

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

APPLICATION FOR
CERTIFICATION FOR THE
CHULA VISTA ENERGY UPGRADE
PROJECT

DOCKET NO. 07-AFC-4
(AFC Filed 8/10/07)

MMC CHULA VISTA'S
FINAL WITNESS LIST AND EXHIBIT LIST
September 30, 2008

DOCKET

07-AFC-4

DATE SEP 30 2008

RECD. SEP 30 2008

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September 30, 2008

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

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September 30, 2008**

I. UPDATED WITNESS LIST

Pursuant to the Evidentiary Hearing Order dated September 24, 2008 (the "Hearing Order") MMC Chula Vista ("MMC") hereby files its final witness list, exhibit list and testimony. Since MMC filed its Prehearing Conference Statement on September 16th the availability of some witnesses has changed forcing MMC to provide replacement witnesses in some subject areas. Furthermore, after reviewing the prehearing conference statements of the City of Chula Vista and the Environmental Health Coalition (EHC), listening to the comments of all of the parties at Prehearing Conference on September 18 and reviewing the prefiled testimony of EHC, MMC has had to adjust its witness list and add some additional exhibits as included in the following revised witness list and exhibit list. Furthermore, MMC has added individuals already included as witnesses in other areas to panels in an attempt to address the issues we believe will be presented by other parties. Those changes include:

- John Lowe will testify over the phone as an additional witness to address the public health concerns over the standards used in the health risk assessment and modeling analyses. John Lowe will also be available for rebuttal testimony, if necessary. His resume was filed on September 26, 2008. Gregory Darvin will also testify in the area of public health.
- Matthew Frank will testify in the area of Land Use. Neither Jennifer Scholl nor Greta Kirschenbaum are available on October 2nd. Mr. Frank's resume was filed on September 26, 2008.

- Matthew Frank and Doug Davy will provide support for the issue presented by City regarding the land use impacts of biology.
- In the area of alternatives and in an attempt to respond to questions regarding alternative sites, technologies and filling the need for generation in San Diego, MMC will present Sarah Madams, Doug Davy and Harry Scarborough as a panel.
- In the areas of transmission system engineering and power plant reliability, Harry Scarborough and Steven Blue will testify as a panel.
- In the area of visual resources where the only question raised addressed whether staff felt Conditions of Certification VIS 1 – 3 fully address the visual impacts of the proposed project, Doug Davy will testify for MMC.

MMC notes that it still does not have the complete testimony from EHC since several items listed on their Exhibit list have not been provided. In addition, MMC is unclear about who is going to testify for EHC and on what topics. MMC's review of EHC's exhibits seems to indicate that both Laura Hunter and Steve Padilla will testify, although neither was included on EHC's prehearing conference statement. Furthermore, other than declarations and attachments of documents there is very little testimony. MMC is attempting to determine what each witness may say based upon the exhibits each will sponsor. This is highly unusual. Both Staff and MMC have analysis and conclusions in their referenced documents that clearly identify their position and the reasons for their position. Furthermore, there are no resumes included that would allow other parties to determine whether a witness has expertise in a particular subject area. Thus, although this filing is to be MMC's final opportunity to provide information that will be submitted during the hearing, MMC may need to revise the following information as MMC's reviews any further information filed by EHC today.

II. UPDATED EXHIBIT LIST

The following exhibit list includes the topographic map attached to our September 26th filing. In addition, MMC has added Exhibit 25 to the list that includes letters in support of the project. EHC listed as Exhibit 614 "Community Statements of Opposition to CVEUP". (Please note that MMC has not received this exhibit and is basing this statement completely upon a guess about what will be included in Exhibit 614.) Normally these types of letters or statements would be considered public comment. In the unusual situation where this Committee would admit what MMC expects to be included in Exhibit 614, MMC will offer Exhibit 25. If this Committee

instead includes 614 and related materials that are public comment as public comment, MMC offers Exhibit 25 as public comment on the project.

Exhibit	Document Name	Technical Area(s)
<u>Project Owner's Exhibits</u>		
1	Chula Vista Energy Upgrade Project, Application for Certification (AFC), September 2006	All Sections
2	Supplement to AFC – Response to Data Adequacy Review.	Air Quality, Biological Resources, Cultural Resources, Land Use, Socioeconomic Resources, Traffic and Transportation, Waste Management, Water Resources
3	Response to Energy Commission's Data Requests 1-47 and Workshop Query 1.	Air Quality, Cultural Resources, Hazardous Materials Handling, Soil and Water Resources, Transmission System Engineering
4	Response to Energy Commission's Data Requests 2-5, and 25.	Air Quality
5	Response to Environmental Health Coalition's Data Requests 1-35.	Air Quality, Hazardous Materials, Soil and Water Resources, Alternatives, Transmission System Engineering
6	Response to Energy Commission's Data Request 6.	Air Quality
7	Response to Environmental Health Coalition's Data Requests 36-54.	Transmission System Engineering, Air Quality, Cultural Resources, Noise, Soil and Water Resources, Alternatives
8	Response to Environmental Health Coalition's Data Requests 55, 56	Land Use
9	Appendix 3A – System Impact Study	Transmission System Engineering
10	MMC Fact Sheet for the Chula Vista Energy Upgrade Project (English and Spanish Version)	All Sections
11	Appendices A-D, referenced in the CA-ISO Interconnection Facilities Study and MMC Comment Letter dated 3/28/08	Transmission System Engineering
12	Air Modeling Files	Air Quality
13	MMC's Objection to Energy Commission Staff Data Request 40	Water Resources
14	Letter from Downey Brand Re: Application for Confidential Designation of Confidential Cultural Resources Reports Provided in Response to Data Request 36.	Cultural Resources
15	Letter approving confidentiality for Cultural Resources	Cultural Resources

