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

APPLICATION FOR CERTIFICATION FOR THE CARRIZO ENERGY SOLAR FARM BY CARRIZO ENERGY, LLC	DOCKET NO. 07-AFC-8

CARRIZO ENERGY, LLC'S RESPONSE TO CALIFORNIA UNIONS FOR RELIABLE ENERGY'S MOTION TO COMPEL PRODUCTION OF INFORMATION

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November 10, 2008

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

APPLICATION FOR CERTIFICATION FOR THE CARRIZO ENERGY SOLAR FARM BY CARRIZO ENERGY, LLC	DOCKET NO. 07-AFC-8

CARRIZO ENERGY, LLC'S RESPONSE TO CALIFORNIA UNIONS FOR RELIABLE ENERGY'S MOTION TO COMPEL PRODUCTION OF INFORMATION

Carrizo Energy, LLC ("Applicant") provides this Response to California Unions for Reliable Energy's (CURE) Motion to Compel Production of Information ("Motion to Compel") regarding the Carrizo Energy Solar Farm (CESF) (07-AFC-8) Application for Certification (AFC). CURE served the Motion to Compel on the Applicant on October 24, 2008.

California Code of Regulations Title 20, Section 1716 (b) states: "Any party may request from the applicant any information reasonably available to the applicant which is relevant to the notice or application proceedings or reasonably necessary to make any decision on the notice or application."[1] This regulation governs the informational requirements for the discovery stage of this proceeding. Furthermore, the California Environmental Quality Act (Publ. Res. Code §§ 21000 Et. Seq. "CEQA") provides guidance for determining what information is "reasonably necessary" to make a decision on the AFC. CEQA specifies that an Environmental Impact Report (EIR) be prepared with "a sufficient degree of analysis to provide decision-makers with information which enables them to make decisions which intelligently take account of environmental consequences."[2] Specifically, the law requires that "an evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible."[3] The information in an environmental document prepared under a certified regulatory program should be guided by similar principles. Furthermore, CEQA "does not require a lead agency to conduct every test or

[1] Cal. Code Regs., tit. 20, § 1716 subd. (b).
[2] Cal. Code Regs., tit. 14, § 15151.
[3] Cal. Code Regs., tit. 14, § 15151.

perform all research, study, and experimentation recommended,"[4] and it does not require that all experts consulted on the matter agree as to the best methods by which to proceed.[5] In this instance, CURE is requesting additional studies and analyses that are focused on species that are not documented to occur on site or for information that is not necessary to make a decision on this application. Therefore, CURE's motion to compel should be denied.

Applicant answers each of CURE's contentions from its Motion to Compel below. These responses demonstrate CURE's requests are for information that is neither necessary nor reasonable to request from Applicant.

I. Discussion

A. The Information Requested by CURE Remains Irrelevant and Unnecessary

CURE asserts that the California Energy Commission ("Commission") Staff ("Staff") Issues Identification Report, the California Environmental Quality Act (CEQA), and the Warren-Alquist Act all help to define what is relevant and reasonably necessary to make a decision on Applicant's AFC.[6]

Applicant first counters that the January 23, 2008 Staff Issues Identification Report is merely an initial and preliminary review document used early in the AFC process to determine potential issues. The Issues Identification Report's listing of project elements in no way insinuates the relevance and necessity of CURE's requested information pertaining to biological resources and water resources at this point in the proceeding. Since Staff filed the Issues Identification Report, Applicant has filed responses to 134 staff data requests; more than 300 responses to comments made during workshops by the public and other agencies; and a detailed supplement to the AFC. For CURE to now rely upon a document from January to justify its information requests from September only shows how far CURE must reach to justify its request.

Further, CURE is correct in its statement that "CEQA requires the Commission to identify and impose feasible mitigation measures for significant adverse direct, indirect, and cumulative impacts" but CURE is erroneous in its application of this requirement. This is

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[4] Cal. Code Regs., tit. 14, § 15204 subd. (a).
[5] Cal. Code Regs., tit. 14, § 15151.
[6] Motion to Compel at 4-5.

because CURE's requested information does not relate to any significant adverse impacts, either direct, indirect or cumulative, that have not already been addressed by Applicant either in its AFC or in subsequent Data Responses, Biological Surveys/Studies or AFC Supplement. This same principle applies to CURE's interpretation of the Warren-Alquist Act. The information requested by CURE does not relate to any project impact on public health and safety or compliance with laws, ordinances, regulations and standards (LORS). Therefore, neither CEQA nor the Warren-Alquist Act aid CURE in its assertion that its request for information is relevant or necessary.

