

conducting a second hearing to allow the petitioners to present their evidence on PG&E's willful non compliance with the Commissions 2001 decision. This petition seeks full commission review of the Committee's decision to assess a paltry \$10,000 fine and cancel the penalty phase of the proceeding. PG&E's actions were willful and deliberate, and these actions extended not only to noncompliance of the Energy Commission Conditions of Certification but also to the requirements of the BAAQMD and the EPA.

We have not been allowed the due process of participation in the "second Phase". The attached comments to the Assistant Attorney General indicate some of the information that we would have introduced in Phase one if the proceeding was not bifurcated and concluded without phase 2 evidence. I hereby incorporate these comments into this petition for review of the full Commission. They will demonstrate that PG&E's actions require a different conclusion from the commission.

The Decision is particularly prejudicial to CARE, Robert Sarvey and myself Rob Simpson it states;

"The CARE Complaint is a hodgepodge of bits and pieces from which it is impossible to understand (a) which "statute[s], regulation[s], order[s], decision[s], or condition[s] of certification" are alleged to be violated, if any; or (b) what are the facts that allegedly demonstrate the violations. [See Cal. Code Regs., tit. 20, § 1237, subd. (a)(4).]"

The Commission Siting Committee seemed to understand our issues enough to rule to consolidate our complaint with others.

CEC staff appeared to have some understanding of our complaint; "The consolidated complaints and other documents indicate that there are two issues raised by petitioners in this proceeding. The first issue is the existence of a valid USEPA-issued Prevention of Significant Deterioration permit for the Gateway facility. CEC STAFF PREHEARING CONFERENCE STATEMENT

The Commission Siting Committee allowed the LCEA Complaint to prevail based purely on incorporation into "ACORN's complaint":

"(2) A complaint filed on June 29, 2009 by the Local Clean Energy Alliance ("the LCEA Complaint"). The LCEA Complaint merely incorporates ACORN's Complaint. Therefore, everything we say about the ACORN Complaint applies equally to the LCEA Complaint.

(3) On July 17, 2009, a document titled "Complaint Request for Official Notice Comments on Staff Report Comments on Amendment Petition to Intervene" was filed by Californians for Renewable Energy ("CARE"), Rob Sarvey, and Rob Simpson ("the CARE Complaint"). The CARE Complaint also purports to incorporate the ACORN Complaint, and it also sets forth additional material."

But our complaint, while incorporating the same arguments and consolidated into the same proceeding by the Committee, was dismissed with apparent prejudice. This appears to serve to attempt to marginalize our participation in these proceedings and before the Commission. It is with the diligence of informed public participation that we continue to prove that these facilities are being processed illegally. It was my appeals to the EPA that proved that Gateway has no PSD permit. It was my appeal to the EPA that proved that the Russell City Energy

Center was processed illegally. I am a part of a presently pending appeal of the Humboldt Bay facility that has demonstrated that it was processed illegally. So even if it is "impossible to understand" for the CEC other agencies seem to understand that my arguments have certainly been with merit. It is illegal to operate these facilities without PSD permits.

I was similarly singled out for disparate treatment as an intervener in the Carlsbad Energy Center when the siting committee ruled that I could not join other intervenors in their pre-hearing conference statements. In the Avenal Proceeding my prehearing conference statement and all witnesses were rejected. The statement contains what will be the basis of the EPA denying the permit. Issues that the CEC should have considered.

The CEC should require the facility to cease operations until it has installed required control equipment and obtained all federal permits to construct and operate the facility. The CEC should promote informed public participation and not prejudice members of the public or organizations that represent people who are low income and/or people of color. Our complaint was not posted on the searchable database but the other petitioner's was. I allege this is based on discrimination based on income and race because CARE's purpose is to represent low income and people of color energy customers. I continue to hear that my documents are not posted because the Commission is not required to post my documents. That does not explain why my documents are specifically chosen to not be posted. The Commission decision was apparently made on January 14 but not posted until what could be considered the end of the appeal period. I see the same thing happen repeatedly with key information such as air district determinations. I have never seen a Public Notice from the Commission that indicates an Ambient Air Quality Analysis which is exactly the information that the public needs for informed participation. Ambient Air Quality Standards were developed for exactly this purpose. I disagree with the Contention that there was adequate "opportunity for public participation" or that "any allegations of procedural unfairness in an Energy Commission proceeding are properly adjudicated via a lawsuit against the Commission" The CEC should repair its own process not compel appellants to make the Federal Court force the Commission to do its job to protect the public instead of the polluters.