Exhibit	Document Name	Technical Area(s)
16	Response to South West Chula Vista Civic Association Flyer	Executive Summary
17	CA-ISO Interconnection Facilities Study and MMC Comment Letter	Transmission System Engineering
18	MMC Energy, Inc.'s Preliminary Comments on the Preliminary Staff Assessment – Chula Vista Energy Upgrade Project	Air Quality, Biological Resources, Cultural Resources, Hazardous Materials, Traffic and Transportation, Visual Resources, Waste Management, Worker Health and Safety, Geological Resources, Paleontological Resources, Transmission System Engineering
19	MMC Energy, Inc.'s Final Comments on the Preliminary Staff Assessment	Air Quality, Biological Resources, Cultural Resources, Hazardous Materials, Land Use, Soil and Water Resources, Traffic and Transportation, Visual Resources, Waste Management, Geological Resources, Paleontological Resources, Alternatives
20	Letter CA-ISO Re: Reliability Must-Run Status	Transmission System Engineering
21	Agreement with the City of Chula Vista on Mitigation and Consistency of the Project with the Chula Vista General Plan	Executive Summary, Land Use
22	Form DPR523 for the Lorenzo Anderson House and Finding of Effect Memorandum	Cultural Resources
23	Declarations and Testimony	All Sections
24	List of Power Plants in I-L Equivalent Zones	Land Use
25	Topographic Map of the CVEUP Project Site	Reliability
26	Letters of Support for the Project	Alternatives
<i>Remaining numbers reserved for additional exhibits.</i>		

III. CONCLUSION

MMC reserves the right to adjust the forgoing information after reviewing the additional information filed by EHC today.

DATED: September 30, 2008

DOWNEY BRAND LLP

By: Jane E. Luckhardt
Jane E. Luckhardt

ATTACHMENT 1

"Exhibit 26"

Mr. Juan Vasquez
3336 Alvoca Street
Chula Vista, California 91910

November 28, 2007

Ms. Jackalyne Pfannenstiel, Chair
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

DOCKET	
07-AFC-4	
DATE	NOV 28 2007
RECD.	DEC 04 2007

Re: MMC Energy Chula Vista Energy Upgrade Project

Dear Commissioner Pfannenstiel:


I would like to take this opportunity to express my support for the Chula Vista Energy Upgrade Project (CVEUP) being proposed by MMC Energy and urge the California Energy Commission (CEC) to grant the project a license to upgrade its facility at 3497 Main Street. Unlike the serious noise and pollution issues caused by the truck traffic in our area, this peaker project has been a good, quiet neighbor that for the most part cannot be seen and brings no additional traffic to the neighborhood.

Our community has also benefited from the much needed electrical generation produced by this peaker since 2001. We have had far fewer disruptions in electrical service. While it is my understanding that this peaker may only operate for up to 5% of the year, it is comforting to know that the peaker is there to provide essential energy during peak times and in disastrous situations such as the recent wildfires.

As a resident of the area, I see the installation of newer technology to be used for this project as a positive step for my neighbors and the environment. The newer technology will result in the plant burning less fuel while producing more power. The reduction in emissions and the increased amount of electricity we will have available to us will provide security and at the same time further limit what is being released into the air.

I encourage the CEC and the City of Chula Vista to have locally generated electricity always available in case of emergencies to keep the lights on for our neighborhood's households and businesses. The CVEUP will provide us with a safe, reasonable means to accomplish this goal. We need a reliable source of electricity that will meet our needs and prevent rolling blackouts.

Sincerely,


Juan Vasquez

January 17, 2008

Mr. Christopher Meyer
Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Re: Chula Vista Energy Upgrade Project

Dear Mr. Meyer:

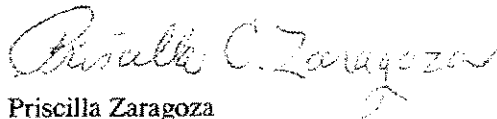
I would like to express my support for the Chula Vista Energy Upgrade Project (CVEUP) being proposed by MMC Energy. I first became aware of the project when I was approached by a representative from MMC that requested permission to install a noise monitor on my property (1,100 feet from the peaker) for a 25 hour period to measure the noise of the peaker. While I was particularly attentive to sound during that 25 hour period, I did not detect any sound coming from the peaker though I know now that the peaker ran during that time period.

As a long time resident of Southwest Chula Vista, I know firsthand of the frequent disruptions in energy prior to the peaker's construction in 2001. While a peaker upgrade project is not something that my neighbors and I are likely to get excited about (like a new park or the paving of a street), we recognize that it is important for us to have energy available when it gets hot over the summer or during emergencies when our access to energy is cut off or endangered. I had the opportunity to attend a community meeting in October where MMC Energy made a presentation on the project and I have been staying informed of the project's progress. Our community is made up of people of all ages and it is essential for us to maintain healthy living conditions during emergencies. During the summer, that may mean the ability to use our air conditioners when temperatures soar. In situations like the fires last fall, that may mean the ability to run air purifiers.

I have been reading the comments of special interest groups who, in the name of environmental justice, want to keep development out of the area. These opinions are not shared in our immediate neighborhood. We would like to see new development that will help support community improvements such as the paving of streets. I believe I represent my neighbors when I say that we are more concerned with the serious noise and pollution caused by the constant truck traffic down Main Street (with trucks idling and moving goods in and out of the warehouses) on each side of the peaker. We are also concerned with the endless dust clouds created from our unpaved streets.

In my experience living in proximity to the current facility, I have not noticed extra traffic nor has the plant attracted my attention during times when it has been running. As I understand it, the upgrade will provide Chula Vista with increased, but more efficient, peaker capacity and fewer environmental impacts than the existing facility. I urge the California Energy Commission to grant the MMC project a license to upgrade its facility at 3497 Main Street.

Sincerely,



Priscilla Zaragoza
160 Zenith St.
Chula Vista, CA 91911

May 1, 2008

Mr. Christopher Meyer
Project Manager
California Energy Commission
1516 9th Street
Sacramento, CA 95833


Dear Mr. Meyer:

I am writing in support of the Chula Vista Energy Upgrade Project (CVEUP). MMC's plan to upgrade its peaker is a sound proposal that brings more sustainable energy to the Southwest Chula Vista community. The existing 45 megawatt (MW) peaker will be upgraded to a newer and cleaner running 98 MW peaker that will supply the local area with additional power when other power sources go out of service.

The proposed peaker consists of upgrading an existing peaker that was built back in 2001. Back then the peaker project was not met with the same opposition and criticism from groups such as the Southwest Chula Vista Civic Association and the Environmental Health Coalition that oppose the upgrade today. My question is: where were these critics and opponents when the peaker was initially put up? If they wanted to oppose the peaker, then was the time to do it. Had they done it in 2001, they would be aware that the peaker unit is sited in Chula Vista under a special permit for 30 years. The peaker on Main and Albany is not moving, which brings me to ask: which is preferable to have, an old and dirty peaker running for the remainder of the 30 years or a newer and cleaner upgraded peaker?