B. Applicant's General Objection Remains Valid

CURE states that Applicant's General Objection from Applicant's Objections to CURE's Data Requests (dated September 25, 2008) conflicts with statements Applicant previously made in its AFC. Specifically, CURE states in its Motion to Compel that Applicant alleged that the true objective of CURE's data requests was to obtain a Project Labor Agreement (PLA) even though Applicant expressly asserted that Applicant would seek a PLA in its AFC.[7] Applicant responds that at the time the AFC was drafted, Applicant had anticipated that a PLA would be possible. However, Applicant subsequently discovered that it does not have legal standing to enter into a PLA for various reasons, including law set by the National Labor Relations Board in *Glens Falls Building and Construction Trades Council*, 350 NLRB No. 42 (July 31, 2007) (*Indeck II*).

Furthermore, Applicant continues to question CURE's motive for intervening in this AFC proceeding. Applicant reiterates that CURE's tactics are well known and if allowed to proceed unchecked may well delay the Committee's processing of this AFC.

C. CURE's Accusation That Applicant's Objection Equates to a SLAPP Suit Is Unwarranted and Unsubstantiated

CURE rashly asserts that Applicant's Objection to CURE's Data Requests is a form of intimidation and the equivalent of a "SLAPP suit" (a.k.a., Strategic Lawsuit Against Public Participation).[8] To even insinuate that the act of objecting to irrelevant and unnecessary data requests is an attempt "to interfere with CURE's constitutionally protected rights" is ludicrous

[7] Motion to Compel at 8 and 15.
[8] Cal. Code Civ. Proc. § 425.16.

and an insult to a legitimate means of correcting truly insidious abuses of the legal system and public participation.

In fact, closer inspection of the purpose of the anti-SLAPP legislation reveals that CURE's own tactics of presenting irrelevant and unnecessary data requests amount to precisely the type of nonmeritorious claim which Cal. Code Civ. Proc. § 425.16 seeks to prevent. (See *Bradbury v. Superior Court,* 49 Cal.App.4th 1108, 1113 (2d Dist. 1996) for statement that one of the purposes of the anti-SLAPP statute "is to eliminate meritless litigation at an early stage.") Furthermore, the decision in *Padres L.P. v. Henderson* specifically warns against exactly the type of delay tactics preferred by CURE in declaring: "[t]here is no policy reason to protect citizens who maliciously file frivolous reverse validation actions that are designed to thwart public projects through delay, litigation and increased project costs . . . ." (114 Cal.App.4th 495, 511 (4th Dist. 2003).)

In addition, the anti-SLAPP statute is designed to protect against infringement of a public participant's freedom of speech. CURE's ability to participate in this AFC proceeding has not been threatened in any way. CURE, as it states in its Motion to Compel, is an intervenor in this proceeding,[9] therefore CURE will maintain its "participation in matters of public significance"[10] and remains free to request relevant and reasonably necessary information. Therefore, the anti-SLAPP statute does not even apply here and CURE's attempted SLAPP accusation is unwarranted and unsubstantiated.

D. Biological Resources

In many of the disputed data requests CURE requests studies or species with no known presence on the CESF site. CESF is not required to provide analyses and conduct studies on species that are not present nor does CESF have to conduct exhaustive surveys for species where their habitat is not present. (See *Arizona Cattle Growers' Ass'n v. USFWS,* 273 F.3d 1229 [9th Cir. 2001] concluding applicants are not required to prove a negative.) CESF notes its biologists have conducted two years of surveys at the CESF site and the surrounding areas. CEQA does not require that every study, research or test recommended by every expert is conducted. Nor

[9] Motion to Compel at 9.
[10] Cal. Code Civ. Proc. § 425.16(a).

does CEQA require an analysis be exhaustive. The existing studies and analyses provide sufficient information for Commission Staff to complete its preliminary staff assessment.