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BY FIRST CLASS MAIL AND ELECTRONIC MAIL

Assistant Attorney General

Environment and Natural Resources Division

United States Department of Justice

P.O. Box 7611 Ben Franklin Station

Washington, DC 20044-7611

Re: *United States v. Pacific Gas & Electric Company*, Civil Action No. 09-4503 (N.D. Cal.) and D.J. Ref. No. 90-5-2-1-09753

To the Assistant Attorney General:

The United States Action against Pacific Gas and Electric (PG&E) is appreciated. I provide these comments in an effort to better inform the Department of Justice of the context of PG&E's violations prior to entering into a consent decree. I agree with the comments submitted by Golden Gate University (GGU) Dated November 4, 2009 and those submitted by Robert Sarvey . I was the Plaintiff referenced in the Remand of *Russell City Energy Center* (RCEC), Permit No. 15486, by EPA's *Environmental Appeals Board (EAB)* PSD Appeal, EAD 08-01 (July 29, 2008). I also informed EPA Region 9 Permits Chief Gerardo Rios of the lack of permits for the Gateway Generating Station on May 1, 2009, shortly before I filed an appeal to the EPA Environmental Appeals Board (EAB) regarding the same issue, Appeal No. PSD 09-02. The Evidence presented By GGU and Mr Sarvey indicates that in addition to precluding public participation the intent of the decision to forgo permitting was specifically aimed at precluding my participation and EAB scrutiny, "During this call, as transcribed by PG&E, the District's attorney first briefed PG&E on the EAB Russell City decision because he was "concerned that the notice provided for the GGS amendment might also be viewed by the EAB as deficient" and that the "plaintiff in the RCEC case would appeal the GGS permit to the EAB on the same grounds." GGU comments page 5. The notice was certainly "deficient". The Bay Area Air Quality Management District has apparently never issued a PSD notice that was not deficient. The Consent Decree and notice in the Federal register does not cure the effects of this failure. A key component of the PSD notice requirements appears to be to inform governmental agencies of the potential effects in their jurisdictions.

40 C.F.R. § 124.10(c)(1)(vii)

For PSD permits only, affected State and local air pollution control agencies, the chief executives of the city and county where the major stationary source or major modification would be located, any comprehensive regional land use planning agency and any State, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the regulated activity

Because the Chief executives of the City and County affected did not receive emission data and the opportunity to comment there is no evidence that they are aware of the project, its effects, or the proposed consent decree. With 2 other facilities in the permitting phase, this leaves an unformed community at risk, by the proliferation of these facilities, without informed

representation. Should the Department of Justice wish to act as the PSD permitting authority; the Consent Decree should recreate the entire PSD permit process within its context. The present Consent Decree does not serve as a substitute for a PSD permit. Comments from a few individuals and groups that have become aware of the proceeding does not constitute public participation under the PSD provisions of the Clean Air Act. The public and Governmental decision makers need the opportunity to review this source, within the PSD program, individually and in context of the other plants planned in the vicinity. We have no emission data to review at this time.

I expect that if I had constructed a structure without necessary preconstruction permits the government would compel me to demolish the structure or enjoin me from using it unless an until I obtained permits, just as the U.S. V PG&E complaint contemplates; "Permanently enjoin Defendant PG&E from operating the Gateway Generating Station except in accordance with the Clean Air Act and any applicable regulatory requirements" Should PG&E assert that the new facility is now somehow needed for grid reliability, in a time of diminishing electricity use, then all proceeds plus penalties from the operation should be forfeited to the affected community and to the groups that fought to protect their air quality.

