

## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512



November 17, 2011

**DOCKET**

**11-AFC-2**

DATE NOV 17 2011

RECD. NOV 17 2011

Clay Jensen, Senior Director  
BrightSource Energy, Inc.  
1999 Harrison Street, Ste. 2150  
Oakland, CA 94612

**RE: HIDDEN HILLS SOLAR ELECTRIC GENERATING SYSTEM (11-AFC-2), DATA REQUESTS, SET 1C (#77-96)**

Mr. Jensen:

Pursuant to Title 20, California Code of Regulations, Section 1716, the California Energy Commission staff seeks the information specified in the enclosed data requests. The information requested is necessary to: 1) more fully understand the project, 2) assess whether the facility will be constructed and operated in compliance with applicable regulations, 3) assess whether the project will result in significant environmental impacts, 4) assess whether the facilities will be constructed and operated in a safe, efficient and reliable manner, and 5) assess potential mitigation measures.

This set of data requests (Set 1C, #77-96) is being made in the areas of Alternatives (# 77), Biological Resources (#'s 78-92), Land Use (#'s 93-94), and Worker Safety/Fire Protection (#'s 95-96). Written responses to the enclosed data requests are due to the Energy Commission staff on or before December 17, 2011, or at such a later date as may be mutually agreeable. A subsequent set of Data Requests (Set 1D) will contain questions for other technical disciplines, including Cultural Resources.

If you are unable to provide the information requested, need additional time, or object to providing the requested information, you must send a written notice to both the Committee and me within 20 days of receipt of this notice. The notification must contain the reasons for not providing the information, the need for additional time, and the grounds for any objections (see Title 20, California Code of Regulations, Sec.1716 (f)). If you have any questions, please call me at (916) 654-4894 or email me at [mike.monasmith@energy.state.ca.us](mailto:mike.monasmith@energy.state.ca.us).

Sincerely,

Mike Monasmith  
Project Manager

cc: Docket (11-AFC-2)  
Proof of Service List

## **Technical Area: Alternatives**

**Author:** Jeanine Hinde

### **BACKGROUND**

Subsection 6.2 of the Application for Certification (AFC) discusses alternative sites that were part of the screening analysis for off-site alternatives to the Hidden Hills Solar Energy Generating System (HHSEGS) project site. Alternative sites that were considered include the following:

- Centennial Flat
- Panamint Valley
- Chicago Valley
- Tecopa
- Sandy Valley
- Death Valley Junction
- Calvada South
- Trona

Of these eight off-site alternatives, the project applicant carried forward only the Calvada South and Trona sites for further analysis. The remaining six were not retained by the project applicant for further analysis based on a limited review of the sites' characteristics compared to the screening criteria. Section 6.2.1.1, "Alternative Sites That Are Not Feasible," briefly discusses the reasons for eliminating the six alternatives. Some of the stated reasons are excessively long linears (i.e., long transmission lines and natural gas pipelines), biological sensitivity (e.g., in known ranges of desert tortoise or Mohave ground squirrel), possible shortfalls of contiguous private land acreage, location relative to the China Lake Naval Air Weapons Station, and high visual sensitivity.

Water supply for the six rejected alternatives is described either as "uncertain," "medium," or "poor." Section 6.2.1.3, "Alternative Sites Would Fail to Satisfy Some of the Project Objectives," states that the Panamint Valley, Tecopa, Chicago Valley, and Death Valley Junction alternative sites have constrained transmission capacity requiring system upgrades "that would make it more difficult, if not impossible, for those areas to be available by 2015." Chicago Valley is identified as the only location that has sufficient contiguous private land to meet the development schedule. Tecopa and Sandy Valley are identified as being too small to allow for the project as proposed.

Based partially on information provided in the AFC, staff concurs with the project applicant's rejection of the Centennial Flat, Panamint Valley, Chicago Valley, Tecopa, and Death Valley Junction alternative sites. The U.S. Geological Survey (USGS) desert tortoise habitat rating for the Trona and Calvada South alternative sites is 0.8 or 0.9, and the required mitigation ratios for these sites would be commensurately high. Based on the USGS rating for tortoise habitat and other environmental issues, these sites are not being retained for analysis by staff. Additional information is needed documenting the applicant's decision to reject the Sandy Valley site.

