

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



May 21, 2012

DOCKET**11-AFC-04**DATE MAY 21 2012RECD. MAY 21 2012

Todd Stewart, Senior Director of Project Development
BrightSource Energy, Inc.
1999 Harrison Street, Ste. 2150
Oakland, CA 94612

**RE: RIO MESA SOLAR ELECTRIC GENERATING FACILITY (11-AFC-4)
DATA REQUESTS, SET 2A (Nos. 155 - 172)**

Mr. Stewart:

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 and alternatives, 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 (Nos. 155 – 172) is being made in the areas of Biological Resources (Nos. 155 – 167), Soil and Water Resources (No. 168), Traffic and Transportation – Glint and Glare (No. 169), Alternatives (Nos. 170 – 171), and Socioeconomics (No. 172). Written responses to the enclosed data requests are due to the Energy Commission staff on or before June 20, 2012.

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, or 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) 651-3765 or email me at pierre.martinez@energy.ca.gov.

Sincerely,

Pierre Martinez, AICP
Project Manager

PROOF OF SERVICE (REVISED 5/3/12) FILED WITH
ORIGINAL MAILED FROM SACRAMENTO ON 5/21/12
DLS

cc: Docket (11-AFC-4)
Proof of Service List

Technical Area: Biological Resources
Author: Heather Blair, Scott White, and Edward Brady

BACKGROUND: DESERT KIT FOX

Desert kit fox occurs on the Rio Mesa project site. The AFC (page 5.2-60) reported 193 den complexes on the site, though it is not clear how many of the den complexes were active or how many kit foxes (single adults, paired adults, or family groups) inhabit the site. The desert kit fox is designated as a furbearer and, under Title 14 Section 460 of the California Code of Regulations, “may not be taken at any time.” The California Fish and Game Code defines “take” as to “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill” (§ 1-89.1). The California Department of Fish and Game (CDFG) does not issue Incidental Take Permits or Memoranda of Understanding to permit the capture or handling of desert kit fox.

The project has the potential to take desert kit fox during construction, operation, or decommissioning, e.g., by vehicle strikes or crushing or entrapment within burrows. In order to avoid take, desert kit foxes should be relocated from the project site using “passive relocation” methods prior to initial site preparation activities. These methods are intended to force the animals to disperse from the project site, without capturing or handling them. Although passive relocation introduces some risk of mortality to kit foxes (e.g., if they are unable to find adequate food or shelter off-site), CDFG does not interpret properly implemented passive relocation as take pursuant to statute.

Passive relocation is implemented by excluding desert kit foxes from their burrows. If a burrow has been inactive for several days, it may be collapsed and compacted (to prevent the animals from rebuilding it). An active burrow (without pups) can be closed with one-way doors, preventing the adult animals from returning to it. Planning for effective passive relocation must take into consideration the numbers and locations of desert kit foxes on a project site, the size of the site, and the likely areas where the animals may establish new territories off-site. Passive relocation may be problematic for several reasons, including (but not limited to) the following:

- Effective passive relocation is labor-intensive, time consuming and logistically challenging. Careful advance planning is needed, including baseline information on the numbers of desert kit foxes on the site; locations of active and alternate burrows; availability of field staff, supplies, and equipment; and seasonality (particularly breeding season).
- To avoid direct mortality of pups, passive relocation must be scheduled during seasons when young are no longer in dens or highly dependent on parents, or while females may be pregnant.
- Desert kit foxes will attempt to return to project sites after passive relocation, e.g., by digging under security fencing.
- On large sites, desert kit foxes excluded from one portion of the site may attempt to establish a new home range still within the project area boundaries. Forcing them to leave a large project area may require further planning.

- Desert kit fox home range sizes are approximately 1-2 square miles; knowledge of suitable den availability outside the project area but (preferably) within the animals' existing home ranges will be needed to plan successful passive relocation. Depending on resource availability and numbers of kit foxes in the surrounding area, the kit foxes excluded from the project area may need to travel extensively to locate new home ranges.
- Management efforts such as construction of replacement burrows to provide off-site shelter and maximize likelihood of survival may be applicable, but also would have ground disturbing impacts (i.e., trenching for burrow construction) that would need to be analyzed in the Staff Assessment.
- Passive relocation has the potential to worsen the regional canine distemper virus outbreak in desert kit foxes, by either raising stress levels causing increased susceptibility to infection, or causing increased movement of diseased animals, thereby increasing the spread of disease into new areas.