The proposed consent Decree scratches the surface of how California power plant operators violate the Clean Air Act. PG&E presently owns 2 other facilities that are under construction without necessary permits. The Humboldt Bay modification at the Buhne point Stationery Source and the Colusa Generating Station. The Humboldt Bay Modification allows 271,000 gallons of diesel oil to be burned per day at site that is 660 feet from an Elementary School, without informed public participation or a valid PSD permit. (Exhibitxx). I appealed this action to the EAB PSD appeal 08-08. In a similar defense (to that of my Gateway EAB appeal) the argument was made that there was no active Federal PSD permit to appeal. I also appealed to the EPA Administrator because the Permit issued was titled TITLE V FEDERAL OPERATING PERMIT. The Administrator never heard my appeal. After nearly 2 years the associated Air District determined that it was actually not a Title V permit that they issued either, but they are allowing PG&E to continue construction and have decided to retroactively re-categorize and resurrect the expired permits. The Air District denied public participation by refusing to consider comments on the basis of the newly named permits. PG&E in fact relied on this proposed consent decree to demonstrate compliance with other facilities for this permit;

"6. Comment "PG&E owns a facility in Contra Costa County the Gateway Generating Station that is currently undergoing compliance review at the California Energy Commission. The project is the subject of an FNOV and a proposed consent decree which is undergoing a public comment period.³ At the present time the project is not in compliance with State and Federal Air Quality Regulations and will not be in compliance until the activities required by the consent decree are completed. NCAQMD cannot approve the permit until the project owner PG&E completes the requirements of the consent decree and comes into compliance with these new air quality requirements. The existing Humboldt power project has violated its emission limits under the Clean Water Act for 12 quarters in a row according to the EPA ECHO Website.⁴

NCUAQMD Response: District Rule 110 §5.7 specifies that the owner or operator of a proposed new or modified source shall certify that all sources under its control in California are in compliance, or are on a schedule for compliance, with applicable emission limitations and standards. As of the date of the release of the proposed decision, PG&E has entered into a settlement agreement with the CEC. Therefore, PG&E complies with the requirements of District Rule 110 §5.7." November 18,2009

<http://www.ncuaqmd.org/files/Public%20Notice/PG&E/ATC%20PSD%20Response%20to%20Comment.pdf>

The complaint and consent decree does not consider significant factors. On its face it does not examine the complete context of how this facility came to operate illegally and how the California power plant licensing system serves to violate the Clean Air Act. The Gateway facility did not magically appear one day and accidentally operate in violation of the Clean Air Act. This is the result of a systematic process coordinated by the California Energy Commission (CEC) and associated Air Districts cooperating with power plant developers to violate the Clean Air Act. The consent Decree neither addresses these issues nor cures the system that allows power plants to be constructed and operate despite the provisions of the Clean Air Act.

Power plant licensing in the State of California is guided by the Warren Alquist Act. The Warren Alquist Act interjects itself and the CEC between California Air Districts and their Compliance with their State Implementation Plans of the Clean Air Act, with a parallel process known as a Preliminary Determination of Compliance (PDO) and a final Determination of Compliance (FDOC) which stands in the place of a Draft permit and an Authority to Construct (ATC). The process serves to derail, public participation and review. It is "at odds with clear Congressional direction for "informed public participation," see CAA § 160(5), 42 U.S.C. § 7470(5), and § 124.10's expansive provision of notice and participation rights to members of the public." EAD 08-01 page 26

The facility does not simply operate without a PSD permit, it operates without a Title IV or Title V permit. It operates in violation of the New Source Review provisions of the Clean Air Act, without a legal Authority to Construct (ATC) or any Operating Permit. It operates in conflict with its CEC license. The demonstration of the facility operating without permits is the result of years of work by myself Robert Sarvey and organizations like Golden Gate University Environmental Law and Justice Clinic, Californians for Renewable Energy (CARE) and Communities for A Better Environment (CBE).