**Alternatives Table 1** includes information provided by the project applicant for the Sandy Valley alternative site. Staff's data requests pertaining to this alternative follow the table.

<b>Alternatives Table 1</b> <b>Information from the Application for Certification on the</b> <b>Sandy Valley Alternative Site</b>	
<b>Criteria</b>	<b>Sandy Valley Alternative Site</b>
<b>Area and slope</b>	Uncertain whether contiguous land of adequate size is available. No information on slope is provided.
<b>Ability to obtain site control</b>	Sufficient private land may be available, but many parcels are in agricultural use.
<b>General plan and zoning</b>	No information provided.
<b>Transmission lines</b>	Approximately 50 miles of new transmission line required.
<b>Natural gas pipeline</b>	The Kern River Gas Transmission pipeline is about 25 miles away.
<b>Water supply</b>	Individual wells supply water.
<b>Desert tortoise</b>	The site is among the alternatives with the highest ratings for tortoise habitat suitability; however, much of the land has already been disturbed by agricultural use. Staff notes that the USGS habitat rating is 0.6, and the site is adjacent to areas with ratings of 0.5 and 0.6.
<b>Mohave ground squirrel</b>	No information provided, but staff notes that the site is not within the range of Mohave ground squirrel.
<b>Visual quality</b>	No information provided.
<b>Economic viability</b>	"Medium" because the linears are long, but not as long as for other alternative sites. Staff notes that the linears for the Sandy Valley alternative are comparable to those proposed for the HHSEGS project. The proposed project would require either 39 miles or 67 miles of new transmission line, depending on the selected transmission option.

## **DATA REQUESTS**

77. Sandy Valley – Please provide the following:

- a. Information on slope and potential available acreage in the area, including potentially available contiguous acreage in the northeast corner of San Bernardino County. Include a map showing a possible project site and footprint. Describe the topography and elevations in the area.
- b. Information on the number of landowners with property in the area. Discuss land ownership for the area and the acreage of land that is privately owned.

- c. Information on public lands in the area. Describe applicability of the U.S. Bureau of Land Management's plan for the Northern and Eastern Mojave Planning Area to land uses in the area.
- d. Information on Inyo County's general plan designation and zoning for private land in the area.
- e. Description of existing land uses at the site and in the surrounding area. Include acreage figures for areas in agricultural uses.
- f. Information on site access from public roads in the area.
- g. Details and a map on a plan and route for a transmission line interconnection at the Eldorado Substation. Also address the feasibility of connecting to the Mt. Pass substation approximately 30 miles southeast. Estimate the cost for generation tie (gen-tie) lines to the Eldorado and Mt. Pass substations. Compare those costs to the known or estimated cost for the gen-tie line for the HHSEGS project.
- h. Information and a map showing a potential connection to the Kern River Gas Transmission pipeline.
- i. Discussion of the state of groundwater levels in the basin, including a discussion of whether the basin is in an overdraft or recovery state. Identify opportunities to mitigate potential impacts to groundwater.
- j. Details on the individual water supply wells in the area, including the number of wells and current uses. Discuss any water allocations for agricultural use, and identify the potential source(s) of water for this alternative.
- k. Information on the visual quality of the area. Include a discussion of how the project might impact views from the Pahrump Valley Wilderness. Compare the visual quality of this alternative location to the HHSEGS project area.
- l. Information on habitat types and protected plant and wildlife species that could be present in the area. Include data obtained from a California Natural Diversity Database record search for the area.
- m. Information on the sensitivity of the area for cultural resources and the potential for discovery of cultural artifacts.
- n. Description of how the economic viability of this alternative compares to the HHSEGS project.

## **Technical Area: Biological Resources**

**Authors:** Amy Golden and Carol Watson

### ***DESERT KIT FOX***

**BACKGROUND:** In AFC Section 5.2.6.7, the applicant did not include desert kit fox as a species observed or likely to occur within the site nor was it included in Appendix 5.2B, Potentially Occurring Special-status Wildlife; however, in the burrowing owl discussion (Section 5.2.6.7.2), owls were discussed as occupying old kit fox natal dens. Appendix 5.2F, Desert Tortoise Survey Report, which also includes results and discussion of other sensitive wildlife (burrowing owl and American badger) indicates kit fox sign was observed within the main project site although does not discuss results or sign of these observations. Although the AFC does not discuss this species occurrence in the project site or identify the location any kit fox sign found during field surveys, the applicant's Data Adequacy Supplement A briefly discussed project impacts to denning and foraging habitat for desert kit fox with impacts being less than significant and not requiring any further mitigation. Data Adequacy Supplement B provided some additional information on construction impact avoidance measures and a Record of Conversation with Craig Bailey of the California Department of Fish and Game (CDFG).