Please, I urge you to approve the CVEUP because it will supply my community with additional energy.

Sincerely,



Carmen A. Noriega
1067 4th Ave. # 617
Chula Vista, CA 91911

April 30, 2008

Mr. Christopher Meyer
Project Manager
California Energy Commission
1516 9th Street
Sacramento, CA 95833

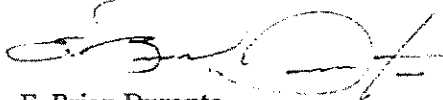
Dear Mr. Meyer:

I am writing to support MMC's proposal of upgrading its existing peaker to a cleaner, quieter, and overall more efficient 98 megawatt (MW) peaker. With the demand for energy soaring in Chula Vista, as well as San Diego County, we need this upgraded peaker to supply surrounding homes and businesses with electricity during times of high demand and when other energy sources have met their maximum capacity.

Our community was and still is especially vulnerable because we are located at the end of the power grid; meaning, that when the demand for power becomes too high and capacity reaches its max many of our homes and businesses are left in the dark. Different from larger power generators, the proposed peaker can be turned on in as little as ten minutes and provide approximately 60,000 homes with power. By not approving the Chula Vista Energy Upgrade Project, a peaker running with old and dirty technology will remain because the existing peaker is under a special permit to remain at their current site for 30 years.

Southwest Chula Vista needs reliable energy sources that will keep homes and businesses running and able to withstand periods of high energy demand, such as the upcoming hot summer months and unexpected emergencies. Thank you for taking the time to read my letter. I hope you keep my views in mind during the approval process.

Respectfully,



E. Brian Durante
244 Palomar Street # B83
Chula Vista, CA 91911

May 6, 2008

Mr. Christopher Meyer
Project Manager
California Energy Commission
1516 9th Street
Sacramento, CA 95833

RE: The Chula Vista Energy Upgrade Project

Dear Mr. Meyer:

Southwest Chula Vista needs the Chula Vista Energy Upgrade Project (CVEUP), which is why I support MMC's proposal to upgrade its peaker unit. With the demand for electrical power increasing at a fast pace, we need of smaller, cleaner, and more efficient plants, such as MMC's peaker, that can come on quickly during times of high demand in order to keep power outages from occurring. Approximately 60,000 homes, including my own, will be supplied with power by MMC's new 98 megawatt (MW) peaker when the local electrical system needs additional power.

MMC's proposal to upgrade its existing peaker is a step towards more efficient and sustainable energy in Chula Vista. The peaker will comply with federal, state, and local public safety and environmental requirements. The peaker will be a quiet neighbor. It will not spew harmful emissions and drastically impact air quality like other organizations, such as the Environmental Health Coalition and Southwest Chula Vista Civic Association, have led many to believe. The upgraded peaker will increase the power supply to Southwestern Chula Vista, a community that is at the end of the power grid and prone to power outages and interruptions. Since the existing peaker was built in 2001 that problem has been reduced significantly.

The upgraded peaker can be turned on in 10 minutes and it would serve as a back up when other power sources are not available. It will only run then, in times of high demand and emergency situations, it is not meant to run constantly. The CVEUP will generate cleaner and more efficient electrical power and keep homes and businesses lit and running during periods of high demand. For that reason, I urge you approve MMC's proposal to upgrade its peaker.

Sincerely,



Alex Garcia
1553 Connoley Ave.
Chula Vista, CA 91911

May 12, 2008

Ms. Blanca Esquivel
750 Ada St Apt, 8
Chula Vista, CA 91911

Mr. Christopher Meyer
Project Manager
California Energy Commission
1516 9th Street
Sacramento, CA 95833

Re: Application for Certification for the Chula Vista Energy Upgrade Project

Dear Mr. Meyer:

I am writing to urge your support of the Chula Vista Energy Upgrade Project being proposed by MMC Energy. Looking forward to the summer of 2008, it is anticipated that low hydro conditions will continue and that we can expect higher loads than previously anticipated. Additional power generation is critically needed to meet the growing demand, especially peaking units that increase available supply during peak hours and can be brought to full power in just ten minutes. By upgrading this existing peaker facility with cleaner more efficient equipment thereby reducing emissions per energy produced you can increase capacity while doing it more cleanly, efficiently and economically without causing significant environmental impacts.

This peaker provides us with valuable protection against blackouts and brownouts, especially in emergencies. For example, while the peaker only ran 200 hours a year on average, during the wildfires of 2007 when the SDG&E lines were down it was the peakers that helped us avoid an energy catastrophe in the midst of this natural disaster. By having this additional peaking capacity, thousands of families were able to stay home and run their air purifiers while local hospitals were at capacity treating burn victims and patients with respiratory problems.

The peaker is not a major source of emissions and is considered a good quiet neighbor that for the most part has gone unnoticed because we are not able to see it or hear it. Yet we know it's there because the disruptions in service have been fewer since the peaker was built in 2001. Additionally, the upgraded peaker will provide twice the amount of electricity and do it cleaner, more efficiently, while substantially benefiting Chula Vista economically.

Thank you for your support in maintaining electric service reliability throughout California and for us in South San Diego, an area that is particularly vulnerable because we are at the end of the grid.

Sincerely,

Blanca Esquivel
Blanca Esquivel

May 5, 2008

Jennifer Montano
244 Palomar St B83
Chula Vista, CA 91911

Mr. Christopher Meyer
Project Manager
California Energy Commission
1516 9th Street
Sacramento, CA 95833

Re: Application for Certification for the Chula Vista Energy Upgrade Project;
Docket No. 07-AFC-4

Dear Mr. Meyer:

I am writing in support of the Chula Vista Energy Upgrade Project being proposed by MMC Energy. With the demand for power in the San Diego region growing by approximately 125 MW per year we can't afford to pass this opportunity to increase generation capacity with more efficient power resources, particularly at peak periods. We hope that the CEC and ISO will recognize that in addition to Chula Vista doing its share to meet the growing need for power in the region that the additional 55 MW can contribute towards allowing the dirty South Bay Power Plant to be retired.

