy from outer edge of RNAV Approach Obstacle Clearance Surfaces and RPZ's

Distance of East Altamont from Byron Airport

Distance of East Altamont form Byron Airport Runway 30

Distance of East Altamont from Centerline of RNAV Approach Obstacle Clearance Surfaces And RPZ's

Distance of East Altamont from outer edge of RNAV Approach Obstacle Clearance Surfaces and RPZ's

Re: Figure 3.

Add East Altamont

Add Runway 30 RNAV Approach Obstacle Clearances Surfaces and Protected RPZs. Note: only center line is shown.

Re: Figure 4A:

Add East Altamont CEC East Altamont

Re: Figure 4B:

Add East Altamont CEC East Altamont

Add and Calculate RNAV Approach to Runway 30 Clearances

Ref. 4.10.32 Aviation impacts

Attachment No 1
Byron Airport (C83) RNAV Horizontal Protection Zones.

CALPILOTS Requests CEC Staff to review and calculate the horizontal obstacle / hazard clearance to the RNAV Approach to the Byron Airport (C83) RNAV Approach to Runway 30 (Attachment 1) and as per U. S. Department of Transportation, Federal Aviation Administration (FAA), National Policy, Order 8260.54A, And Effective Date: 12/07/07, Subj.: The United States

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Standard for Area Navigation (RNAV).
http://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afs/afs400/afs420/policies_guidance/orders/media/Order_8260.54A.pdf

This should be applied but not limited to Mariposa Energy and East Altamont. East Altamont would not only have the invisible thermal plumes but the visible plumes as well. Both would interfere with the Obstacle Clearance Surfaces to Runway 30.

Add to References:

Add FAA Aeronautical Information manual (AIM), Feb 2011, 7-5-15, Flight Hazard Exist Around Thermal Plumes. http://www.faa.gov/air_traffic/publications/ATPubs/AIM/aim.pdf

Add RNAV Approach to the Byron Airport (C83) RNAV Approach to Runway 30 (Attachment 2) as per U. S. Department of Transportation, Federal Aviation Administration (FAA), National Policy, Order 8260.54A, and Effective Date: 12/07/07, Subj.: The United States Standard for Area Navigation (RNAV).
http://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afs/afs400/afs420/policies_guidance/orders/media/Order_8260.54A.pdf

Re: Page 4.10-50

Both **Trans 7** and **Trans 8** are inadequate to mitigate the plume hazard and does nothing more than reduce useable airspace within the Byron Airport influence area. Pilots will be focusing on avoiding the declared visible and invisible plume hazard and not on seeing and avoiding other aircraft. **Trans 7** and **Trans 8** do not adequately locate Mariposa Energy on the Aeronautical charts due to their scale.

Verification

CALPILOTS opinion is Verification is inadequate to confirm **Trans 7** and **Trans 8**.

Regards,



Andy Wilson
California Pilots Association

**RNAV (GPS) - STANDARD
INSTRUMENT APPROACH PROCEDURE
FAR PART 97.33**

Bearings, headings, courses, and radials are magnetic. Elevations and altitudes are in feet, MSL, except HAT, HAA, TCH, and RA. Altitudes are minimum altitudes unless otherwise indicated. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or in feet RVR.

US DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION		RNAV (GPS) - STANDARD INSTRUMENT APPROACH PROCEDURE FAR PART 97.33	
TERMINAL ROUTES			
FROM	TO	COURSE AND DISTANCE	ALTITUDE
HAIRE	SHARR (FB)	109.08 / 11.78	3000
SHARR (IAF)	EKIYU (FB)	214.29 / 10.44	2400
EKIYU (IF)	BABPI (FB)	300.39 / 5.01	2400

1. PT NA SIDE OF COURSE OUTBOUND _____ FT WITHIN _____ MILES OF _____ (IAF)

2. PROFILE STARTS AT EKIYU

3. FAC: 300.34 FAF: BABPI

4. MIN. ALT: EKIYU 2400, BABPI 2400, CUDUG/2.90 NM TO RW30 1000'

5. DIST TO THLD FROM OM: _____ MM: _____ IM: _____ 100 HAT: _____ GS ANT: _____

6. MIN GS INCP: 2400 GS ALT AT: BABPI _____ OM: _____ MM: _____ IM: _____

7. GS ANGLE: 3.00 TCH: 40.0 34:1 IS CLEAR

8. MSA FROM: RW30 5600

MAG VAR: 15E EPOCH YEAR: 1995

MINIMUMS									
TAKEOFF:	STANDARD	X	SEE FAA FORM 8260-15A	FOR THIS AIRPORT	ALTERNATE:	NA	X		
CATEGORY	=====>	A	B	C	D	E			
LPV DA	DH/MDA	VIS	HAT/HAA	DH/MDA	VIS	HAT/HAA	DH/MDA	VIS	HAT/HAA
	305	1	250	305	1	250			
LNAV MDA	500	1	445	500	1	445			
CIRCLING	520	1	441	540	1	461			

