

## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512

<b>DOCKET</b>	
01-AFC-24C	
<b>DATE</b>	FEB 06 2008
<b>RECD.</b>	FEB 06 2008

STATE OF CALIFORNIA  
ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

In the Matter of:	)	Docket No. 01-AFC-24C
	)	
PALOMAR ENERGY CENTER	)	STAFF RESPONSE
	)	AND RECOMMENDATIONS
	)	TO
	)	RODRIGUEZ COMPLAINTS
	)	RE: COOLING TOWER OPERATIONS

I.  
**SUMMARY**

On December 6, 2007, Mark Rodriguez, a resident of the City of Escondido, filed a document entitled "VIS-8 Non-Compliance Complaint – Palomar Energy Center (Docket No. 01-AFC-24C)" regarding the operational status and efficiency of the cooling tower plume abatement system at the Palomar Energy Center (PEC). On December 21, 2007, Mr. Rodriguez then filed a second document concerning the operation of the cooling towers at PEC, this document entitled "Public Health and Safety Complaint – Palomar Energy Center (Docket No. 01-AFC-24C)."

Both of the documents filed by the complainant fail to comply with the informational requirements for post-certification complaints under the Energy Commission's regulations and are therefore insufficient. (See, California Code of Regulations, Title 20, § 1237(a).) Nevertheless, staff initiated an investigation into the underlying allegations raised in those documents, and has concluded that PEC is now and shall remain in compliance with the Conditions of Certification concerning the operations of the cooling tower, specifically VIS-8 and PH-1. Staff recommends that the "complaints" be dismissed as being insufficient, as well as lacking merit.

II.  
**BACKGROUND**

Palomar Energy, LLC, a subsidiary of Sempra Energy Resources, filed an Application for Certification (AFC) on November 28, 2001, with the California Energy Commission seeking approval to construct and operate the PEC project. The project was subsequently licensed by the Energy Commission on August 6, 2003. The project was approved for a natural-gas-fired combined cycle power plant with two 220 MVA combustion turbine generators equipped with dry low NOx combustors and evaporative inlet air coolers, two heat recovery steam generators equipped with duct burners, a 250

MVA steam turbine-generator and associated auxiliary systems and equipment. The electrical power net output from the plant was approved for 521 megawatts (MW) during summer conditions and a maximum 545 MW during winter conditions. The commercial operation of the plant commenced on April 1, 2006. The ownership of the plant was subsequently transferred to San Diego Gas & Electric (CEC 2003a).

On October 8, 2007, Mark Rodriguez, a resident of the City of Escondido, filed a Public Records Act request with the Commission. Staff responded to his request in a timely manner, and provided Mr. Rodriguez with all public records he requested regarding PEC. On December 6 and 21, 2007, Mr. Rodriguez filed the complaints that are now the subject of this response.

Upon receipt of the initial complaint regarding the operation of the cooling towers at PEC filed by Mr. Rodriguez on December 6, staff initiated its investigation in to the allegations raised therein. After receipt of the second complaint on December 21 regarding the operation of the cooling towers, staff then broadened the scope of their investigation. For purposes of its investigation and analysis, staff consolidated the "complaints" submitted by Mr. Rodriguez, since both submissions related to the same subject matter: the operation of the cooling towers at PEC.

On January 4, 2007, staff filed an initial Response and Recommendations pursuant to Section 1237(b). Staff recommended that the committee grant staff an additional 30 days to complete the investigation.

### III.

#### INVESTIGATION AND ANALYSIS

The documents submitted by Mr. Rodriguez regarding the operation of the cooling towers at the PEC were analyzed by staff both on their sufficiency and on the merits of their claims. Staff concludes that the complaints are insufficient, in that they fail to meet the informational requirements of Title 20, California Code of Regulations, Section 1237(a). Further, based on its investigation into the substance of the allegations, staff concludes that the Complaints, even if found to be complete, would nevertheless be without merit.

##### **A. Sufficiency of the Complaint**

Title 20, California Code of Regulations, section 1237(a), provides in relevant part:

Any person must file any complaint alleging noncompliance with a commission decision...solely in accordance with this section. All such complaints...shall include the following information:...

(3) a statement of facts upon which the complaint is based;...

(5) the action the complainant desires the commission to take;...

(6) the authority under which the commission may take action required, if known;...