Our community has long been neglected because of the fears of a few who don't want change of any kind and have the time to fight every attempt at redevelopment. Please don't let them fool you into believing that they represent the majority population in Southwest Chula Vista. We are a hardworking community that supports a cleaner, more efficient and reliable facility that will keep our lights on; brings in new redevelopment dollars for community betterments; increase annual property taxes significantly and creates local short-term construction jobs.

I am encouraged that the Chula Vista Energy Upgrade Project will provide a stable source of energy when my community needs it most and urge the California Energy Commission to grant the MMC project a license to upgrade its facility at 3497 Main Street.

Sincerely,

Jennifer Montano

May 2, 2008

From:

Armida S. Noriega
1067 Fourth Avenue
Apt. # 1113
Chula Vista, CA 91911

To:

Mr. Christopher Meyer
Project Manager
California Energy Commission
1516 9th Street
Sacramento, CA 95833

Dear Mr. Meyer:

After reading over the March 2008 Fact Sheet referring to the Chula Vista Energy Upgrade Project (CVEUP), I felt compelled to express my support for MMC's proposal to upgrade its peaker unit on Main Street. As a Southwest Chula Vista resident, I am in favor of upgrading the peaker with newer technology that will result in cleaner and more efficient energy during times of high demand.

As citizens, we are constantly being urged to be more responsible in our consumption of resources, such as cutting down on our water and energy use during peak hours or replacing older appliances and fixtures with newer and more energy/water efficient ones. We do this in an effort to do our part in being more environmentally conscious.

With that being said, I do not see how come we, as Southwest Chula Vista residents, cannot encourage MMC's efforts to upgrade its peaker with state of the art technology that will generate power more cleanly and efficiently. I cannot be expected to keep an old refrigerator running that wastes energy and does not work as efficiently as a new one would, so then why expect MMC to keep an old peaker that functions inefficiently and emits more pollutants than a new one would?

Sincerely,



Armida S. Noriega

Javier Lopez
4138 Marcwade Drive
San Diego, CA 92154

May 12, 2008

Mr. Christopher Meyer
Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, CA 95833

Re: Chula Vista Peaker Plant Upgrade

Dear Mr. Meyer,

I live within a half mile of the peaker and I am writing to state my full support for the Chula Vista Energy Upgrade Project (CVEUP) being proposed at 3497 Main Street in Chula Vista. The peaker plant upgrade will increase the power supply to the local community and provide important voltage support to the local distribution network. The peaker will also help keep local distribution voltages and frequencies at normal levels during times of system strain or imbalance, such as during the October wildfires. Unlike larger generators, the proposed peaker can be started and brought to full power in ten minutes notice.

I am also pleased that the peaker being proposed is a simple-cycle power plant which uses significantly less water than a combined-cycle steam-cycle or steam turbine power plant. The LM6000 is a common turbine for peaker plants due to the turbine's energy efficiency and low emissions.

At a time when we the consumers are being asked to replace our old furnaces and appliances to more energy efficient models, it is in the best interests of the local community, and the State for that matter, to do the same thing on a larger scale. Local and state government is spending millions in rebates to help motivate consumers to upgrade their appliances and conserve energy and water and we have the opportunity to do that here in Chula Vista with the peaker upgrade. The upgrade project is not only good for the city's environment and energy reliability, but for its economy as well.

I urge the CEC's timely approval of the CVEUP to help us meet the growing peak demand in an already energy constrained region.

Sincerely,


Javier Lopez

May 7, 2008

Reyna Montano
750 Ada Street # 14
Chula Vista, CA 91911

Mr. Christopher Meyer
Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, CA 95833

RE: Chula Vista Energy Upgrade Project

Dear Mr. Meyer:

My family and I signed the Southwest Chula Vista Civic Association's (SWCVCA) petition opposing the Chula Vista Peaker at a community fair. We were told to sign in order to oppose a bad peaker in the area that would have negative and adverse effects to the community. Keep in mind that my family and I had no reason to question the SWCVCA's opposition; after all, they were formed to represent the Southwest Chula Vista community.

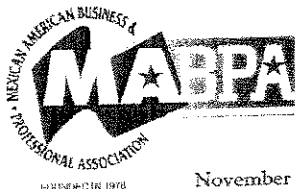
However, when we reached MMC's booth, its representatives took the time and an interest in talking to us and explaining the Chula Vista Energy Upgrade Project (CVEUP), MMC's proposal to upgrade its existing peaker plant on Main Street to a new and improved peaker with state of the art technology that will produce twice the amount of energy more cleanly and efficiently. We went on to learn of Southwest Chula Vista's growing need for energy and that the peaker will serve as an added resource to support bigger baseline power plants when they have reached their maximum capacity and are unable to meet the demand for energy.

My family and I appreciated talking to MMC's representatives and being given the facts to read and to draw our own conclusions. We naïvely put our signatures on a petition to oppose the peaker because of the SWCVCA's vague and misleading claims. But the CVEUP and MMC have earned my wholehearted support and the support of my family. Only caring to gather signatures on a petition rather than informing residents of all the facts surrounding MMC's peaker project is no way of building support for any cause.

Sincerely,



Reyna Montano



3461 Malita Drive • Bontia, California 91902 • (619) 475-8524 • Fax: (619) 475

November 26, 2007

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Ms. Jackalyn Pfannenstiel, Chair
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Re: MMC Energy Chula Vista Energy Upgrade Project

Dear Commissioner Pfannenstiel:

The Mexican American Business and Professional Association strongly supports MMC Energy's Chula Vista Energy Upgrade Project (CVEUP) and urges the California Energy Commission (CEC) to grant the project a license to upgrade its facility at 3497 Main Street in Chula Vista. This project will provide the San Diego region with much needed electrical infrastructure.

As you know, the California Independent System Operator (CAISO) has designated the San Diego region as a constrained area in terms of electrical reliability. Local peaking power generation like the CVEUP is needed to support local demand for electricity, prevent blackouts and brownouts, and ensure a reliable supply for our residents and businesses. This constraint was exacerbated during the recent wildfires when SDG&E's transmission line was severely damaged. San Diegans can no longer rely heavily on imported electricity to satisfy regional needs.

The new technology that MMC proposes to use for this project is much more efficient and cleaner than the technology of the existing plant which MMC is replacing and will decrease emissions by producing more power with less fuel consumption.

The project will also provide considerable economic benefits to Chula Vista's redevelopment area where it can be invested in needed improvements for the community. New capital investments of roughly \$70 million will result in approximately \$655,000 in property taxes annually.