1. Potential Increased Raptor Predation and Collisions

CURE claims that Data Requests 36-38, which request information and analyses related to CESF's potential impacts from raptor predation and bird collisions, remain valid, particularly due to information contained in a 1986 study of avian mortality at a solar energy plant.[11]

Applicant responds that the results of the 1986 study are largely inapplicable to CESF. This is because the 1986 study focused on a completely different solar technology than the one that will be employed at CESF located in a completely different location surrounded by ponds, wetlands and irrigated agricultural lands. The 1986 study addressed the Solar One plant's impacts on bird mortality. The Solar One plant used an early technology that focused sunlight on a centrally-located 282 (86 m) foot tall tower.[12] The 1986 study even declared that "the impact of the facility on birds after construction appears minimal."[13] The technology that will be used at CESF is entirely different in that it will utilize proprietary Combined Linear Fresnel Reflector (CLFR) solar concentrating lines that will focus sunlight on considerably shorter 56 foot (17 m) tall receivers.[14] Furthermore, the conditions at Solar One also attract wetland species due to the surrounding water features. The landscape surrounding CESF is quite different. Therefore, collisions are much less likely to occur at CESF.

In addition, Applicant had indeed addressed the issue of raptor predation in its Response to Commission Data Request 12. Applicant acknowledged that the project would result in an increased number of perching sites that could potentially increase the foraging opportunities for birds of prey. However, Applicant then stated that while the increased perching sites may allow for an increased potential in successful capture of common insect, rodent and lizard species by predatory birds, no special-status insects, rodents or lizards were detected or are expected on site and the relative density of the existing potential prey populations on site is low. Therefore, no adverse impacts on special status species are expected as a result of the increased raptor perching opportunities.

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[11] Motion to Compel at 18, citing McCrary, M.D., R.L. McKernan, R.W. Schreiber, W.D. Wagner, and T.C. Sciarrotta. 1986. Avian mortality at a solar energy power plant.

[12] 1986 avian mortality study at 135.

[13] 1986 avian mortality study at 140.

[14] See AFC at 3-7.

2. Impacts to the California Condor

CURE alleges that because the Carrizo Plain "is a principal foraging region for the endangered California condor," Applicant must provide an analysis of CESF's impacts on the foraging habitat and restoration of the California condor population.[15]

Applicant restates its original response that the California condor has not been detected at the project site during two years of site surveys. Its September 24, 2007 statement that condors "may fly over the CESF site as part of foraging flights"[16] was a result of a review of literature completed *prior* to conducting field surveys. Applicant's subsequent statement that California condors "do not fly over the California Valley near the CESF site"[17] was made *after* the literature review was completed and was based on radio-telemetry/GPS data from the United States Fish and Wildlife service (USFWS). Applicant's much more recent October 9, 2008 Biological Surveys Report expressly states that "GPS flight studies conducted by USFWS show that [California condor] does not fly over California Valley."[18]

Moreover, CURE's statement that the project will increase road-kill rates along Highway 58 thereby resulting in increased opportunities for California condors to forage in the area is unsupported.[19] In fact, Applicant's response to CURE Data Request 65 expressly states that "[t]he increased traffic associated with the Project construction phase will not be sufficient to expect a significant increase in road-kill rates along the segment of SR-58 accessing the Project site." Furthermore, there is no historical data documenting road-kill on SR-58 and most road-kill events occur at night when construction-related traffic would be minimal.[20] Moreover, as stated in Applicant's response to Data Request 51, the current cattle operator promptly removes any dead cattle from the CESF site thereby limiting the opportunity and potential for condors to successfully forage at the CESF site.

In response to CURE's Data Request 52,[21] which asks for information pertaining to the project's cumulative impacts on California condor and its foraging habitat, Applicant again states

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[15] Motion to Compel at 20.
[16] Biological Assessment and Wetland Delineation for CESF at 3-1.
[17] Ausra's Response to CURE Data Request Set Two at 5.
[18] CESF – 2008 Biological Surveys Report at Table 1.
[19] Motion to Compel at 21.
[20] Response to CURE Data Requests Set Two (#47-95) at BIO-19.
[21] Motion to Compel at 21.

that the California condor has not been observed flying over the CESF site and has not been detected at the site during two years of site surveys. As explained above, the October 9, 2008 Biological Surveys Report provides the most current information and states that the condor does not roost or forage in the project survey area and does not fly over the site. Applicant's previous statement that the condor may fly over the site was based on a 2007 preliminary review of literature and has been found to be untrue. Therefore, no potentially significant direct or indirect impact exists.