Staff believes that these factors will likely necessitate analysis and management efforts beyond those incorporated for prior projects in the area. The recent canine distemper outbreak along the Interstate 10 corridor near the proposed project area makes the issue of relocation of potentially infected kit foxes of particular concern. Staff expects to prepare one or more conditions of certification addressing passive relocation and management of desert kit fox. In order to analyze the project's potential impacts to desert kit fox and implications for the potential spread of canine distemper, staff needs detailed explanation of specific management methods the applicant may propose to passively relocate desert kit foxes from the site while minimizing any likelihood of mortality or any potential to worsen the existing canine distemper outbreak. In order to implement those management actions, the applicant will need additional baseline information on the number and location of active kit fox burrow complexes on the project site, and availability of suitable habitat and unoccupied burrow complexes on surrounding lands. Staff requests a Draft Desert Kit Fox Management Plan to develop its analysis of potential project impacts to desert kit fox.

DATA REQUESTS

155. Please provide a Draft Desert Kit Fox Management Plan, to completely describe all methods that may be used for desert kit fox passive relocation, including:
- a. A pre-construction survey and clearance field protocol, to determine:
 - i. The number and locations of single or paired kit foxes on the project site that would need to be passively relocated; and
 - ii. The number and locations of desert kit fox burrows or burrow complexes that would need to be collapsed to prevent re-occupancy by the animals;
 - b. Qualitative discussion of availability of suitable habitat on off-site surrounding lands within 10 miles of the project boundary, and quantitative evaluation of unoccupied desert kit fox burrows available on surrounding

lands within 1 mile of the project boundary (e.g., by inventorying burrow numbers in selected representative sample areas);

- c. Estimates of the distances kit foxes would need to travel across the project site and across adjacent lands to safely access suitable habitat (including burrows) off-site;
- d. Proposed scheduling of the passive relocation effort;
- e. Methods to minimize likelihood that the animals will return to the project site;
- f. Descriptions of any proposed or potential ground disturbing activities related to kit fox relocation (e.g., artificial burrow construction);
- g. A monitoring and reporting plan to evaluate success of the relocation efforts and any subsequent re-occupation of the project site; and
- h. A plan to subsequently relocate any animals that may return to the site (e.g., by digging beneath fences).

Additionally, please coordinate with CDFG to establish procedures and contacts to notify the agency, and any additional procedures to be taken, if potentially infected kit foxes are identified on site.

BACKGROUND: DESERT NATIVE PLANTS

Certain common California desert plants are protected under the California Desert Native Plants Act (23 California Food and Agricultural Code §§ 80071-80201) including, but not limited to, certain species of cacti, ocotillo, mesquite, acacia, palo verde, and ironwood that are present in the project area (Biological Resources Technical Report Appendix H). In addition, rings of creosote bush clones (“creosote rings”) are a unique native plant assemblage potentially occurring in the project area. There is no discussion of conformance with the California Desert Native Plants Act or the presence of creosote rings in the AFC or supplemental filings. Staff requires the following information to analyze whether impacts to certain desert native plants would occur and determine if the project would be in conformance with the California Desert Native Plants Act.

DATA REQUESTS

- 156. Clarify whether botanical surveys of the project area targeted creosote rings.
- 157. If surveys did not target creosote rings, please determine whether any occur within the project area using high resolution aerial photography. If determined present in the project area through surveys or imagery analysis, provide a map showing the locations of all creosote rings and their estimated diameter.
- 158. Because the proposed project would remove native plants regulated under the California Desert Native Plants Act, please analyze conformance of the proposed project with this Act, including provisions for harvesting and cutting of regulated species (cacti, ocotillo, catclaw acacia, palo verde, and ironwood).

BACKGROUND: ENERGY FLUX CONTOUR MODEL

In order for staff to make informed conclusions about the impact of power levels generated by the project on avian species, a clear picture needs to be provided. Previous data requests and data responses have provided partial models (Data Responses to Data Request Set 1A, Nos. 55 and 57), but the models and descriptions do not clearly identify energy states under various operating conditions, sources of these concentrations (heliostats, receiver tower, or standby locations), and the possible projection of these concentrations outside the boundaries of the solar array.