Sincerely,

Lilia Garcia
Vice President

blackouts and brownouts, especially in emergencies. For example, while the peaker only runs 200 hours a year on average, during the Harris fire when the SDG&E lines were down, the peaker plants were a significant factor in avoiding an energy catastrophe in the midst of this natural disaster. By having peakers as a means of energy insurance, thousands of families were able to stay home and stay safe by running necessary appliances such as air purifiers. An upgraded peaker with increased capacity and more efficient technology will serve as a reliable source of energy when we need it most.

Sincerely,

Alfredo Amezcua

Patricia Gallardo
501 Anita St #15
Chula Vista, CA 91911
Phone: (619) 425-2277

Letters Editor
The San Diego Union-Tribune
P.O. Box 120191
San Diego, CA 92112-0191
Fax: (619) 260-5081

RE: San Diego Union-Tribune (1/19/08) - 'Peaker power plant plans to expand are opposed'

Dear Editor,

In response to your article, "Peaker power plant plans to expand are opposed," I was there at the rally expecting to leave more informed on fighting this peaker. This was in great part to the flyers I was getting from the Southwest Civic Association (SWCA) that warned of explosive ammonia trucks traveling to and from the peaker every two weeks and warnings of significant increases in air contaminants due to an increase in the number of hours that the peaker would run.

After participating at the rally, I attended the California Energy Commission's Workshop expecting to have the SWCA argue against the peaker on the issues they have been telling my community about. To my surprise and disgust, I learned at the workshop that the SWCA lied to us about the use and dangers of ammonia and greatly exaggerated the number of hours this peaker would run. What I learned from the CEC is that the peaker is not a major source of emissions and is only estimated to run about 500 hours a year, a far lower number than the 4,500 that my community was being told by the SWCA. Additionally, ammonia truck deliveries to the site will only be made twice a year and the aqueous ammonia the peaker uses for safety reasons consists of 19 percent ammonia while the rest is water. The SWCA should have done its homework before spreading fear in the community.

My question to Theresa of the SWCA and the Environmental Health Coalition is where were you when the existing peaker was approved? More importantly, where were you when the city allowed warehouses on either side of the peaker? The truck traffic from those facilities alone, let alone the regular traffic on Main Street, is hundreds of times worse than anything that will come out of this little peaker that only runs when we need to keep our lights on. The SWCA fear tactics may have gotten me to the rally, but they lost my trust and support in fighting this peaker.



SignOnSanDiego.com
THE SAN DIEGO UNION-TRIBUNE **PRINTTHIS**

Energy folly

New power plants face knee-jerk opposition

UNION-TRIBUNE

April 17, 2008

Not one Chula Vista in a thousand could find the tiny MMC Energy power plant without very explicit directions.

Oblivious drivers pass along Main Street, a nondescript thoroughfare of auto junkyards, defunct car washes, strawberry fields, liquor stores, occasional houses and new industrial buildings. This 47-megawatt plant, deep in an industrial cluster, cannot be seen from any public street.

Yet, MMC is a microcosm of the energy situation in California.

The plant sells power at peak demand times. Its output does not go to buttress the state grid, but to guarantee the reliability of Chula Vista service.

Chula Vista, meantime, is intent on dismantling the massive South Bay Power Plant, which looms over Interstate 5. That polluting relic of the 1960s also stands in the way of the city's making better use of its prime bayfront land. Dismantling will not happen until replacement energy sources are found.

Which brings us back to MMC. It wants to replace its current facility with a more efficient plant that would be double in size. More power would be available in moments of need, yet pollutant levels would drop.

Industrial companies next door are not opposed. Neither, necessarily, are the closest residents. That doesn't discourage organizations such as the Southwest Chula Vista Civic Association, however.

And that's where reality gets hidden in a cloud of hyperbole. In the critics' view, this plant would operate every allowable hour, creating a theoretical net gain in pollutants.

That isn't going to happen. While MMC can be online in 10 minutes, it provides very expensive power. It does little business when cheaper power is available. Think 7-Eleven. You go there for milk, bread or to satisfy an attack of the munchies. You don't go to 7-Eleven to do the weekly grocery shopping for a family of four.

There's even more of a win/win from this proposed plant expansion. While MMC would actually reduce current emissions, it is willing to "mitigate" by helping pay for a neighbor to eliminate diesel exhaust fumes. Heartland Meat Co. runs a modern distribution center next door. During loading or unloading of frozen foods, the trucks' engines must idle to keep it cold. Heartland, supported by MMC, is exploring ways to capture those fumes or to power the trucks.

"The new power plant will be a positive for the neighborhood," said Brandon Marvin, general manager of Heartland and also a governing board member for the adjacent river valley trail park. "It will reduce overall emissions. It will be quieter."

SignOnSanDiego.com > News > Opinion -- Energy folly

Page 2 of 2

The expansion proposal is halfway into a 12-month process before the California Energy Commission. A preliminary staff assessment is due, followed by more public hearings.

To be sure, it will take many more MMCs to replace that ugly dinosaur along Interstate 5. Yet every step is one closer to a more reliable and economical state energy system. This expansion deserves to be approved.

Find this article at:

<http://www.signonsandiego.com/news/op-ed/editorial1/20080417-9999-lz1ed17top.html>

☐ Check the box to include the list of links referenced in the article.

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U-T EDITORIAL: SOUTH EDITION

Chula Vista's little power plant that could

May 17, 2008

Something called a preliminary staff assessment has been issued by the California Energy Commission staff about replacing a small peak-use power plant hidden deep in an industrial area of Chula Vista. MMC Energy wants to replace the plant with a larger and much cleaner facility.

The preliminary staff assessment runs 526 pages. But this issue really isn't that complicated: "... the proposed power plant will be in compliance with all laws, ordinances, regulations and standards," the state document reads.

The San Diego Air Pollution Control District agrees.

Adding any kind of energy facility in California – no matter how small, no matter how much it reduces emissions – is not easy.

MMC's current plant south of Main Street cannot be seen from any public thoroughfare. Neighboring companies support the expansion. The additional electricity would be used to provide Chula Vista's reliable power at times when high demand puts stress on the grid. MMC has even offered to help a frozen food company next door eliminate the diesel fumes from idling trucks, something the neighborhood is concerned about.

Yet, the Southwest Chula Vista Civic Association and the Environmental Health Coalition have weighed in with twisted logic about a cleaner plant producing more emissions and with petitions some say were falsely presented.