In the Remand of the PSD permit issued by the Bay Area Air Quality Management District. for the planned Russell City Energy Center (actually located in the City of Hayward) , the EAB implicated both the CEC and the Air District in its Remand. The EAB held that: The District's almost complete reliance upon CEC's certification related outreach procedures to satisfy the District's notice obligations regarding the draft permit resulted in a fundamentally flawed notice process. 3 "the pivotal importance to Congress of providing adequate initial notice within EPA's public participation regime under 40 C.F.R. part 124, see *supra* Part IV.B.," EAD 08-01 page 39

The United States should investigate how the CEC approved the continued operation of GGS in an "Order Amending the Energy Commission Decision to Modify Equipment and Change Air Quality Conditions of Certification" (Exhibitxx)

http://www.energy.ca.gov/sitingcases/gateway/compliance/2009-09-01_Order_Amending_the_CEC_Decision_TN-53025.pdf

despite pending complaints at the CEC regarding a lack of a PSD permit. and in the Shadow of the EPA Notice of Violation. The CEC's decision to approve this facility in clear violation of the Clean Air Act should not be ignored in this proceeding.

The CEC and California Air Districts play a 3 card Monte game with the public. The CEC draws any public attention from the air districts, while the air Districts act with relative anonymity. Neither provides Notice of emission data. I have appealed a number of Air District decisions around the state, before and after CEC decisions, for Clean Air Act violations. The usual response is encapsulated in the following District Hearing Boards Order Dismissing the Appeal for the Russell City Energy Center, before the EAB remanded the permit. "the Hearing

Board lacks jurisdiction because of the preclusive effect the Warren-Alquist State Energy Resources Conservation and Development Act ("Warren-Alquist Act" or "Act"), Public Resources Code §§ 25000 et seq. That Act establishes the California Energy Commission as the sole licensing authority for new thermal power plants with generating capacity over 50 MW. The Act provides for the District to play a supporting role in providing its expertise on air quality matters for using during the Energy Commission's licensing process, but it places the final say over all power plant siting issues in the Energy Commission (Public Resources Code § 25500) with review only by direct appeal to the California Supreme Court (Public Resources Code § 25531(a)). As a corollary, the Warren-Alquist Act expressly preempts any other Court in the state-and by implication, any other administrative tribunal-from hearing "any matter which was, or could have been determined in a proceeding before the commission" (Public Resources Code Section 25531(c).) This preemption extends to the substantive issues that Appellant seeks to raise here, such as whether and how the facility will comply with applicable air quality regulations, and what conditions are necessary and appropriate to ensure that it will do so"

<http://www.baaqmd.gov/~media/Files/Board%20of%20Directors/Final%20Orders/2008/3546oda.ashx>

I have appealed the the failed system of public Notice and opportunity for participation before the CEC; Avenal Energy Center 08-AFC-1, Humboldt Bay Generating Station 06-AFC-07 Gateway Generating Station 00-AFC-1C and Air Districts; North Coast Air Quality Management District (Humboldt Bay Generating Station) and San Diego Air Pollution Control District (Carlsbad Energy Center). Each agency denies jurisdiction and defers to the other. There is no meaningful review available under the California System. Only with Federal Review (RCEC and Gateway) have substantive issues that I have raised been considered and each time my concerns have been validated. The Department of Justice should acknowledge the Gateway facility in context of California power plant licensing and consider briefs on the systemic failure to comport with the Clean Air Act. California is allowing development of these pollution sources and never providing Notice of emission information to the public or affected agencies.

Before the District was required to properly Notice the Russell City permit they received no comments, after the remand they issued Notice(s) that elicited at least 1000 comments from individuals, organizations, and agencies, the results of which have significantly modified the proposal. The consent Decree could not contemplate unique circumstances associated with this facility without the benefit of participation by affected parties. Handled correctly participants in this PSD permit action would have become a basis of participants for present or future permitting actions in the area. The RCEC remand stated; "Congressional direction for "informed public participation," see CAA § 160(5), 42 U.S.C. § 7470(5), and § 124.10's expansive provision of notice and participation rights to members of the public. This is illustrated by the requirement for permitting agencies to implement general outreach by compiling mailing lists of persons interested in permitting actions, see 40 C.F.R. § 124.10(c)(1)(ix)(A)-(C), and the statement elsewhere in part 124 that "any interested person may submit written comments on the draft permit." *Id.* § 124.11 (emphasis added)."