Further, because the California condor has not been detected at the project site and because it does not use the project area for roosting or foraging, any reduction in the presence of large mammal carcasses as a result of the cumulative build out of CESF and other solar farms in the area, will not affect the California condor.

Therefore, because no California condors have been detected at the project site during two years of site surveys and because foraging opportunities at the site are rare and extremely limited, Applicant does not need to provide further analysis of CESF's impacts, cumulative or otherwise, on the foraging habitat and restoration of the California condor population.

3. Impacts to Western Spadefoot Toad

CURE's Motion to Compel then requests that Applicant conduct a breeding survey (Data Request 53) for western spadefoot toad[22] because it claims the AFC's statement that there are "distinct areas along the channel that show evidence of scour, pooling, and high flow during large storm events . . ."[23] meaning that the western spadefoot toad has the potential to occur on the project site. CURE also asks that Applicant conduct a survey for western spadefoot toad in areas upland of the seasonal creek (Data Request 54.)[24]

Applicant again responds that no suitable habitat for the western spadefoot toad exists on site. As stated by CURE, western spadefoot toad eggs and larvae require wetlands (citing the USFWS Recovery Plan for Vernal Pool Ecosystems in California and Southern Oregon.) What CURE fails to mention is that the Recovery Plan also states that optimal breeding habitat for the western spadefoot toad consists of permanent water sources.[25] The "seasonal pools" referred to

[22] Motion to Compel at 23.
[23] AFC at 5.6-19.
[24] Motion to Compel at 25.
[25] USFWS. 2005. Recovery Plan for Vernal Pool Ecosystems in California and Southern Oregon at II-231.

by CURE in its background to Data Request 53 is merely a seasonal creek created by flood water flow and does not provide ponded water that would support a population of western spadefoot toads. Even the quote from the AFC that CURE chose to include as evidence that western spadefoot toad has the potential to occur on site, reflects the inability of the seasonal creek to support the toad, as "high flow during large storm events" does not create a proper environment for toad eggs and larvae. Therefore, the seasonal creek referenced by CURE does not have the characteristics that would create ponds of water as required to support the western spadefoot toads.

These requests ask Applicant to essentially prove a negative, that no western spadefoot toads occupy the area. The Applicant has conducted two years of surveys of the project site and the laydown area. Applicant has complied with all survey requests of both California Department of Fish and Game (CDFG) and USFWS, including CDFG's March 26, 2008 request for Applicant to survey the site for western spadefoot larvae.[26] During these extensive surveys that included multiple visits to the site as well as visits during and shortly after heavy rain events Applicant found no suitable habitat for this species and has observed no sign of the western spadefoot toad. The case *Arizona Cattle Growers' Ass'n v. USFWS*, 273 F.3d 1229 (9th Cir. 2001) supports Applicant's claim. In that case, the Ninth Circuit exclaimed: "It would be improper to force [the Cattle Growers' Association] to prove that the species *does not exist* on the permitted area, as the Fish and Wildlife Service urges . . . because it would require [the Cattle Growers' Association] to . . . prove a negative." (*Id.* at 1244, emphasis added.)

Therefore, Applicant is correct in its original objection to Data Requests 53-54 as irrelevant and unnecessary to this proceeding.

4. Impacts to Special Status Species

CURE's Motion to Compel next asks Applicant to comply with Data Requests 56-64 which request Applicant address project impacts to the bald eagle, ferruginous hawk, golden eagle, loggerhead shrike, mountain plover, San Joaquin whipsnake, Kern primrose sphinx moth, coast horned lizard and Oregon vesper sparrow.[27]

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[26] March 26, 2008 Letter from CDFG to Mary Dyas, California Energy Commission at 8.
[27] Motion to Compel at 26-27.

Applicant again responds that based on surveys conducted in 2007 and 2008, none of the above-listed species have been observed or documented on the CESF project site. The surveys conducted by Applicant in both 2007 and 2008 included multiple visits to the site as required by each survey protocol. Applicant maintains its objection to these data requests because they seek irrelevant and unnecessary information because it is not appropriate to address impacts to species not documented on site. (20 Cal. Code of Regs. § 1716(b)).