While energy plant siting supposedly is on a faster track in California nowadays, consider more regulatory steps still to come. There was yet another energy staff presentation this week in Chula Vista. A final staff assessment is due within a month. Next, evidentiary hearings will be scheduled in Chula Vista with Commission Chairman Jackalyne Pfannenstiel and Vice Chairman James D. Boyd in attendance. Then comes a proposed decision on the plant and, finally, an actual commission decision by this fall.

All this for a 100-megawatt plant that would create a net reduction in emissions. Is it any wonder that the nation's most populous state has only approved 66 small plants in 10 years and just half of those are actually operating?

Chula Vista Mayor Cheryl Cox is leading the charge to remove the monstrous South Bay Power Plant, an outdated and major polluter, from the city's bayfront. That dinosaur will not come down until alternative sources of power are found. Of course, it will take many, many MMC-size expansions to replace the ugly giant on prime bayfront real estate. But, like a long journey, power sources are found one step at a time.

Chula Vista City Council members were quick to embrace the goal of scrapping the South Bay Power Plant. Curiously, the city has taken no position on the MMC power plant replacement, one that could provide more power while reducing emissions and diesel fumes in southwest Chula Vista.

Why the silence? The City Council should endorse this project and do so before the evidentiary hearings begin. Otherwise, an important goal of Cheryl Cox, Jerry Rindone, John McCann, Steve Castaneda and Rudy Ramirez will seem like mere political rhetoric. Just political hot air, presumably with no particulates present.

The San Diego Union-Tribune

Community letters

May 11, 2008

SOUTH

Environmental group ignores real problem

Regarding the April 17 editorial "Energy folly/New power plants face knee-jerk opposition":

Why is it only now that the Environmental Health Coalition opposes MMC Energy's peaker plant in southwest Chula Vista and not in 2001 when the decision was made to build it? I am offended that while the environmental group did not speak up in 2001 it now wants to stop MMC from upgrading an older and dirtier facility being run under a 30-year special use permit.

The coalition has expressed its concern for southwest Chula Vista residents with regard to their health and vulnerability to respiratory problems; I know my community and it's not an improved peaker that we are concerned about. We are concerned with the impact of the harmful emissions being released by idling trucks for another business in the neighborhood. Truck idling is a major and genuine concern that has been brought up to the environmental group by many local residents time and time again without any results.

We applaud MMC for its willingness to upgrade its peaker with improved technology and for its willingness to help work with Heartland Meat Co. in retrofitting its trucks to eliminate diesel exhaust fumes.

The MMC Peaker Project will provide twice the amount of energy much more cleanly and efficiently and with substantial economic benefit to the city.

E. BRIAN DURANTE
Chula Vista

El Latino SD

Page 2 of 2

y nuestro medioambiente.

Lo que tiene realmente molestos a estos activistas es que la Comisión de Energía no está cayendo en sus engaños. La Comisión ha visto estas tácticas antes.

La Ciudad de Chula Vista ha intervenido apropiadamente en este proceso para asegurar que los intereses de sus ciudadanos sean protegidos. Han trabajado con MMC para crear mejoras significativas y proporcionales para cualquier impacto de aire o agua que la nueva planta podría causar, y por el propósito de balancear la necesidad de más energía confiable con los requisitos del Plan General.

Los activistas dicen que la Ciudad se vendió. Y dan por cantidad -- \$210,000. En la actualidad, la suma que ellos están dando es mucho más baja que la suma actual que MMC pagará, pero eso no es el punto. Los activistas quieren tenerlo de ambas maneras - primero exigen que las compañías, como MMC, prevean las mejorías, y cuando ofrecen las mejoras, estos lo toman como estarse vendiendo o comprando silencio.

Su truco mas reciente es afirmar que su derecho al debido proceso fue violado porque la Ciudad eligió tratar el progreso de la actualización de la planta de respaldo en una sesión cerrada. Cuando vinieron a una junta de Ayuntamiento para expresar su descontento, presentaron portavoces tras portavoces por casi una hora. Sacaron el cobre cuando se salieron durante el único discurso dado por un representante de MMC. ¿Se le llama debido proceso a esto? Estos activistas no sabrían lo que es la participación democrática si la tuvieran en su cara.

Aplaudo al Ayuntamiento de Chula Vista y a la Comisión de Energía de California por enfrentarse a estos activistas intimidantes y abusivos. Ocupamos energía confiable, de manera segura y responsable. La actualización de la planta de respaldo de MMC es un buen proyecto que amerita nuestro apoyo.

Lourdes Valdéz

President

Board of Directors

Chula Vista Chamber of Commerce

The San Diego Union-Tribune.

Local Letters: South Edition

May 17, 2008

Misleading campaign against plant upgrade

I am responding to "Opposed to power plant in southwest Chula Vista" (South County Letters, May 3):

My family and I signed the Southwest Chula Vista Civic Association's (SWCVCA) petition opposing the Chula Vista Peaker at a community fair. We were asked to sign in order to oppose a bad peaker plant in the area that would have negative and adverse effects to the community. Keep in mind that my family and I had no reason to question the SWCVCA's opposition; after all, they were formed to represent the southwest Chula Vista community.

However, when we reached MMC's booth, its representatives took the time and interest in talking to us and explaining the Chula Vista Energy Upgrade Project, MMC's proposal to upgrade its existing peaker plant on Main Street to a new and improved peaker with state-of-the-art technology that will produce twice the amount of energy more cleanly and efficiently. We went on to learn of Southwest Chula Vista's growing need for energy and that the peaker will serve as an added resource to support bigger baseline power plants when they have reached their maximum capacity and are unable to meet the demand for energy.

My family and I appreciated talking to MMC's representatives and being given the facts to read and to draw our own conclusions. We naively put our signatures on a petition to oppose the peaker because of the SWCVCA's vague and misleading claims. But the energy upgrade project and MMC have earned our wholehearted support. Just caring about getting signatures on a petition rather than informing residents of all the facts surrounding MMC's peaker project is no way to build support for any cause.

REYNA MONTANO
Chula Vista

The San Diego Union-Tribune.