ADDITIONAL FLIGHT DATA:
HOLD NW, RT, 120.32 INBOUND.
CHART FAS OBST: 249 TRMSN TWR 374804N/1213538W
CHART 479 TREE 374349N/1213306W.
CHART R-2531.
CHART VDP AT 1.13 MILES TO RW30* *LNAV ONLY.
REFERENCE PATH ID: W30A
CHART WAAS SYMBOL
DISTANCE TO THLD FROM 250 HAT: 0.68 NM

NOTES:
CHART NOTE: CIRCLING TO RWY 5, 12 NA AT NIGHT.
CHART NOTE: CIRCLING NA SW OF RWY 12-30.
CHART NOTE: DME/DME RNP-0.3 NA.
CHART PLANVIEW NOTE: PROCEDURE NA FOR ARRIVALS AT SHARR VIA V195 NORTHEAST BOUND.
SEE 8260-10

CITY AND STATE: BYRON, CA

ELEVATION: 79 TDZE: 55

AIRPORT NAME: BYRON

PROCEDURE NO./AMDT NO./EFFECTIVE DATE: RNAV (GPS) RWY 30, ORIG-A

SUP: _____

AMDT: _____

DATED: DEC 20 2007

US DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION
RNAV (GPS) - STANDARD
INSTRUMENT APPROACH PROCEDURE - FAR PART 97.33

Bearings, headings, courses, and radials are magnetic. Elevations and altitudes are in feet, MSL, except HAT, HAA, TCH, and RA. Altitudes are minimum altitudes unless otherwise indicated. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or in feet RVR.

NOTES CONT.

CHART PROFILE NOTE: VGS/ AND RNAV GLIDEPATH NOT COINCIDENT.

*LNAV ONLY

CHART NOTE: VDP NA WHEN USING STOCKTON METROPOLITAN ALTIMETER SETTING

CHART NOTE: IF LOCAL ALTIMETER SETTING NOT RECEIVED, USE STOCKTON METROPOLITAN ALTIMETER SETTING AND INCREASE ALL DA/MIDAS 60 FEET.

CITY AND STATE

BYRON, CA

ELEVATION: 79

AIRPORT NAME:

BYRON

TDZE: 55

FACILITY IDENTIFIER:
RNAV

PROCEDURE NO./AMDT NO./EFFECTIVE DATE:

RNAV (GPS) RWY 30, ORIG-A

SUP:

AMDT: ORIG

DATED:

DEC 20 2007

**U.S. DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION
RNAV (GPS) STANDARD INSTRUMENT APPROACH PROCEDURE
FLIGHT STANDARDS SERVICE - FAR PART 97.33**

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FAS DATA BLOCK INFORMATION

DATA FIELD

OPERATION TYPE 0
 SBAS SERVICE PROVIDER IDENTIFIER 0
 AIRPORT IDENTIFIER C83
 RUNWAY RW30
 APPROACH PERFORMANCE DESIGNATOR 0
 ROUTE INDICATOR 0
 REFERENCE PATH DATA SELECTOR W30A
 REFERENCE PATH IDENTIFIER (APPROACH ID) 374936.8925N
 LTP/FTP LATITUDE 1213714.0485W
 LTP/FTP LONGITUDE -00174
 LTP/FTP ELLIPSOIDAL HEIGHT 375040.2600N
 FPAP LATITUDE 1213833.2000W
 FPAP LONGITUDE 00040.0
 THRESHOLD CROSSING HEIGHT (TCH) F
 TCH UNITS SELECTOR (METERS OR FEET USED) 03.00
 GLIDE PATH ANGLE (GPA) 106.75
 COURSE WIDTH AT THRESHOLD 1376
 LENGTH OFFSET 40.0
 HORIZONTAL ALERT LIMIT (HAL) 50.0
 VERTICAL ALERT LIMIT (VAL)