Desert kit fox is not listed or protected under the federal or state Endangered Species Acts; however, take of this species is defined and covered under Title 14 of the California Code of Regulations and Fish and Game Code Section. Further, California Fish and Game Code (§ 4000 - 4012) defines kit fox as a fur-bearing mammal and take is not allowed without the proper fur-bearing take permit. Therefore, desert kit fox is a special-status species and should be considered during staff's CEQA review of this project. If desert kit fox does occupy the project site either as a foraging or breeding mammal, staff must analyze the potential for impacts to this species, especially if natal or satellite dens occur within the site.

### **DATA REQUEST**

78. As indicated in AFC Appendix 5.2F, please provide a discussion of the type of kit fox sign (scat, tracks, and dens) found during field surveys and a map showing the locations of kit fox sign. If potential kit fox dens or complexes were observed, identify the number of burrows and whether they are likely to be natal or satellite dens.

### ***NELSON'S BIGHORN SHEEP***

**BACKGROUND:** The applicant reported in the AFC (Section 5.2.6.7.3) that Nelson's bighorn sheep (BHS) signs (pellets and horn fragment) were observed on the project site during botanical surveys, and this species is known to occupy the Nopah and Kingston ranges surrounding the project site. The applicant also indicated in Data Adequacy Supplement A (Section 7, page 15) that the site does not provide BHS cover and foraging habitat. In the spring when annual plants are available, BHS tend to disperse downhill to bajadas and alluvial fans to forage. Staff believes the site may provide foraging habitat given the presence of several desert washes throughout the site, sheep sign observed during field surveys, and known occurrences of BHS in

nearby mountain ranges. Since this is a BLM sensitive species, potential impacts to regional movement between occupied territories is also of concern to staff and the resource agencies.

## **DATA REQUESTS**

79. Please provide data on the occurrence of BHS metapopulations and demes (isolated subpopulations) in the project area. Also, provide maps of likely BHS movement corridors across the project site and in the greater vicinity of the project, and a discussion of whether the potential project site could be in a BHS movement corridor between occupied or potentially BHS occupied mountain ranges.
80. Please provide an analysis of the potential for use of the project site by BHS for spring forage. Please provide an acreage table that identifies how much BHS spring foraging habitat occurs within the project site, and a map depicting the extent of suitable on-site foraging habitat.

## **OTHER POTENTIALLY OCCURRING WILDLIFE SPECIES**

**BACKGROUND:** Staff's verification of the applicants' list of species potentially impacted by the project is a fundamental part of staff's evaluation of the HHSEGS project. A thorough species list is important, as CEQA is intended to disclose all environmental impacts of a project. The project site occurs in the Northern and Eastern Mojave (NEMO) plan area, as designated by the BLM. Appendix I of NEMO (Special Species of Concern within NEMO) identifies several wildlife species not included in AFC Tables 5.2-4 or 5.2-7. Three bird species - LeConte's thrasher, Cooper's hawk, and Ferruginous hawk - were observed during field surveys, but omitted from AFC Tables 5.2-4 and 5.2-7, and are known to occur within the NEMO planning area.

## **DATA REQUEST**

81. Please discuss the potential for the following special status wildlife species known to occur within the NEMO planning area and what effect the project may have on the species:

### **Birds:**

Swainson's hawk (*Buteo swainsoni*)  
Southwestern willow flycatcher (*Empidonax traillii extimus*)  
Inyo California towhee (*Pipilo crissalis*)  
Tricolored blackbird (*Agelaius tricolor*)  
LeConte's thrasher (*Toxostoma lecontei*)  
Long-eared owl (*Asio otus*)  
Cooper's hawk (*Accipiter cooperi*)  
Ferruginous hawk (*Buteo regalis*)  
Western snowy plover, inland pops. (*Charadrius alexandrinus nivosus*)  
Yellow warbler (*Dendroica petechia brewsteri*)  
Yellow-breasted chat (*Icteria virens*)  
Western least bittern (*Ixobrychus exilis hesperis*)