Community letters

August 31, 2008

SOUTH COUNTY

Opposing new plant locks pollution in place

Regarding: "Peaker plant opponents ignored by Chula Vista" (South County Letters, Aug. 23):

The opponents of the MMC peaker plant upgrade in Chula Vista will say just about anything to instill fear in residents and elected officials into rejecting this much-needed project. Anything but the truth that is. They certainly don't let the facts deter them from imposing their agendas and their own special interest onto the public.

Correct me if I am mistaken, but never has it been an option that if a new, larger and much cleaner peaker plant is denied a permit by the California Energy Commission at this site, that the current plant will be removed. If that is the case, then what would the Southwest Civic Association, Environmental Health Coalition and Stop the MMC Peaker Plant Community Movement have to show for their efforts, should they succeed? The same outdated, inefficient and dirty peaker plant will continue to operate? If that is their goal for southwest Chula Vista, I strongly urge these groups to rethink their priorities. How would this fit into their right to clean air?

The Chula Vista energy upgrade project would provide twice the amount of energy at critical moments and do it cleaner and more efficiently. The plant would operate only when the demand for energy cannot otherwise be met. The peaker plant is not designed to run constantly. Our trucks and SUVs are likely to be releasing more harmful emissions than the peaker at this moment.

WILLIAM LANSDOWN
Chula Vista

Op-Ed on MMC (English Version)

(Ran in Spanish in El Latino Newspaper on August 28, 2008)

Are Chula Vista's leaders selling the health of their citizens for \$210,000 or are we being subjected to yet another fear campaign from extremists in our midst?

In case you haven't been following this tale, let me spend a moment bringing you up to speed. Most of us are familiar with the controversy over the South Bay Power Plant, which sits on our bay front. This matter is not about that plant.

This is about what is known as a "peaker" plant, just south of Main Street. "Peakers" are like insurance policies for our electricity needs. We all know how constrained the San Diego region is for electricity, and during those times when electrical demand is high (such as during last year's wildfires or during a heat wave), the State's regulators "turn on" peakers to provide stability for the electrical grid.

The plant near Main Street is capable of generating over 40 megawatts during periods of peak demand. When MMC Energy bought the plant in 2006, they proposed to improve its efficiency and its output by installing state-of-the-art technology from General Electric. The new plant would thus be capable of generating nearly 100 megawatts, and with cleaner engines that consume less energy to operate. And because more energy is being created, the State regulators have said that the plant upgrade will contribute toward removing the South Bay Power Plant – something we would all like to see.

Sounds good so far – more electrical energy to meet our growing demands, more environmentally friendly, and a step in the right direction for our bay front. So what's the problem?

Certain activists, namely the Environmental Health Coalition and the Southwest Civic Association, have decided that the plant is detrimental to the health of nearby residents. As the MMC proposal has moved through the California Energy Commission process, these naysayers have floated all kinds of challenges, from an assault on ammonia trucks to environmental justice, hoping that one of their scare tactics will work.

What has them really riled up is that the Energy Commission isn't falling for any of their tricks. The Commission has seen these tactics before.

The City of Chula Vista has properly intervened in this process, to ensure the interests of its citizens are being protected. They have been working with MMC to craft meaningful and proportional mitigation for any air and water impacts the new plant may cause, and for the purposes of balancing the need for more reliable energy with its general plan requirements.

The activists are calling this a sellout. And they're giving it a number -- \$210,000. Actually, this number is far lower than the actual sum that MMC will pay, but that is not the point. The activists want to have it both ways – first they demand that companies,

such as MMC, provide for mitigation, and then when they offer support, they characterize it as hush money or a sellout.

Such nonsense. This peaker plant will provide much-needed emergency power to our community at no risk to our health, our safety or our environment.

Their latest ploy is to assert that their due process has been violated because the City chose to address a recent development in closed session. When they came to a City Council meeting to voice their displeasure, serving up speaker after speaker for nearly an hour, they showed their true colors by walking out on the sole speech being given by a representative of MMC. This is due process? These activists wouldn't know participatory democracy if it hit them between the eyes.

I applaud the Chula Vista City Council and the California Energy Commission for standing up to these bullies and fear-mongers. We need the reliable energy, delivered in a safe and responsible fashion. The MMC peaker upgrade is a good project that deserves our support.

The San Diego Union-Tribune.

SOUTH COUNTY LETTERS

New peaker plant will reduce pollution

September 7, 2008

Regarding "Peaker plant opponents ignored by Chula Vista" (Aug. 23):
Southwestern Chula Vista residents are currently faced with a project that will replace an existing peaker plant generating 44.5 megawatts with a state-of-the-art plant producing environmentally safer and friendlier energy to an already energy burdened region.

Both of the regulatory agencies, the California Energy Commission and the Air Pollution Control District, have concluded that a new peaker plant will not produce significant environmental impacts. While peaker opponents may be frustrated with Chula Vista City Hall, the ultimate decision to improve the existing plant lies with the CEC.

Remember that California has the most stringent pollution laws in the country. I live a short distance from the South Bay Power Plant and have resided there for the past 40 years. Not only have I endured pollutants from the antiquated plant but also those coming from the heavily congested Interstate 5.

I understand and support the need for this upgraded peaker, because not only will it contribute to the retirement of the ancient South Bay Power Plant that mars our bayfront, but also will help meet our ever-growing demand for energy in the region cleanly and efficiently.

I for one cannot wait for the day the South Bay Power Plant is retired.

ROBERT BORBOA
Chula Vista

05/13/2008 11:20

6193361866

SCEDC



San Diego's Voice for
Binational Business

South County Economic Development Council

May 12, 2008

California Energy Commission
1516 Ninth St, MS-31
Sacramento, CA 95814

Commissioner Jacklyne Pfannenstiel, Chair
Commissioner James D. Boyd, Vice Chair
Commissioner Arthur H. Rosenfeld
Commissioner Jeffrey Byron
Commissioner Karen Douglas J. D.

Honorable Commissioners,

On May 6, 2008 the South County Economic Development Council (SCEDC) Board of Directors voted unanimously to support the MMC Peaker Plant in Chula Vista. The need for additional energy sources continues to grow in our region. This peaker plant is seen as an opportunity to assist with providing our businesses with an adequate supply of energy. This is an essential component for business operations and a necessity for attracting new businesses into our economically challenged areas.

Additionally, there is currently a power plant located on the bay front. The peaker plant, together with other sources, is needed to offset the loss of electricity when the power plant comes off the bay front. Removal of the power plant will allow for further job creation in Chula Vista. The new system will operate cleaner and more efficiently, something SCEDC views as a benefit to the region.