(7) a declaration under penalty of perjury by the complainant attesting to the truth and accuracy of the statement of facts upon which the complaint is based.

**1) Section 1237(a)(3)**

In the documents filed with commission staff, the complainant raises three main issues.

The complainant asserts that the PEC has failed to install an adequate plume abatement system in the cooling tower, and that the operators of PEC have *"turned off"* the *"notification system and sensors"* for the cooling tower. The complainant fails to provide a statement of facts in support of this assertion: indeed, the documents submitted by the complainant are completely void of any information in support of his allegations.

Secondly, the complainant asserts that the operation of PEC has created a *"Public Health issue"* due to what he has identified as *"airborne pathogens, including but not limited to mold, viruses, and bacteria released from the operation of the cooling towers."* Again, the complainant fails to provide a statement of facts in support of this assertion.

Lastly, the complainant asserts that aviation safety has been compromised by the PEC cooling tower operations. Once again, however, the complainant failed to provide any statement of facts beyond mere opinion and speculation on his part that would support of any of his allegations regarding PEC.

Lacking a coherent statement of facts upon which to base his complaint, his submissions do not comply with Section 1237(a)(3).

**2) Section 1237(a)(5)**

The complainant further fails to specify pursuant to section 1237(a)(5) what action that he wants the committee to take as to the cooling tower operations that has either not already been implemented, is not within the purview of the committee and Commission, or is not otherwise reasonable.

The complainant requests that the committee be *"required to implement full-time use of on-site equipment associated with the non-abated HRSGs and the plume-abated cooling tower to satisfy VIS-8 conditions during all times of operations,"* action that has already been implemented through the adoption of VIS-8 and the continued monitoring by the Compliance Project Manager.

The complainant further requests that the committee order the project owner to *"publicly apologize"* for what the complainant alone perceives as *"questionable business"*

*practices*," a request that is neither reasonable nor within the committee's purview to order.

The complainant also requests that the committee require the owner to provide an online site for public verification of compliance, action that is neither necessary nor required as compliance verification is vested with the California Energy Commission staff.

Lastly, the complainant states that "[t]he CEC should also needs [sic] to readdress Adoption Order No. 03-0806-05." Public Resources Code Section 25530 provides that:

The commission may order a reconsideration of all or part of a decision or order on its own motion or on a petition of any party. Any such petition shall be filed within 30 days after the adoption by the commission of a decision or order. The commission shall not order a reconsideration on its own motion more than 30 days after it has adopted a decision or order.

Here, the commission's decision approving the license of the Palomar Energy Center was entered on August 6, 2003. Additionally, the complainant in the instant matter was not a party to the underlying licensing case. His request in the instant matter is therefore untimely, unsupported, and made without standing. Lastly, even if the commission were presently inclined to entertain reconsideration of the Palomar Energy Center on its own motion, it would be time-barred from doing so.

### **3) Section 1237(a)(6)**

In an effort to comply with section 1237(a)(6), the complainant states "...the Energy Commission was the lead agency and these requirements for this project to be built and should have the authority to enforce any action requested unless it has no intention of enforcing its own policies and/or requirements." The complainant's statement falls far short of specifying under which authority he believes the committee could take the actions he requests.

### **4) Section 1237(a)(7)**

Section 1237(a)(7) further requires that the complainant provide a declaration signed under penalty of perjury attesting to the truth and accuracy of the statement of facts upon which the complaint is based. Despite numerous requests by staff that he provide such an attestation, the complainant continues to refuse to do so.

Based on the foregoing, staff recommends that the committee determine that the complaint regarding cooling tower operations is insufficient pursuant to Section 1237(a), and order that the complaint be dismissed pursuant to Section 1237(e)(1) as set forth below in Section III, "Recommendations." Staff further recommends that the committee also make a finding regarding the merits of the Complaint as discussed below.

## **B. Merits of the Complaint**

The documents filed by the complainant on December 6 and 21 regarding the cooling tower operations suggest that the Palomar Energy Center is not in compliance with certain Conditions of Certification relating to those operations. The complaint contains assertions regarding the complainant's perceived failures of the project owner and CPM to complete activities that have either already been satisfied under Condition of Certification VIS-8 and PH-1, or are beyond the scope of the Conditions of Certification.

### **1) VIS-8**

The complainant asserts that the PEC has failed to install an adequate plume abatement system in the cooling tower, and that the operators of PEC have "*turned off*" the "*notification system and sensors*" for the cooling tower.