Indeed, there is a learning curve for participation in PSD permitting actions. There could also be a corollary gain in momentum for a community dealing with multiple PSD permits and an increased urgency based upon the damage from the pollution associated with additional sources. Because the Public was deprived of this PSD permit information their ability and motivation to participate in future actions is compromised. It appears that the

District has ignored the impacts from this facility in public documents and air quality analysis. Scant information is available from the District about this facility. It is as if the facility does not exist. Most information that was accessible about this facility, that was available before the RCEC remand, has been removed from the Districts website. The public has not been provided the opportunity to consider this project or its effect on air quality and relationship to other (planned) sources. The District appears to have opted to further hide its actions. The EAB stated;

"In order to correct serious and fundamental deficiencies in the District's public notice of the draft permit and to remedy the resulting harm to the PSD program's public participation process, the Board finds it necessary to remand the Permit to the District to ensure that the District fully complies with the public notice and comment provisions of section 124.10.30 On remand, the District must scrupulously adhere to all relevant requirements in section 124.10 concerning the initial notice of draft PSD permits (including development of mailing lists), as well as the proper content of such notice. See 40 C.F.R. § 124.10(d)."

Remand 39

While not specifically considering other permits the EAB adjudicated that the States permitting scheme was "fundamentally flawed" PG&E and the District expressly considered the remand including "the District must scrupulously adhere to all relevant requirements in section 124.10 concerning the initial notice of draft PSD permits" Prior to deciding to unscrupulously evade all relevant requirements of Section 124.10.

I have made multiple attempts to obtain public records from the District for this and other actions. The District has chosen to attempt to hide its actions and delay or prevent access to information. The EAB proceeding for this source contains a record of numerous attempts to obtain records without success. I made a Public Records request regarding this facility:

"----- Original Message -----

Subject: public records request Gateway
From: rob@redwoodrob.com
Date: Thu, April 30, 2009 1:44 pm
To: publicrecords@baaqmd.gov

Hi,

I attached my public records request for all available information about the Gateway power plant.

thank you

Rob Simpson
510-909-1800"

I received the below response that the documents were "not available for review."

From: Alexander Crockett
Sent: Wednesday, August 19, 2009 4:08 PM
To: 'rob@redwoodrob.com'
Cc: Public Records
Subject: BAAQMD Public Records Request 09-04-86 -- Gateway Generating Station

Mr. Simpson:

Please see the attached letter being sent to you today by mail regarding your Public Records request for documents related to the Gateway Generating Station (District PRR No. 09-04-86). As explained in the letter, the records you have requested are not available for review.

Sandy Crockett

<< File: 0376_001.pdf >>

Alexander G. Crockett, Esq.
Assistant Counsel
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109
Phone: (415) 749-4732
Fax: (415) 749-5103
www.baaqmd.gov

The EAB decision was published on September 15, 2009. I subsequently received the following;

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

From: [Alexander Crockett](#)

To: [Alexander Crockett](#) ; rob@redwoodrob.com

Cc: [Public Records](#)

Sent: Monday, September 28, 2009 2:02 PM

Subject: RE: BAAQMD Public Records Request 09-04-86 -- Gateway Generating Station
[It has been brought to my attention that the text of the email message that I sent you attached below contained a typographical error. The word "not" in the second sentence should have been written as "now".](#)

From: Alexander Crockett

Sent: Wednesday, August 19, 2009 4:08 PM

To: 'rob@redwoodrob.com'

Cc: Public Records

Subject: BAAQMD Public Records Request 09-04-86 -- Gateway Generating Station

Mr. Simpson:

Please see the attached letter being sent to you today by mail regarding your Public Records request for documents related to the Gateway Generating Station (District PRR No. 09-04-86). As explained in the letter, the records you have requested are not available for review.

Sandy Crockett

<< File: 0376_001.pdf >>

Alexander G. Crockett, Esq.

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San Francisco, CA 94109
Phone: (415) 749-4732
Fax: (415) 749-5103
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The Districts "Typographical error" and other actions may have prevented my access to relevant records germane to the EAB appeal and this action. Because the District has chosen to attempt to shut me out from Public records/participation I have counted on others for second hand records from the District. I am presently waiting on response to Robert Sarvey's Public Records requests to further comment on the proposed consent decree.