DATA REQUESTS

159. Please provide a three-dimensional graphical model of the southern 250 MW (net) facility proposed for Rio Mesa SEGF under full-load, partial-load and full-standby status, illustrating the composite effect of convective heat and radiant flux. The modeled convective heat should include elevated temperature of the receiver tower and heliostat surfaces on surrounding air. The modeled radiant flux must include all radiant energy, including (1) ambient solar energy; (2) energy reflected and/or radiated from heliostats to the receiver tower, the standby locations, and the surrounding air; and (3) energy reflected and/or radiated from the receiver tower
- a. The partial-load model should be based on typical load level expected during spring and fall midday operating conditions.
 - b. The radiant flux model should show the density conditions as contours at 2.5 kW/m^2 , 10 kW/m^2 , 25 kW/m^2 , 50 kW/m^2 and 150 kW/m^2 .
 - c. The graphical model of the convective heat patterns should show the data at the receiver tower and the heliostats for the following conditions: still-air and at 2m/sec. wind speed.
 - d. Where separate convective and radiant models are used, provide numerical values of cumulative or additive effect.
 - e. Please provide this modeled radiant flux data for vertical space, from the ground surface to twice the height of the receiver tower or to the highest altitude where cumulative energy flux is 2.5 kW/m^2 or greater. The radial boundaries of the modeled area should include the farthest heliostat row from the receiver.
 - f. The boundaries of the analysis should identify the location of the microphyll woodland habitat that would be retained within the mirror field in Section 22.
 - g. Please describe significant differences (if any) among expected energy flux contours at the central and northern facilities and the modeled energy flux contours at the southern facility. Should the northern facility be removed from the project proposal, then continue to describe the significant differences between the central and southern facility.

BACKGROUND: JURISDICTIONAL WETLANDS AND WATERS

Energy Commission staff is coordinating closely with CDFG staff to evaluate the project's potential impacts to state jurisdictional streambeds, pursuant to Section 1600 et seq. of the California Fish and Game Code. CDFG requires the applicant to submit an application for a Lake and Streambed Alteration Agreement, as well as an application fee, in order to initiate review of the project. The applicant submitted a preliminary delineation (without fee) to the Energy Commission on April 16, 2012 (Supplemental Response to Energy Commission Data Request Set 1A). The applicant requested that CDFG validate their delineation of state waters and acreage of estimated impact before proceeding. CDFG has reviewed the delineation, but is unable to validate it without additional information. In coordination with CDFG, Energy Commission staff requests the following information to validate the applicant's information pertaining to state waters.

DATA REQUESTS

160. For each drainage system within the project area, please provide representative photographs for the following feature types as applicable, and show locations of these photographs in a 1:3,600 or finer scale map:
 - a. Narrow ephemeral channels;
 - b. Braided ephemeral channels;
 - c. Intermittent channels;
 - d. Single-thread channels;
 - e. Compound channels;
 - f. Discontinuous channels;
 - g. Low-flow channels and associated floodplains;
 - h. Alluvial fans;
 - i. Manmade ditches and culverts; and
 - j. Wetland feature types.
161. In a table, please summarize the jurisdictional acreage of each of the above geomorphic feature types for each drainage system. In an Excel table, please show a detailed computation of acreage by feature type.
162. In a 1:3,600 or finer scale map, please show:
 - a. The project footprint and outline of any project related disturbance areas; and
 - b. Numerical values of elevation contour lines and widths of jurisdictional features.

163. In a table, please summarize the jurisdictional acreage of each of the above geomorphic feature types for each drainage system. In an Excel table, please show a detailed computation of acreage by feature type.
164. In a table, please summarize the jurisdictional acreage by soil texture classes occurring in each drainage system. In an Excel table show a detailed computation of the acreage by soil classes.