CRC REMAINDER A72E1707

ADDITIONAL PATH POINT RECORD INFORMATION

ICAO CODE K2
 LTP ORTHOMETRIC HEIGHT +00148
 FPAP ORTHOMETRIC HEIGHT +00148

CITY AND STATE BYRON, CA	ELEVATION: 79 TDZE: 55	PROCEDURE NO./AMDT NO./EFFECTIVE DATE: RNAV (GPS) RWY 30, ORIG-A DEC 20 2007	SUP:
	AIRPORT NAME: BYRON		AMDT:
			DATED:



**U.S. DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION
RNAV (GPS) STANDARD INSTRUMENT APPROACH PROCEDURE
FLIGHT STANDARDS SERVICE - FAR PART 97.33**

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SUSAP C83 K2PR30 RW30 001 0000W30A0N3749368925W12137140485-001740300N3750402600W121383320001067513760000400F400500A72E1707I I
SUSAP C83 K2PR30 RW30 002 +00148+00148LPV 65902 000

MSA 1 2 3 4 5 6 7 8 9 0 1 2 3
1234567890123456789012345678901234567890123456789012345678901234567890123456789012

SUSAP C83 K2SRW30 K2PG 0 25180056 M I

CITY AND STATE BYRON, CA	ELEVATION: 79 TDZE: 55 AIRPORT NAME: BYRON	FACILITY IDENTIFIER: RNAV	PROCEDURE NO./AMDT NO./EFFECTIVE DATE: RNAV (GPS) RWY 30, ORIG-A	SUP:
			DATED: DEC 20 2007	AMDT:
				ORIG



**U.S. DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION
RNAV (GPS) STANDARD INSTRUMENT APPROACH PROCEDURE
FLIGHT STANDARDS SERVICE - FAR PART 97.33**

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ARINC FLIGHT INSPECTION SUMMARY - VERSION 424-17