California gray-headed junco (*Junco hyemalis caniceps*)  
White-faced ibis (*Plegadis chihi*)  
Virginia's warbler (*Vermivora virginiae*)

Mammals:

Occult little brown bat (*Myotis lucifugus occultus*), California Species of Concern (CSC)  
Fringed myotis (*Myotis thysanodes*), BLM Sensitive  
Western mastiff bat (*Eumops perotis*), BLM Sensitive, CSC  
Spotted bat (*Euderma maculatum*) BLM Sensitive, CSC  
Western small-footed bat (*Eumops perotis*), BLM Sensitive  
Long-eared myotis (*Myotis evotis*), BLM Sensitive  
California leaf-nosed bat (*Macrotus californicus*), BLM Sensitive, CSC  
Black toad (*Bufo exsul*)

Fish: Shoshone pupfish (*Cyprinodon nevadensis shoshone*)

## **IMPACTS OF GROUNDWATER PUMPING ON PLANTS AND WILDLIFE SPECIES**

**BACKGROUND:** The cone of depression created by groundwater drawdown could affect groundwater dependant, or phreatophytic, vegetation both locally and well beyond the project site. Staff must evaluate the spatial extent of the drawdown, as well as the potential for species impacts stemming from that drawdown. Impacts to vegetation communities, as well as associated special status species of wildlife and plants, must be presented to the public, as well as a well-designed mitigation plan for any significant impacts. An area of particular concern is the Amargosa River which is located approximately 22 miles west of the project site. Per a recent personal conversation with the BLM (C. Otahal, Nov. 3, 2011), concern was regarding the potential of the project to adversely impact the Amargosa River Area of Critical Environmental Concern (ACEC) and Wild and Scenic River (WSR) segment which is habitat for several sensitive species of plants and animals. Potential impacts to the Amargosa River, the Amargosa WSR, and the Amargosa River ACEC, are not mentioned within the AFC. The BLM has indicated that applicant's AFC lacked sufficient detail for staff to analyze the potential for impacts to the Amargosa ACEC phreatophytic plant communities and associated special status wildlife species.

## **DATA REQUESTS**

82. Please provide a map (no greater than 1:25,000) depicting the cone of depression of drawdown including predicted groundwater drawdown relative to the Amargosa River, Amargosa Wild and Scenic River (WSR), and the Amargosa River Area of Critical Environmental Concern (ACEC). Also, please provide an analysis which evaluates the potential for this drawdown to affect the Amargosa ACEC/WSR. This analysis should include a discussion regarding the carbonate aquifer which may connect the proposed project to the Amargosa River hydrologic system.

83. Please provide a list of wildlife species dependent upon riparian and or phreatophytic vegetation that could be impacted by groundwater drawdown

associated with the proposed project, particularly within five miles of the project site and within the Amargosa River ACEC/WSR. Please provide a list of migratory birds and their habitats in the region that could potentially be affected by drawdown associated with the proposed project.

84. Please provide a table showing projected drawdown in acre-foot-per-year (AFY), over the projected 30-year life of the project.

## ***IMPACTS TO NATIVE VEGETATION***

**BACKGROUND:** The AFC indicates that the entire project site is Mojave Desert scrub and shadscale scrub, with various associated vegetation types occurring on the site. The AFC also notes that “numerous small washes occur scattered throughout the site...”. However, other habitats noted on the site include mesquite thicket, typically a community of special concern to CDFG, as well as several low areas where water ponds. The AFC does not quantify acreages of impacts to the various plant communities or map the locations of these features. Staff must provide an accurate description of impacts for each vegetative community type for each type of project construction impact. AFC Figure 5.2-3 shows location of mesquite thickets adjacent to the project, but fails to show the mesquite thickets known to occur onsite.

## **DATA REQUESTS**

85. Please provide a table depicting impact acreage calculations to existing on-site native habitat. The table should differentiate between permanent and temporary impacts, clearly reference the associated project features, and the plant community affected. Please also include acreages of areas where water regularly ponds.
86. Please provide a map depicting locations of mesquite thickets and areas of water ponding.