VIS-8 requires that the "project owner shall **reduce** the project's cooling tower visible vapor plumes by using a wet/dry plume abated cooling tower with a design point of 51.5° F and 90.5 percent relative humidity." [Emphasis added] VIS-8 further requires that "[a]n automated system to notify the operator shall be used to ensure that plumes are abated to the **maximum extent possible for the stipulated design point**." [Emphasis added]. It is important to note the requirement in VIS-8 is not to eliminate the cooling tower's visible vapor plumes entirely, but to "reduce" and "minimize" those plumes to the extent possible.

In response to the complaint in the instant matter staff initiated an investigation of the cooling tower plume abatement system. [Exhibit A] Staff visited the site and reviewed the cooling tower and plume abatement design and procurement specifications, and reviewed the operating data provided by the owner. Staff evaluated the size and density of PEC cooling tower plumes shown in a limited number of photographs against concurrent ambient meteorological conditions. These photographs included time and date stamped submissions supplied by both San Diego County Air Pollution Control District and nearby Birnbo Bakery in the last year, as well as non-authenticated photographs supplied by the complainant.

Staff learned that the plume abatement system is automatically turned on and off based on measured meteorological conditions, regardless of time of day or rain or fog. The operator can override the automated system, but staff's thorough review of the system's data logs from June 1st through December 6th of 2007 did not find any instances of system override when ambient conditions were such that the override could have caused a visible plume to form. Additionally, it appears that the system uses a fogging frequency curve that is more restrictive than the VIS-8 design point of 51.5°F and 90.5 percent relative humidity system. Staff has determined that the Palomar automated control system's plume abatement operating curve is appropriately set, and in fact causes the plume abatement system to automatically turn on at ambient conditions that are more restrictive than what is necessary to meet the VIS-8 design point.

Staff did identify a potential issue with the cooling tower's automated operating system programming logic as it relates to fan speed. Periods of low-speed cooling tower fan operation during increased facility output could inadvertently reduce the effectiveness of the plume abatement system. To address this issue, the project owner has tested and modified the plant control logic software such that the cooling tower plume abatement system's operation will achieve a fogging frequency that meets the stipulated design point regardless of fan speed and plant output. Staff has reviewed the project owner's revised plant control logic and the resulting expected impact on plume formation potential, and staff has concluded that this modification to the cooling tower's operating system control logic would ensure that plumes are "abated to the maximum extent possible for the stipulated design point" as required under VIS-8. This potential issue has therefore been resolved.

Staff ultimately concludes that PEC is in compliance with this condition of certification, as the cooling tower uses a fogging frequency curve that is more restrictive than the VIS-8 design point of 51.5°F and 90.5 percent relative humidity system. Additionally, the project owner has added an extra measure of conservatism by modifying the plant control logic software to ensure that the cooling tower plume abatement system will achieve a fogging frequency within the stipulated design point under varying scenarios. The complainant's allegations are therefore without merit.

## 2) Public Health

The complainant alleges that the Palomar Energy center cooling tower creates "*adverse impacts to public health and safety*", that a "*Public Health issue*" exists, and that the Energy Commission should investigate impacts on the community from what he claims are "*airborne pathogens, including but not limited to mold, viruses, and bacteria released from the operation of the cooling towers*" coming from the cooling tower. Staff has concluded its investigation into this matter. [Exhibit B]

Between February and May 2007, the cooling tower drift, plume, and use of biocides were thoroughly evaluated by Energy Commission staff. Specifically, staff conducted a site visit of both the cooling tower and the rooftop of the nearby Bimbo Bakery, interviewed representatives of the bakery and the power plant, inspected the bakery, and reviewed the cooling tower biocide application program monitoring results as required by Condition of Certification PUBLIC HEALTH-1 (PH-1). PH-1 provides:

The project owner shall develop and implement a cooling tower Biocide Use, Biofilm Prevention, and Legionella Monitoring Program to ensure that the potential for bacterial growth is kept to an absolute minimum. This Program shall include weekly monitoring of biocide and chemical biofilm prevention agents, periodic maintenance of the cooling water system on a quarterly basis to remove bio-film buildup, and quarterly testing to determine the concentrations of Legionella bacteria in the cooling water,

**Verification:** At least 60 days prior to the commencement of cooling tower operations, the Biocide Use, Biofilm Prevention, and Legionella Monitoring Program shall be provided to the CPM for review and approval.