I have made other record requests. I made requests regarding the RCEC project on September 11, 2008. I received the following response on January 15, 2009. The records that the District sent me in response to this request were useless and not what was requested. They were mainly copies of my own filings and unidentified calculations. As long as the district withholds records, the public can not be expected to effectively comment on this consent decree;

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

Subject: RE: Public Records Act request re Russell City Energy Center
From: "Alexander Crockett" <ACrockett@baaqmd.gov>
Date: Thu, January 15, 2009 3:55 pm
To: <rob@redwoodrob.com>
Mr. Simpson:

I checked again on the status of the documents responsive to your September 11, 2007, Public Record Act request I referenced in the email you attached below. It seems that I was misinformed about their being mailed last week. Apparently, they were mailed out this week. You should receive them shortly, if you haven't already. I will look into the other questions you raised and see if I can provide some further answers.

In the dearth of information available on the Districts website one record is available for the Gateway facility. It appears to be a notation of violations included in the District Board of Directors agenda;

"4/09/2009 B8143 Gateway Generating Station Antioch No Authority to Construct; Failure to Meet Permit Conditions" 49 OF 276

<http://www.baaqmd.gov/~media/Files/Board%20of%20Directors/2009/Board%20of%20Directors%20080509%20Agenda%20Pkt.ashx>

The RCEC remand states;

(1) Mr. Simpson may raise his notice claims for Board consideration despite Mr. Simpson's "failure" to meet the ordinary threshold for standing under 40 C.F.R. § 124.19(a), which limits standing to those who participate in a permit proceeding by filing comments on the draft permit or participating in a public hearing on a draft permit. Denying Board consideration of fundamental notice claims would deny parties the opportunity to vindicate before the Board potentially

meritorious claims of notice violations and preclude the Board from remedying the harm to participation rights resulting from lack of notice. Such denial would be contrary to the CAA statutory directive emphasizing the importance of public participation in PSD permitting and section 124.10's expansive provision of notice and participation rights to the public...

"(8) The District's notice deficiencies require remand of the Permit to the District to ensure that the District fully complies with the public notice and comment provisions at section 124.10." page 3

I demonstrated an Interest in PSD permits and indicated to the the District that I wished to be included on the Notice list for PSD permits. The District subsequently issued a public Notice for the Gateway PSD permit that Robert Sarvey commented on . They did not provide a copy of the Notice to me. I was assured from the District that the project would be renoticed and that I would have the opportunity to participate. This did not occur. I discovered that the facility was built and operating and so I alerted the authorities, EPA etc. The EAB stated in the RCEC remand;

Congressional direction for "informed public participation," see CAA § 160(5), 42 U.S.C. § 7470(5), and § 124.10's expansive provision of notice and participation rights to members of the public. This is illustrated by the requirement for permitting agencies to implement general outreach by compiling mailing lists of persons interested in permitting actions, see 40 C.F.R. § 124.10(c)(1)(ix)(A)-(C), and the statement elsewhere in part 124 that "*any* interested person may submit written comments on the draft permit." *Id.* § 124.11 (emphasis added).

This action should be expanded to include other facilities developed by PG&E, District actions, and the CEC role in licensing facilities in violation of the Clean Air Act. PG&E should at least be temporarily enjoined from operating the facility pending adjudication of these issues. Any settlement should include compensation for the affected community and groups that have participated. It should also include a mechanism to fund "general outreach" in affected communities by Non Governmental Organization(s) to ensure that the opportunity for public participation in PSD permits in California is preserved.

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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
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IN THE MATTER OF THE COMPLAINT AGAINST
GATEWAY GENERATING STATION

Docket No. 00-AFC-1C
PROOF OF SERVICE
(Revised 10/23/09)

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DECLARATION OF SERVICE

I, Michael Boyd, declare that on 2/8/10, I served and filed copies of the attached Petition for Full Commission Review. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list. 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 or by depositing in the United States mail at _____ with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

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. 00-AFC-1C

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.

Michael Boyd