## ***IMPACTS TO STATE JURISDICTIONAL WATERS***

**BACKGROUND:** Pursuant to the Warren-Alquist Act, the Energy Commission issues Fish and Game Code Section 1600 Lake and Streambed Alteration Agreements in lieu of CDFG. Because staff will be responsible for verifying information in the agreement, staff requests additional data on existing state waters within the project site. Also, the AFC does not include a description of the anticipated direct, indirect, temporary, and permanent impacts for the temporary construction area and common area.

## **DATA REQUESTS**

87. For state jurisdictional waters, please provide a table showing expected impact acreages that would be addressed under a state Streambed Alteration Agreement. Please also provide an assessment of what effect the project would have on state waters adjacent to the proposed project site.



88. Please delineate the state waters in the common area and temporary construction area and provide an updated state waters map and survey data (acreages) to staff. Please provide an explanation of what assumptions were made to determine what areas qualify as state waters.

### ***IMPACTS TO WATERS OF THE U. S.***

**BACKGROUND:** Staff must present a full accounting of the waters of the U. S. (WOUS) on the project site. Waters of the U. S. are regulated by the U.S. Army Corps of Engineers (USACE) under Sections 401 and 404 of the federal Clean Water Act. Determination of WOUS and formulation of mitigation is regulated by the USACE. Section 5.2.8 of the AFC and Appendix 5.2E reference the existence of nine USGS-mapped blue line streams within the project site, and discuss the lack of hydric soils on the project site. Staff needs to verify this determination, and thoroughly evaluate the potential for impacts to blue line streams from the HHSEGS project.

### **DATA REQUESTS**

89. Please provide maps of locations of soil pits which indicated a lack of USACE parameters for jurisdictional wetlands or waters, such as hydric soils, hydric vegetation, or hydrologic features.
90. Please provide a copy of the USACE jurisdictional determination for waters of the U. S. (for all Section 404 regulated waters).
91. When available, please provide a copy of the Nationwide Permit Application submitted to the USACE subsequent to receipt of the jurisdictional determination.
92. When available, please provide staff a copy of the USACE letter of concurrence which grants authorization to fill waters of the U. S.

**Technical Area: Land Use**

**Author:** Christina Snow

**BACKGROUND**

The Application for Certification (AFC) Land Use Section 5.6 refers to the Inyo County General Plan and Solar and Wind Renewable Energy General Plan Amendment (REGPA) as the primary planning document applicable to the project site. The REGPA provided the basis for approvals of solar or wind renewable energy facilities and established policies to encourage development of renewable energy facilities in overlay zones in any zoning district identified in Title 18 of the Inyo County Code.

Proposed renewable energy projects submitted under the REGPA were also subject to Title 21 (Renewable Energy Development) of Inyo County. Title 21 remains in effect and states that any person proposing to construct a renewable energy facility within Inyo County must obtain either a renewable energy permit, or enter into a renewable energy development agreement with Inyo County in lieu of applying for a permit. On September 6, 2011, the Inyo County Board of Supervisors rescinded the County's REGPA, effectively eliminating the overlay zone that was discussed in the AFC. The California Energy Commission has statutory authority over the licensing for the proposed Hidden Hills Solar Electric Generating System (HHSEGS) and staff is reviewing the applicability of Inyo County Title 21 requirements.

As a result of the revocation of the REGPA, the proposed project is now inconsistent with existing general plan and zoning designations on the project site (Open Space and Recreation, and Open Space with a 40-acre minimum parcel size, respectively). Had the HHSEGS project been subject to permitting by Inyo County, the applicant would have been required to submit an application to amend the general plan and either apply for a renewable energy permit and zoning reclassification, or enter into a renewable energy development agreement pursuant to Title 21. The HHSEGS project will be analyzed and a determination will be made as to whether the project is consistent with local laws, regulations, ordinances and standards (LORS). For staff to prepare the land use analysis section, additional information is needed as follows.