Based on a review of all the information available, staff concludes that the biocide application program is in compliance with the Condition. The biocide use and monitoring program was reviewed and approved by Energy Commission compliance staff in 2005, well before its implementation at the power plant. Monitoring results submitted by Palomar for 2006 and 2007 showed that the residual hypochlorite (biocide) levels were within the proper range, all microbial levels were well below the required level, and the presence of Legionella bacterium were non-detectable. There is no evidence that airborne pathogens (e.g. molds, viruses, and bacteria) in concentrations great enough to pose any risk to public health exist in the cooling tower system.

Staff has concluded that the Palomar Energy Center cooling tower is operating in compliance with the applicable public health Condition of Certification and poses no significant risk or threat to public health. The allegations to the contrary brought forth by the complainant are without merit.

### **3) Public Safety**

PEC is located within the Escondido Research and Technology Center (ERTC). ERTC is an industrial park located several hundred feet east of the recently approved Palomar Medical Center West (Medical Center), which is expected to open in 2011. The Medical Center's plans include a proposal for a helipad on the roof for helicopters transporting trauma victims.

The complainant alleges that the Energy Commission staff has failed to analyze what he characterizes as the effects of "*buoyant plumes,*" "*industrial flares,*" and "*intended releases from pressurized pipelines that occur at this facility on a regular basis*" on air traffic safety of the proposed helipad at the recently approved Medical Center. Staff has completed its investigation into these allegations. [Exhibit C]

The California Energy Commission does not have the authority to approve or disapprove the helipad. CalTrans Aeronautics and the Federal Aviation Administration (FAA) have that authority, and both approvals will be required for the helipad. Nor was Commission staff aware of the recently approved Medical Center or proposed helipad during the underlying proceedings for PEC. The owner of the Medical Center has addressed the issues surrounding the hospital's proximity to PEC in their Environmental Impact report, however, which was a separate proceeding before the City of Escondido. The allegations brought forth by the complainant in the instant matter regarding the Commission staff's analysis on the subject of Public Safety as it relates to air traffic are outside the scope of the Commission's authority and without merit.

IV.  
**RECOMMENDATIONS**

Title 20, California Code of Regulations, Section 1237(e) sets forth the actions that the committee must take upon issuance of the staff report:

Within 30 days after issuance of the staff report, the committee shall:

- (1) dismiss the complaint upon a determination of insufficiency of the complaint or lack of merit;
- (2) issue a written decision presenting its findings, conclusions, or order(s) after considering the complaint, staff report, and any submitted comments; or
- (3) conduct hearings to further investigate the matter and then issue a written decision.

As to the complaints filed on December 6 and December 21 entitled "VIS-8 Non-Compliance Complaint – Palomar Energy Center" and "Public Health and Safety Complaint – Palomar Energy Center" respectively, staff recommends that the committee make a determination of insufficiency, and find that the complaints lack merit. Staff recommends that the complaints in the instant matter be dismissed on both of those grounds in accordance with Section 1237(e)(1).

Date: February 6, 2008

Respectfully Submitted,



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Kevin W. Bell  
Senior Staff Counsel

# **Exhibit A**

Exhibit A  
Staff Response to VIS-8 Complaint  
Palomar Energy Center, 01-AFC-24C  
February 4, 2008

In response to the Siting Committee accepting the December 5, 2007 complaint filed by Mr. Mark Rodriguez regarding the operational status and efficiency of the cooling tower plume abatement system on the Palomar Energy Center, staff initiated an investigation of the cooling tower plume abatement system. The complaint refers to Condition of Certification VIS-8 (Attachment A-1), which requires that the "project owner shall **reduce** [emphasis added] the project's cooling tower visible vapor plumes by using a wet/dry plume abated cooling tower with a design point of 51.5°F and 90.5 percent relative humidity." This condition also requires that "An automated system to notify the operator shall be used to ensure that plumes are abated to the **maximum extent possible for the stipulated design point** [emphasis added].