BACKGROUND: MITIGATION FOR IMPACTS TO JURISDICTIONAL WASHES

In Data Request No. 81 (Energy Commission Data Request Set 1A), staff requested that the applicant review and summarize the availability of suitable compensation lands or alternate approaches to offset the project's anticipated impacts to state jurisdictional streambeds, including microphyll woodland habitats. The AFC identified direct impacts to 1,264.94 acres of CDFG-jurisdictional washes, including 621 acres of U.S. Army Corps of Engineer (USACE)-jurisdictional washes (AFC page 5.2-82; Table 5.2-14), and 1,120 acres of microphyll (blue palo verde/ironwood) woodland (AFC page 5.2-66, Table 5.2-11). Staff has not verified these acreages, or considered potential indirect or off-site impacts to additional acreage. Based on mitigation requirements for recent solar projects approved by the Energy Commission as well as Bureau of Land Management (BLM) and compensation ratios found in the BLM's Northern and Eastern Colorado Desert Coordinated Management (NECO) Plan, compensatory mitigation would likely be three acres or more for every one acre of microphyll woodland impacted. The applicant's response to Data Request No. 81 did not adequately demonstrate whether enough appropriate compensatory habitat acreage or credits is available for acquisition or the necessity and feasibility of alternate mitigation approaches (e.g., enhancement, restoration, or creation) which must be developed and demonstrated to be feasible. The following information is intended to clarify what was requested under prior Data Request No. 81. Staff requests this information to assess whether it is possible to mitigate this impact. Staff will work with the applicant, the public, and agencies to identify and ascertain the feasibility of mitigation for impacts to desert washes, including jurisdictional wetlands and other waters as well as microphyll woodland habitat.

DATA REQUESTS

165. Please provide a detailed proposal for mitigating impacts to a minimum of 1,265 acres of CDFG-jurisdictional washes, including 621 acres of USACE-jurisdictional washes, and 1,120 acres of microphyll (blue palo verde/ironwood) woodland, at the 3:1 compensation ratio described in the NECO Plan. The proposal should include any feasible compensation measures, such as acquisition and protection of off-site lands and/or habitat creation or restoration. If habitat creation and/or enhancement are proposed, please provide information to demonstrate that they would mitigate temporal and spatial habitat loss. The proposal should include descriptions of successful large-scale microphyll woodland restoration in California and identification of large areas of degraded lands that (1) contain suitable soils, hydrology, and topography for microphyll woodland restoration; and (2) can be protected and managed in perpetuity. If lands within the Lower Colorado River Multi-Species Conservation Plan area are proposed as a component of the mitigation proposal, please describe components of that Plan that may be applicable to microphyll woodland habitat

creation and enhancement.

BACKGROUND: GROUND DISTURBANCE

The AFC states that the proposed project “does not include the wholesale grading of the entire site” (AFC pg 5.2-72). Based on a review of the AFC, staff understands that the power blocks, common area, and access roads would be graded for project construction, but after visiting the project site it is unclear whether substantial topographical relief in the heliostat fields (e.g., Section 21) would require grading to facilitate installation. Additionally, the AFC states that the heliostats would be controlled through the solar field integrated control system (SFINCS), which would require “either wireless or wired infrastructure” (AFC pg. 2-9) for communication with the SFINCS. Wired infrastructure to each heliostat would presumably require trenching or other ground disturbance that is not described in the AFC. Staff requests the following clarification regarding areas of proposed ground disturbance to analyze construction impacts of the proposed project.

DATA REQUESTS

166. Please identify all areas that would be graded for construction of the proposed project. Illustrate these areas on a map.
167. State whether any underground infrastructure would be required to operate the heliostats. If underground infrastructure is proposed, please describe the proposed installation methodology, including trench dimensions. Illustrate any areas of proposed ground disturbance necessary for operation of the heliostats on a map and provide drawings of representative trenches or other ground disturbance, including any berms or other grading to divert runoff.

Technical Area: Soil and Water Resources

Author: Abdel-Karim Abulaban, P.E., Christopher Dennis, CHG

BACKGROUND:

Staff requested in Data Request No.142, Set 1B., that the applicant pay the necessary fee for the Colorado River Regional Water Quality Control Board (RWQCB) to review the applicant's Report of Waste Discharge for the evaporation ponds that will be used for management and disposal of the proposed project's process wastewater. This fee is necessary for the Colorado River RWQCB to prepare the Waste Discharge Requirements; without payment of the fee, the RWQCB cannot begin work analyzing the proposed project and developing the necessary requirements. In accordance with the Energy Commission's in-lieu permit authority, staff works closely with RWQCBs to ensure that the identified requirements are incorporated into the final project permit. These discharge requirements are necessary to ensure that any potential impacts from the evaporation ponds would be monitored and mitigated.