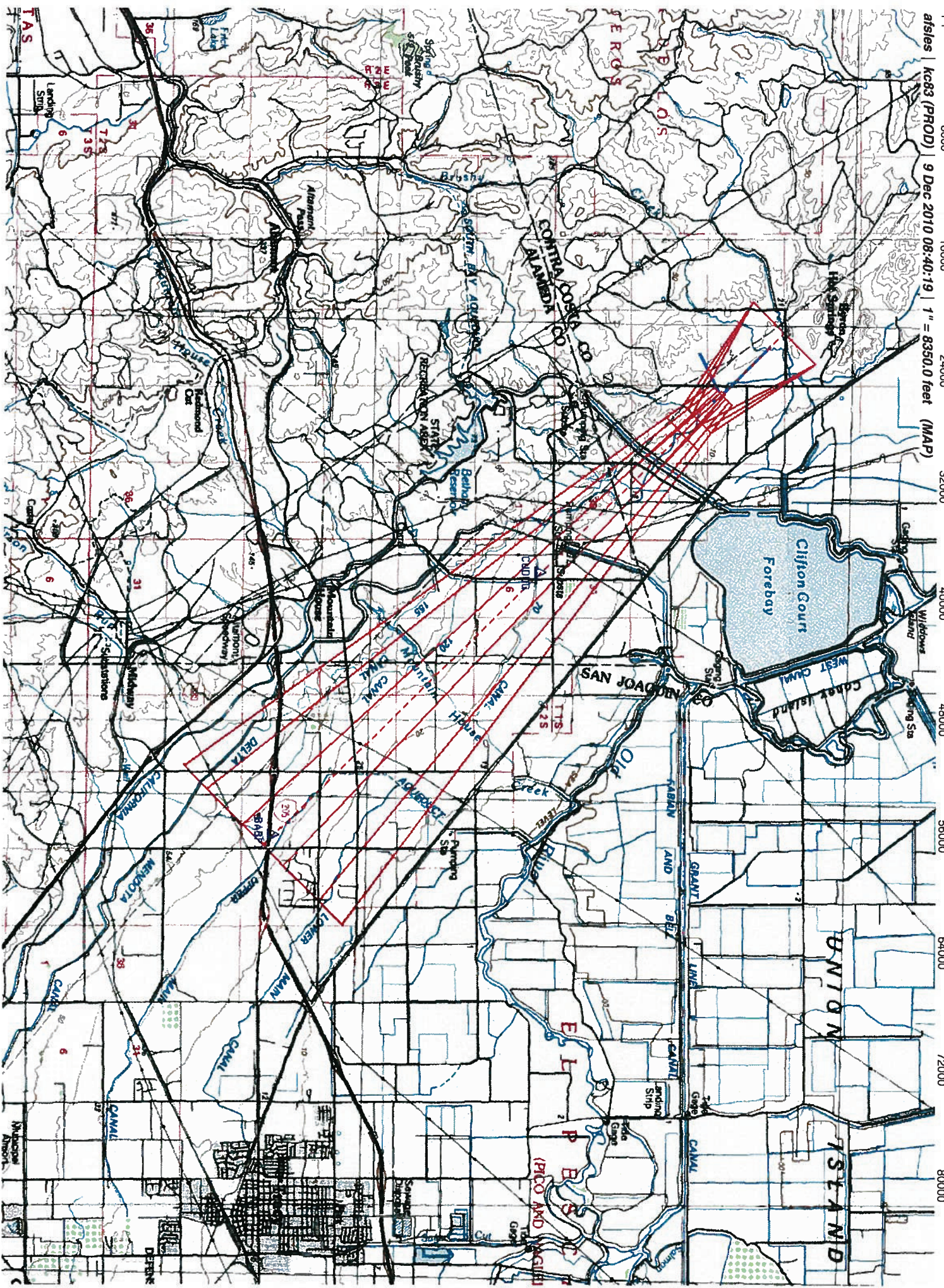
ROUTES	TRANSITION	FIX	SEQ	USE	PATH	TURN	FO/FB	RNP	MAG (TRUE)	DISTANCE	ALTITUDE
	HAIRE	HAIRE	010		IF		FB				
	HAIRE	SHARR	020	IAF	TF		FB	1.0	109.1 (124T)	011.8	03000
	HAIRE	EKIYU	030		TF		FB	1.0	214.3 (229T)	010.4	02400
		EKIYU	010	FACF	IF		FB				02400
		BABFI	020	FAF	TF		FB	1.0	300.4 (315T)	005.0	02400
		CUDUG	021	SDF	TF		FB	0.3	300.4 (315T)	004.3	01000
		RW30	030	MAP	TF		FO	0.3	300.3 (315T)	002.9	00088
MISSED APPROACH		FIX	SEQ	USE	PATH	TURN	FO/FB	RNP	MAG (TRUE)	DISTANCE	ALTITUDE
		ROGOY	040		DF		FB	1.0			
		HOXAV	050		TF	R	FB	1.0	030.3 (045T)		
		HAIRE	060		TF	R	FO	1.0	120.3 (135T)		03000
		HAIRE	070		HM	R	FO	2.0	120.3 (135T)	005.0	03000
POINT DATA		WAYPOINT		LAT IN SECS		LONG IN SECS		LAT IN MINS		LONG IN MINS	
		BABFI		N374433.12		W1213055.45		N3744.552		W12130.924	
		CUDUG		N374733.08		W1213439.59		N3747.551		W12134.660	
		EKIYU		N374059.09		W1212629.46		N3740.985		W12126.491	
		HAIRE		N375425.69		W1212849.36		N3754.428		W12128.823	
		HOXAV		N375831.77		W1213356.32		N3758.530		W12133.939	
		ROGOY		N375248.89		W1214114.02		N3752.815		W12141.234	
		SHARR		N374748.64		W1211631.06		N3747.811		W12116.518	
		RW30		N374936.89		W1213714.05		N3749.615		W12137.234	

RUNWAY DATA	THRESHOLD	ELEVATION	TCH
RWY			
RW30	00048		40

CITY AND STATE BYRON, CA	ELEVATION: 79	TDZE: 55	PROCEDURE NO./AMDT NO./EFFECTIVE DATE: RNAV (GPS) RWY 30, ORIG-A	SUP:
	AIRPORT NAME: BYRON			AMDT:
				DATED: DEC 20 2007