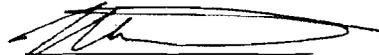
Staff visited the site and reviewed the cooling tower and plume abatement design and procurement specifications. We reviewed the operating data provided by the owner. We evaluated the size and density of PEC cooling tower plumes that were directly observed upon arrival into Escondido and later during the actual site visit and that were shown in a limited number of date and time stamped photographs provided by an inspector with the San Diego Air Pollution Control District, a representative of nearby Bimbo Bakeries, and the complainant. The photograph location and time and date stamps were evaluated for accuracy and the verified photographs were evaluated in terms of the concurrent ambient conditions and operating conditions of the cooling tower, when known, and against the fogging frequency curves from the cooling tower vendor provided by SDG&E. Other photographs absent time and date stamps were also considered, including those provided by the complainant.

Our findings are that the plume abatement system is automatically turned on and off based on measured meteorological conditions, regardless of time of day or rain or fog. The operator can override the automated system, but staff's thorough review of the system's data logs from June 1st through December 6th of 2007 did not find any instances of system override occurring when ambient conditions were such that the override could have caused a visible plume to form. Additionally, staff's review of the automated control system has determined that the Palomar automated control system's plume abatement operating curve is appropriately set, and in fact causes the plume abatement system to automatically turn on at ambient conditions that are more restrictive than what is necessary to meet the VIS-8 design point of 51.5°F and 90.5 percent relative humidity.

Staff did identify a potential issue with the cooling tower's automated operating system programming logic as it relates to fan speed. In response, the project owner has tested and modified the plant control logic software to address low-speed fan operation and variable plant output levels that in their determination will ensure that

the cooling tower plume abatement system's operation will achieve a fogging frequency meeting the stipulated design point regardless of fan speed and plant output. Staff has reviewed the project owner's revised plant control logic and the resulting expected impact on plume formation potential, and staff has determined that this modification to the cooling tower's operating system control logic would ensure that plumes be "abated to the maximum extent possible for the stipulated design point" as required under VIS-8.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read 'William Walters', written over a horizontal line.

William Walters P.E.

# **Exhibit B**

Exhibit B  
Staff Response to Public Health Complaint  
Palomar Energy Center, 01-AFC-24C  
February 4, 2008

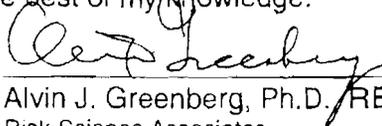
A reference to public health is made in the complaint filed by Mr. Mark Rodriguez on December 21, 2007. In his complaint, Mr. Rodriguez alleges that the Palomar Energy Center cooling tower creates "*adverse impacts to public health and safety*", that a "*Public Health issue*" exists, and that the CEC should investigate impacts on the community "*arising from airborne pathogens and contaminated moisture*" coming from the cooling tower.

Between February and May 2007, the cooling tower drift, plume, and use of biocides were thoroughly evaluated by California Energy Commission staff. Specifically, staff conducted a site visit of both the cooling tower and the rooftop of the nearby Bimbo Bakery, interviewed representatives of the bakery and the power plant, inspected the bakery, and reviewed the cooling tower biocide application program monitoring results as required by Condition of Certification PUBLIC HEALTH-1. This condition is included in Attachment B-1 for easy reference.

A review of all the information available demonstrates that the biocide application program is in compliance with Condition PH-1. The biocide use and monitoring program was reviewed and approved by CEC compliance staff in 2005, well before its implementation at the power plant. Monitoring results submitted by Palomar for 2006 and 2007 showed that the residual hypochlorite (biocide) levels were within the proper range, all microbial levels were well below the required level, and the presence of Legionella bacterium were non-detect. There is no evidence that airborne pathogens in concentrations great enough to pose a risk to public health exist in the cooling tower system.

Staff therefore concludes that the Palomar Energy Center cooling tower is operating in compliance with the applicable public health Condition of Certification and poses no significant risk or threat to public health.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct to the best of my knowledge.

  
Alvin J. Greenberg, Ph.D., REA, QEP  
Risk Science Associates  
Consultant to the Energy Commission

Attachment B-1  
Staff Response to Public Health Complaint  
Palomar Energy Center, 01-AFC-24C

**Public Health-1** The project owner shall develop and implement a cooling tower Biocide Use, Biofilm Prevention, and Legionella Monitoring Program to ensure that the potential for bacterial growth is kept to an absolute minimum. This Program shall include weekly monitoring of biocide and chemical biofilm prevention agents, periodic maintenance of the cooling water system on a quarterly basis to remove bio-film buildup, and quarterly testing to determine the concentrations of Legionella bacteria in the cooling water.