DATA REQUEST

168. Please provide documentation showing that the applicant has paid the Colorado River RWQCB the necessary fee for them to complete their review of the Report of Waste Discharge and prepare the Waste Discharge requirements for the evaporation pond monitoring and mitigation.

Technical Area: Traffic and Transportation – Glint and Glare
Author: Gregg Irvin, Ph.D.

BACKGROUND

The impact assessment of solar energies reflected by the heliostats or the tower Solar Receiver Steam Generators (SRSGs) on human observers requires knowledge of both the retinal irradiance, in watts per square meter (W/m^2), from the perspective of ocular damage and hazards) and the luminance, in candela per square meter (cd/m^2), from the perspective of glint, glare, apparent brightness and visual salience). Staff is satisfied with the current analysis of ocular damage with respect to the Maximum Permissible Exposures (MPE) based on computed retinal irradiance in W/m^2 . However sufficient information is lacking with respect to luminance for a cogent assessment of glint, glare and apparent brightness effects.

DATA REQUEST

169. Please provide accurate estimates for both irradiance (W/m^2) and luminance (cd/m^2) for the following conditions:
- a. An observer on the ground viewing the tower SRSGs (without protective eyewear) during nominal plant operational conditions of maximum power generation for viewing distances of 200, 500, 2000, 5000, and 20000 meters.
 - b. At start-up or when the standby ring is heavily populated with heliostat reflections in the standby position, an airborne observer at viewing distances of 1000, 5000, 10000, and 20000 meters with respect to the tower SRSG, and at a slant angle sufficient to reside within the heliostat reflected zone to receive direct reflections from one or more of the heliostat reflected beams resident in the standby ring.

Technical Area: Alternatives
Author: Christina Snow

BACKGROUND

Staff is seeking clarification and expansion of the applicant's responses to Data Requests Set 1A (Data Requests Nos. 25-27), submitted to the project applicant on February 7, 2012 and responded to on March 8, 2012. Data Requests Nos. 25-27 focused on the applicant's Power Purchase Agreement (PPA) with Southern California Edison (SCE). Specifically, staff is seeking contractual agreements in the applicant's PPA with SCE that would prohibit the consideration or justify the dismissal of alternatives identified in the Application for Certification (AFC).

Section 15126.6 of the CEQA Guidelines (Guidelines) discusses the need to analyze "a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merit of the alternatives." The Guidelines further state that the lead agency is responsible for selecting a range of project alternatives and that the discussion of alternatives shall focus on the ability for alternatives to avoid or substantially lessen any significant impacts even if they would impede to some degree the attainment of the project objectives, or would be more costly. For staff to determine if an alternative is feasible the guidelines indicate that among the factors that may be taken into account when addressing the feasibility of alternatives is economic viability.

To that end, in order for staff to analyze what is considered more costly versus what is economically viable, staff needs additional clarification and further information from the PPA .

DATA REQUEST

170. Please provide a discussion of pertinent contractual agreements in the applicant's PPA with SCE that would prohibit the consideration or justify the dismissal of alternatives identified in the Application for Certification (AFC).

BACKGROUND

The applicant provided responses to Data Requests Nos. 26-27 that they identified as excerpts from their executed PPA. Staff notes that nothing in the submittal confirms or verifies that the excerpts are from the applicant's legally executed PPA with SCE.

DATA REQUEST

171. Please provide a copy of the actual PPA, with confidential information redacted as necessary. Alternatively, staff would support a request that the filing be treated as confidential.

Technical Area: Socioeconomics
Author: James Adams

BACKGROUND: CONSTRUCTION CRAFT RESOURCES

In response to staff's data request No. 33, the applicant provided a Construction Craft Resources Survey prepared by the Bechtel Construction Company dated July 2011. As noted on page 4, "...the data contained in this survey represents a snapshot in time. Given the demand for skilled construction workers from the large development of solar power plants in southern California we recommend that this survey be updated in mid-to late-2012." Staff agrees with this recommendation.