FT 8000 16000 24000 32000 40000 48000 56000 64000 72000 80000
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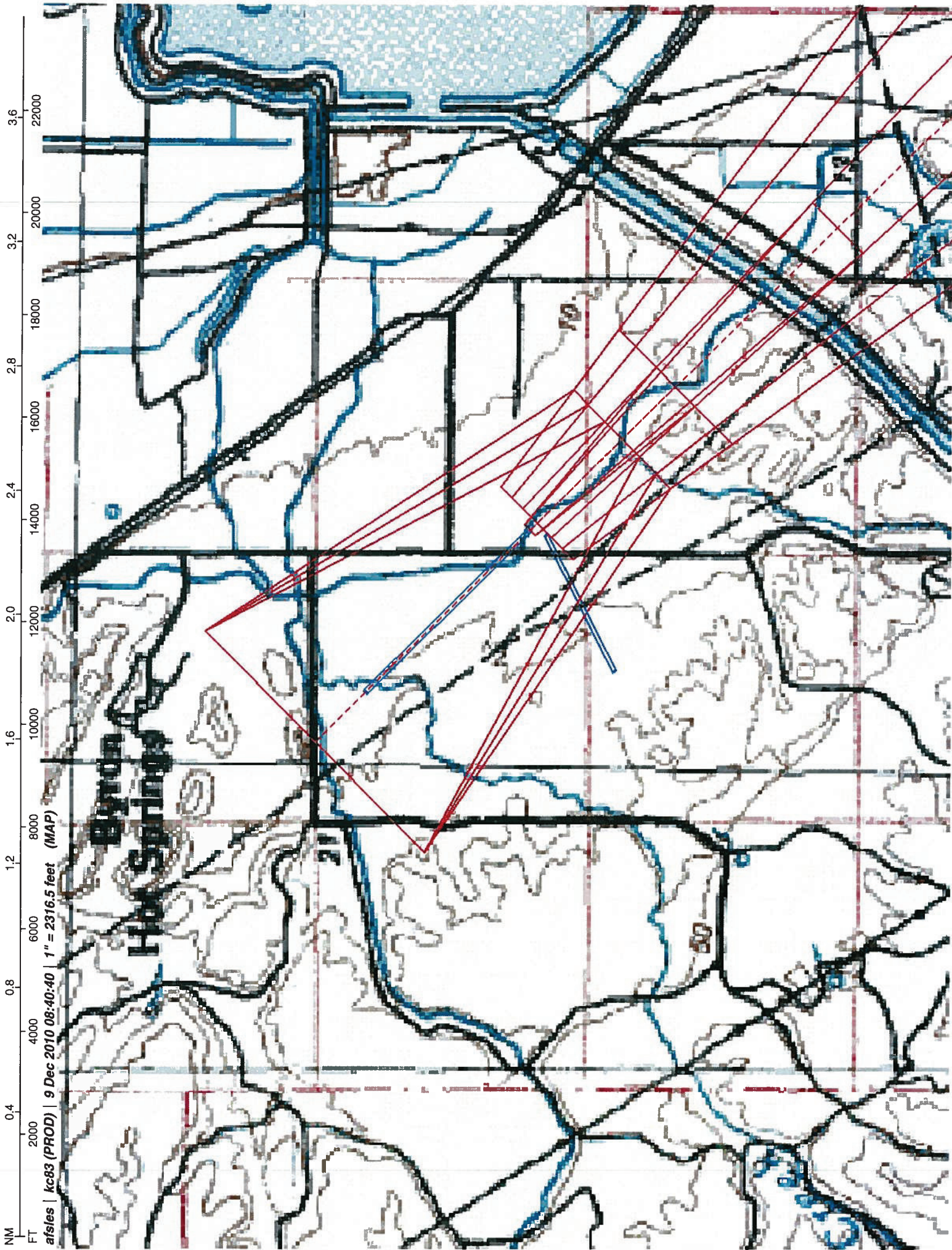
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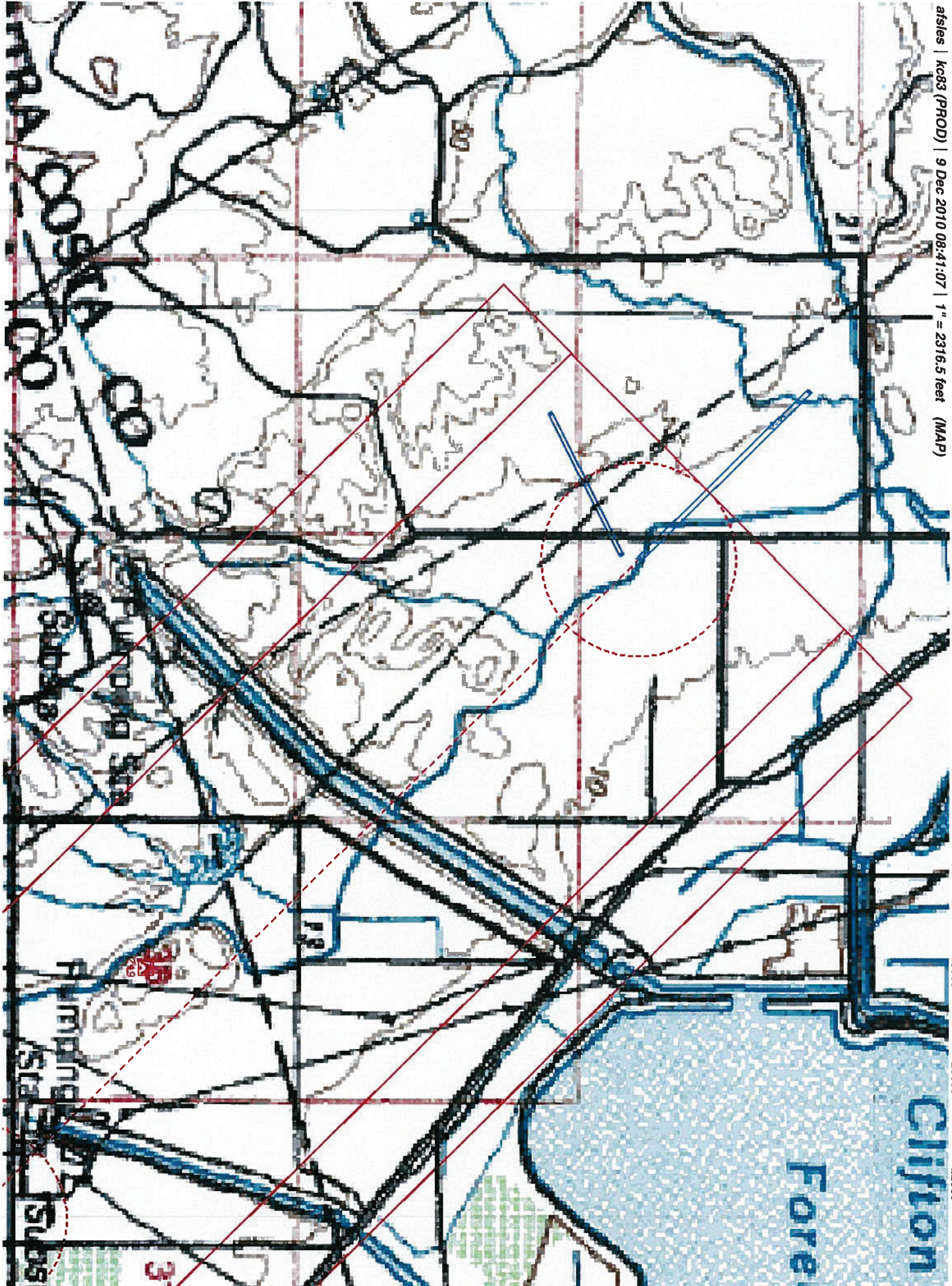
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FT