**Verification:** At least 60 days prior to the commencement of cooling tower operations, the Biocide Use, Biofilm Prevention, and Legionella Monitoring Program shall be provided to the CPM for review and approval.

# Exhibit C

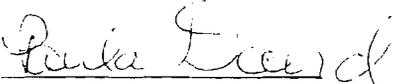
Exhibit C  
Staff Response to Aviation Safety Complaint  
Palomar Energy Center, 01-AFC-24C  
February 1, 2008

The Palomar Energy Center (PEC) is located in the Escondido Research and Technology Center (ERTC), an industrial park. PEC is several hundred feet east of the Palomar Medical Center West (Medical Center). The Medical Center plans to include a helipad on the roof for helicopters transporting trauma victims. At this time site preparation is underway for the recently approved Medical Center, expected to open in 2011.

Palomar Energy Center's Application for Certification was licensed by the California Energy Commission (Commission) on August 6, 2003 and the plant commenced operation in April 2006. During the Commission licensing process, the City of Escondido was developing the Specific Plan for the ERTC. On September 13, 2002 Commission staff submitted comments on the City of Escondido's draft environmental impact report, ensuring the City was aware of the proposed power plant's potential environmental impacts. At that time, both City and Commission staff were not aware that a medical center would be a tenant of the ERTC. CEC staff analyses for the Palomar Energy Center project did not address the potential impacts of a nearby medical center, or include conditions of certification addressing safety issues related to aviation. The City then adopted the ERTC Specific Plan on November 25, 2002, but later revised it when the hospital district requested approval to build the Medical Center in the ERTC. An Environmental Impact Report, and a December 6, 2005 Addendum were prepared, updating the ERTC Specific Plan to include the Medical Center. In April 2006 the Escondido City Council unanimously approved the revised Specific Plan that included the Medical Center.

In the December 6, 2005 "Addendum to the ERTC Specific Plan Final Environmental Impact Report..." the Medical Center owner, Palomar Pomerado Health District (PPHD), addresses the power plant. The Addendum acknowledges nearby power plants, and states the transmission lines and plumes would be taken into consideration by the two agencies with authority for helipad approval. PEC owner San Diego Gas & Electric Company also provided information to PPHD specifically for the helipad planning process. The health district's helipad consultant has prepared diagrams and recommendations for flight paths, and PPHD helicopter pilots have tested various take off and approach paths that would avoid PEC plumes. The operation of the helipad is regulated by federal, state, and local laws intended to reduce risks of helicopter accidents. The Energy Commission does not have the authority to approve or deny the helipad. CalTrans Division of Aeronautics and the Federal Aviation Administration (FAA) have that authority. To date, neither CalTrans nor FAA has issued approval decisions on the hospital heliport.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct to the best of my knowledge.

  
Paula David  
Compliance Project Manager

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

IN THE MATTER OF:

DOCKET No. 01-AFC-24C

APPLICATION FOR CERTIFICATION FOR THE  
PALOMAR ENERGY PROJECT

PROOF OF SERVICE

I, Lynn Tien-Tran, declare that on February 6, 2008, I deposited copies of the attached Staff Response and Recommendations to Rodriguez Complaints re: Cooling Tower Operations and Exhibits A - C in the United States mail at Sacramento, CA with first class postage thereon fully prepaid and addressed to the following:

**DOCKET UNIT**

***Send the original signed document plus the required 12 copies to the address below:***

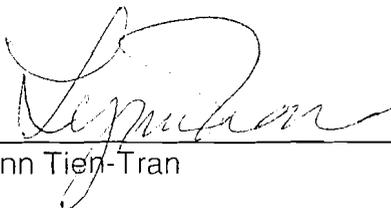
CALIFORNIA ENERGY COMMISSION  
DOCKET UNIT, MS-4  
Attn: Docket No. 01-AFC-24C  
1516 Ninth Street  
Sacramento, CA 95814-5512  
\* \* \* \*

Also send copies of all documents to:

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Escondido, CA 92029  
marknrodriguez@cox.net

Taylor O. Miller  
Senior Environmental Counsel  
Sempra Energy  
925 L Street, Suite 650  
Sacramento, CA 95814  
TMiller@Sempra.com

I declare under penalty of perjury that the foregoing is true and correct

  
\_\_\_\_\_  
Lynn Tien-Tran

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