DATA REQUEST

172. Please provide an updated Construction Craft Resources Survey.



**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 RIO MESA SOLAR
ELECTRIC GENERATING FACILITY**

DOCKET NO. 11-AFC-04
PROOF OF SERVICE
(Revised 5/3/12)

APPLICANTS' AGENTS

BrightSource Energy, Inc.
Todd Stewart, Senior Director
Project Development
1999 Harrison Street, Suite 2150
Oakland, CA 94612
tstewart@brightsourceenergy.com

BrightSource Energy, Inc.
Michelle Farley
1999 Harrison Street, Suite 2150
Oakland, CA 94612
mfarley@brightsourceenergy.com

BrightSource Energy, Inc.
Brad DeJean
1999 Harrison Street, Suite 2150
Oakland, CA 94612
e-mail service preferred
bdejean@brightsourceenergy.com

APPLICANTS' CONSULTANTS

Grenier and Associates, Inc.
Andrea Grenier
1420 E. Roseville Parkway,
Suite 140-377
Roseville, CA 95661
e-mail service preferred
andrea@agrenier.com

URS Corporation
Angela Leiba
4225 Executive Square, Suite 1600
La Jolla, CA 92037
angela_leiba@urscorp.com

COUNSEL FOR APPLICANTS

Ellison, Schneider, & Harris
Christopher T. Ellison
Brian S. Biering
2600 Capitol Avenue, Suite 400
Sacramento, CA 95816-5905
cte@eslawfirm.com
bsb@eslawfirm.com

INTERESTED AGENCIES

Mojave Desert AQMD
Chris Anderson, Air Quality Engineer
14306 Park Avenue,
Victorville, CA 92392-2310
canderson@mdaqmd.ca.gov

California ISO
e-mail service preferred
e-recipient@caiso.com

Bureau of Land Management
Cedric Perry
Lynnette Elser
22835 Calle San Juan De Los Lagos
Moreno Valley, CA 92553
cperry@blm.gov
elser@blm.gov

INTERVENORS

Center for Biological Diversity
Lisa T. Belenky, Senior Attorney
351 California Street, Suite 600
San Francisco, CA 94104
e-mail service preferred
lbelenky@biologicaldiversity.org

Center for Biological Diversity
Ileene Anderson
Public Lands Desert Director
PMB 447, 8033 Sunset Boulevard
Los Angeles, CA 90046
e-mail service preferred
ianderson@biologicaldiversity.org

**ENERGY COMMISSION –
DECISIONMAKERS**

CARLA PETERMAN
Commissioner and Presiding Member
**carla.peterma@energy.ca.gov*

KAREN DOUGLAS
Commissioner and Associate Member
e-mail service preferred
**karen.douglas @energy.ca.gov*

**ENERGY COMMISSION –
DECISIONMAKERS (cont.)**

Kourtney Vaccaro
Hearing Adviser
e-mail service preferred
**kourtney.vaccaro@energy.ca.gov*

Jim Bartridge
Advisor to Commissioner Peterman
**jim.bartridge@energy.ca.gov*

Galen Lemei
Advisor to Commissioner Douglas
e-mail service preferred
glemei@energy.state.ca.us

Jennifer Nelson
Advisor to Commissioner Douglas
e-mail service preferred
jnelson@energy.state.ca.us

ENERGY COMMISSION STAFF

Pierre Martinez
Project Manager
**pierre.martinez@energy.ca.gov*

Lisa DeCarlo
Staff Counsel
**lisa.decarlo@energy.ca.gov*

Eileen Allen
Commissioners' Technical
Advisor for Facility Siting
e-mail service preferred
**eileen.allen@energy.ca.gov*

**ENERGY COMMISSION –
PUBLIC ADVISER**

Jennifer Jennings
Public Adviser's Office
e-mail service preferred
publicadviser@energy.ca.gov

DECLARATION OF SERVICE

I, Diane Scott, declare that on May 21, 2012, I served and filed copies of the attached **RIO MESA SOLAR ELECTRIC GENERATING FACILITY (11-AFC-4) DATA REQUESTS, SET 2A (Nos. 155 – 172), dated May 21, 2012**. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at: [\[http://www.energy.ca.gov/sitingcases/riomesa/index.html\]](http://www.energy.ca.gov/sitingcases/riomesa/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:

- 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:

- by sending electronic copies to the e-mail 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-4
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.ca.gov

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.ca.gov

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:

Diane Scott
Siting, transmission and Environmental Protection Division