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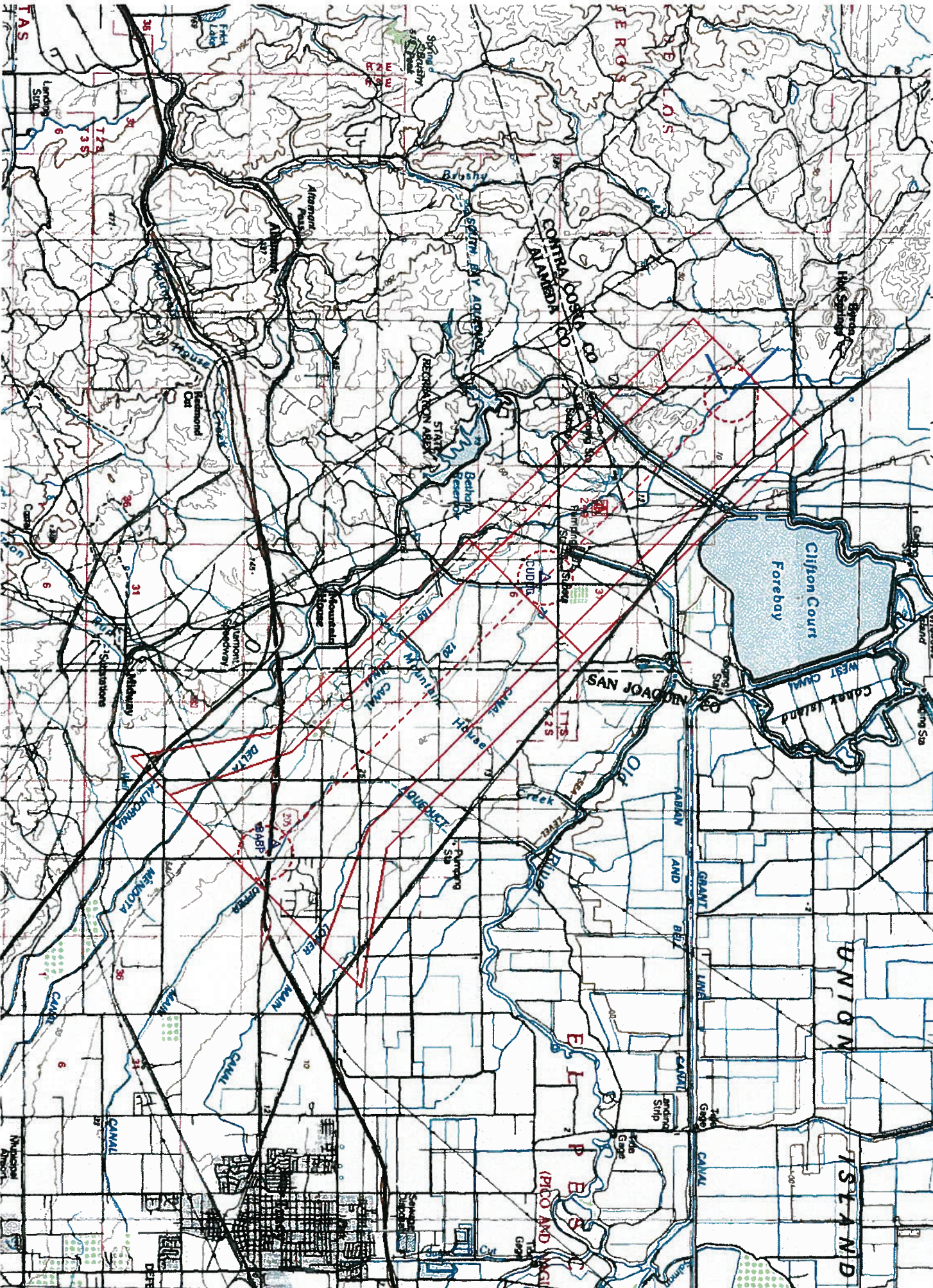