**DATA REQUESTS**

93. Please state whether the applicant has submitted or intends to submit to Inyo County an application for a General Plan Amendment and Zoning Reclassification to bring the project into conformity with local LORS. Please indicate when the application will be submitted to the county and provide a copy to Energy Commission staff
94. Please provide information to Inyo County that would normally be submitted in an application for a renewable energy permit (or renewable energy development agreement) to facilitate the county's review of the project so that Inyo County can provide adequate input to the Energy Commission on appropriate mitigation measures, development standards, reclamation plan, and financial assurances pursuant to Title 21 (Sections 21.20.010, 21.20.020, 21.20.030, and 21.20.040). Please submit copies to Energy Commission staff (Staff will consider the county's input when developing its proposed conditions of certification for the project).

## Technical Area: Worker Safety and Fire Protection

Authors: Geoff Lesh

### BACKGROUND

Hidden Hills SEGS will bring a large scale industrial facility into the jurisdiction of Southern Inyo Fire Protection District (SIFPD). First responder and fire protection services will be required for the project and will be provided by the unfunded and understaffed SIFPD. As the construction and operation of the project will increase the assets that the fire district must protect and potentially increase call frequency for emergency first aid and medical services, Energy Commission staff requires assurance that SIFPD's increased responsibility will not adversely affect its ability to continue providing service to the public.

### DATA REQUESTS

95. Please provide a letter, email, or record of conversation with SIFPD that confirms the absence of any expected impacts on the local fire district resulting from construction and operation of the proposed project.
96. In the absence of such letter or communication, please provide a Fire and Emergency Services Risk Assessment and a Fire Protection and Emergency Services Needs Assessment for the construction and operation of the project that provides an objective estimate of both equipment and staffing shortfalls (if any) and the associated recommended mitigations (if any) that would be required by SIFPD to maintain its current level of readiness to respond.

The Fire Risk Assessment and a Fire Protection Needs Assessment should be considerate of the guidance provided by NFPA 1720: Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations and Special Operations to the Public by Volunteer Fire Departments and NFPA 551: Guide for the Evaluation of Fire Risk Assessments. The Fire Protection and Emergency Services Needs Assessment should address emergency fire and medical response and equipment, staffing, and location needs while the Risk Assessment should be used to establish the risk (chances) of significant impacts occurring. The Fire Protection and Emergency Services Needs Assessment and Risk Assessment should evaluate the following: (a) the risk of impact on the local population that could result from potential unmitigated impacts on local fire protection and emergency services (i.e. "drawdown" of emergency response resources, extended response times, etc.) and (b) recommend an amount of funding that should be provided to mitigate any identified impacts on local fire protection and emergency medical response services.



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

**APPLICATION FOR CERTIFICATION  
FOR THE *HIDDEN HILLS SOLAR ELECTRIC  
GENERATING SYSTEM PROJECT*  
HIDDEN HILLS SOLAR HOLDINGS, LLC**

DOCKET NO. 11-AFC-2

PROOF OF SERVICE  
(Revised 11/16/2011)

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**INTERESTED AGENCIES**

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**ENERGY COMMISSION –  
DECISIONMAKERS**

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ADVISER**

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Public Adviser's Office  
*e-mail service preferred*  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

\*indicates change

### DECLARATION OF SERVICE

I, Mineka Foggie, declare that on, November 17, 2011, I served and filed copies of the attached Data Requests, Set 1C, dated November 17, 2011. The original document, filed with the Docket Unit or the Chief Counsel, as required by the applicable regulation, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [[www.energy.ca.gov/sitingcases/hiddenhills/index.html](http://www.energy.ca.gov/sitingcases/hiddenhills/index.html)].

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit or Chief Counsel, as appropriate, in the following manner:

*(Check all that Apply)*

**For service to all other parties:**

- X   Served electronically to all e-mail addresses on the Proof of Service list;
- Served by delivering on this date, either personally, or for mailing with the U.S. Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "e-mail preferred."

**AND**

**For filing with the Docket Unit at the Energy Commission:**

- X   by sending an original paper copy and one electronic copy, mailed with the U.S. Postal Service with first class postage thereon fully prepaid and e-mailed respectively, to the address below (preferred method); **OR**
- by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

**CALIFORNIA ENERGY COMMISSION – DOCKET UNIT**

Attn: Docket No. 11-AFC-2  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

***OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:***

- Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission  
Michael J. Levy, Chief Counsel  
1516 Ninth Street MS-14  
Sacramento, CA 95814  
[mlevy@energy.state.ca.us](mailto:mlevy@energy.state.ca.us)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Originally Signed by  
Mineka Foggie