In summary, SCEDC supports the proposed MMC Peaker Plant in Chula Vista as a means for sustainable growth in our region. If I may provide additional information please do not hesitate to contact me at 619-424-5143.

Sincerely,


Cindy Gompfer Graves
Chief Executive Officer

1111 Bay Blvd., Suite E • Chula Vista, CA 91911
(619) 424-5143 • Fax (619) 424-5738
www.sandiegosouth.com

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Chula Vista CHAMBER of COMMERCE

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May 12, 2008

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CEO
Lisa Cohen

Mr. Christopher Meyer
Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Re: MMC Energy Chula Vista Energy Upgrade Project

Dear Mr. Meyer:

The Chula Vista Chamber of Commerce strongly supports MMC Energy's Chula Vista Energy Upgrade Project (CVEUP) and urges the California Energy Commission (CEC) to expedite the approval of this peaker. Local peaking power generation like the CVEUP is needed to support local demand for electricity, prevent blackouts and brownouts, and ensure a reliable supply for our businesses.

We have reviewed MMC's proposed CVEUP and the CEC's Preliminary Staff Assessment and concur that the proposed peaker can be constructed and operated without causing significant environmental impacts to the community and will conform with all laws, ordinances, regulations and standards, with the proposed licensing conditions.

We also believe that the CVEUP is consistent with the City's General Plan and the applicable Redevelopment Plan for the area. The Peaker Upgrade will support the following objectives and policies of the General Plan: Maintain Main Street primarily as a limited industrial corridor, Encourage the preservation and expansion of existing industrial uses in areas designated as industrial. Ensure adequate energy supplies throughout Chula Vista, and encourage siting and design techniques that minimize community impacts and utilize the best available control technology to the greatest extent practicable.

Further, the proposal calls for the upgrade of an existing facility that is not a major source for hazardous air pollutants as defined by the Federal Clean Air Act and County of San Diego Air Pollution Control District rules. The CVEUP would not adversely impact air quality, create noise in excess of that allowed by City code, and would not significantly impact traffic. The Peaker would also further the IL zoning purpose by upgrading the existing peaker facility with cleaner more efficient equipment thereby reducing emissions per energy produced and continuing to provide and protect an environment free from nuisances.

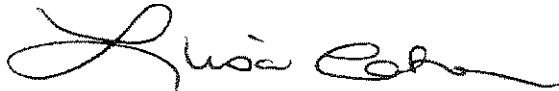
Mr. Christopher Meyer
5/12/08

Not only would the CVEUP present an improvement in efficiency and reduced emissions per electricity produced than the current peaker unit but it would also use significantly less water to operate which is another resource we need to conserve.

The peaker upgrade will benefit the City of Chula Vista by providing as many as 320 short-term construction jobs and bring new redevelopment dollars to the Southwest Community from a new capital investment of roughly 90 million. More than half the property tax revenue to San Diego County of \$ 855, 420 will go directly to the Chula Vista Redevelopment Agency, where it can be invested in improvements for the community, and another \$157,800 will go to the City of Chula Vista. Sale tax from construction would total \$139,500 and another \$23,250 of sales tax would be generated from operation. We appreciate the taxes and fees generated by such an investment in light of the budget challenges the City is facing because it will provide at least ten times the amount the City currently collects from MMC.

For these reasons, the Chula Vista Chamber of Commerce wholeheartedly supports the Chula Vista Energy Upgrade Project. Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Cohen", with a stylized, flowing script.

Lisa Cohen
CEO

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

**APPLICATION FOR CERTIFICATION FOR
THE CHULA VISTA ENERGY UPGRADE
PROJECT**

DOCKET NO. 07-AFC-4

**PROOF OF SERVICE
(Revised 7/14/08)**

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. 07-AFC-4
1516 Ninth Street, MS-14
Sacramento, CA 95814-5512
docket@energy.state.ca.us

Harry Scarborough Vice President MMC Energy Inc. 11002 Ainswick Drive Bakersfield, CA 93311 hscarborough@mmcenergy.com	Douglas M. Davy, Ph.D. Senior Project Manager CH2M Hill 2485 Natomas Park Drive, Suite 600 Sacramento, CA 95833 ddavy@ch2m.com
Steven Blue Project Manager Worley Parsons 2330 E. Bidwell, Suite 150 Folsom, CA 95630 steven.blue@worleyparsons.com	Jane Luckhardt, Esq. Downey Brand LLP 555 Capitol Mall, 10th Floor Sacramento, CA 95814 jluckhardt@downeybrand.com
California ISO P.O. Box 639014 Folsom, CA 95763-9014 e-recipient@caiso.com	

California Unions for Reliable Energy (CURE) c/o Marc D. Joseph Gloria Smith Suma Peesapati Adams, Broadwell, Joseph & Cardozo 601 Gateway Blvd., Suite 1000 South San Francisco, CA 94080 mdjoseph@adamsbroadwell.com gsmith@adamsbroadwell.com speesapati@adamsbroadwell.com	City of Chula Vista, California c/o Charles H. Pomeroy Caren J. Dawson McKenna, Long & Aldridge, LLP 444 South Flower Street Los Angeles, CA 90071 cpomeroy@mckennalong.com cdawson@mckennalong.com
Environmental Health Coalition Diane Takvorian & Leo Miras 401 Mile of Cars Way, Suite 310 National City, CA 91950 DianeT@environmentalhealth.org LeoM@environmentalhealth.org	
<u>ENERGY COMMISSION</u> Jackalyne Pfannenstiel, Chair Presiding Committee Member jpfannen@energy.state.ca.us James D. Boyd, Vice Chair Associate Committee Member jboyd@energy.state.ca.us Raoul Renaud Hearing Officer rrenaud@energy.state.ca.us	Chris Meyer Project Manager cmeyer@energy.state.ca.us Kevin Bell Staff Counsel kbell@energy.state.ca.us Public Adviser's Office pao@energy.state.ca.us

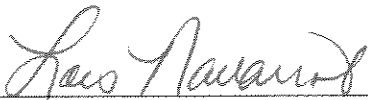
DECLARATION OF SERVICE

I, Lois Navarrot, declare that on September 30, 2008, I deposited copies of the attached **MMC's Final Witness List and Exhibit List** 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.



Lois Navarrot