NM
FT
2000 4000 6000 8000 10000 12000 14000 16000 18000 20000 22000
0.4 0.8 1.2 1.6 2.0 2.4 2.8 3.2 3.6
afstles | kc83 (PROD) | 9 Dec 2010 08:41:07 | 1" = 2316.5 feet (MAP)



NM 1 2 3 4 5 6 7 8 9 10 11 12 13 14
FT 8000 16000 24000 32000 40000 48000 56000 64000 72000 80000

atiles | kc83 (PROD) | 9 Dec 2010 08:39:55 | 1" = 8350.0 feet (MAP)





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 *MARIPOSA ENERGY PROJECT*
(MEP)**

Docket No. 09-AFC-3

PROOF OF SERVICE
(Revised 10/20/2010)

APPLICANT

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Kerry Willis
Staff Counsel
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Morgan K. Groover
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Services District
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JEFFREY D. BYRON
Commissioner and Presiding Member
jbyron@energy.state.ca.us

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ROBERT B. WEISENMILLER
Commissioner and Associate Member
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Kenneth Celli
Hearing Officer
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Kristy Chew
Advisor to Commissioner Byron
E-Mail Service preferred
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DECLARATION OF SERVICE

I, Charlene L. Fulton declare that on December 9, 2010, I served and filed copies of the attached **Comments to Staff Assessment November 2010, CEC 700-2010-017 with attachments**. 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/mariposa/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. 09-AFC-3
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.

/s/ _____
Charlene L. Fulton