Furthermore, Applicant emphasizes that it has conducted all surveys requested of it by CDFG and USFWS, including CDFG's March 26, 2008 request to address some of the above-named species not addressed in previous biological studies.[28] Applicant went ahead and conducted studies for these species including small mammal trapping. The results from these additional studies showed that none of these additional species occur onsite. Applicant is not required to prove a negative. Applicant is not required to survey and provide an impact analysis for all conceivable species. Applicant is only required to provide an analysis of the impacts to species that actually use the site and to existing recovery plans or critical habitat designations within which a particular site may fall. In the case of all of the species listed in data requests 55-64, none have been observed on site and none have existing recovery plants or critical habitat located on the project site. The case *Arizona Cattle Growers' Ass'n v. USFWS*, 273 F.3d 1229 (9th Cir. 2001) supports Applicant's claim. In that case, the Ninth Circuit exclaimed: "It would be improper to force [the Cattle Growers' Association] to prove that the species *does not exist* on the permitted area, as the Fish and Wildlife Service urges . . . because it would require [the Cattle Growers' Association] to . . . prove a negative." (*Id.* at 1244, emphasis added.)

Therefore, Applicant is correct in its original objection to Data Requests 56-64 as irrelevant and unnecessary to this proceeding.

5. Potential Heat-Related Bird Mortality

CURE claims that bird mortality caused by heat generated from the reflective surfaces of mirrors could potentially occur and therefore submits Data Requests 66-69 to address this potential impact.[29] CURE's primary source of support is the 1986 avian mortality survey for Solar One referenced above.

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[28] March 26, 2008 Letter from CDFG to Mary Dyas, California Energy Commission at 11.
[29] Motion to Compel at 29.

Applicant once again responds that the results of the 1986 study are inapplicable to CESF. This is because the 1986 study focused on a completely different solar technology than the one that will be employed at CESF. The 1986 study addressed the Solar One plant's impacts on bird mortality. The Solar One plant used an early technology that focused sunlight on a centrally-located 282 (86 m) foot tall tower.[30] The technology that will be used at CESF is entirely different in that it will utilize proprietary CLFR solar concentrating lines that will focus sunlight on many shorter 56 foot (17 m) tall receivers spread throughout the project site.[31] Therefore, the heat that is concentrated on these receivers is much less concentrated than that of the one large receiver used at the Solar One plant.

The power tower technology employed at Solar One involves both highly concentrated solar energy and a high temperature process to create electricity. The energy from the entire solar field is focused on one location, the tower. The concentration of energy is required for Solar One's high temperature technology. By focusing the energy from the entire field on one location, the energy concentrated near the tower is of a much higher strength than that generated by the technology proposed for CESF. Furthermore, the power tower provides no protection for birds from the surfaces heated by the concentrated solar energy. These surfaces are exposed and do not have any kind of shield.

In contrast, CESF employs a low temperature solar technology wherein each line of mirrors concentrates energy to one receiver that runs the length of the line. The amount of solar energy in any one location along the receiver is orders of magnitude less than the energy concentrated at a single point from Solar One. More importantly, the solar energy is focused on the underside of the CESF's receiver only, and the receiver is specially insulated and designed to minimize any heat losses. Within the curved hood of the receiver, which acts as a rainguard only, the row of ten pipes lies at the bottom, along the diameter of the semicircle. Above the pipes are rows of insulating material. These rows of insulation do not meet the edge of the curved hood; there is a layer of air inside the hood and between the hood and the insulation. The curved hood, the upper layer on which the birds would theoretically rest, does not touch the receiver pipes at all. It could be compared to the hood of a car, which protects the engine inside

[30] 1986 avian mortality study at 135.
[31] See AFC at 3-7.

and will absorb some heat as a result, but which acts as a protective shield only and will not ever become hot enough to cause injury.

Thus, the concerns expressed by CURE about study results and bird burn incidents from Solar One are completely inapplicable to CESF. What is more, the 1986 study at Solar One conclusively states: "[d]eath after being burned was infrequent in occurrence at Solar One" and "the impact of the facility on birds after construction appears minimal."[32] Based upon the differences in technology including the low temperatures and concentration of energy at CESF and its specially insulated and protected receiver design, heat-related avian deaths are not expected at CESF.

Furthermore, as stated in its original response, CLFR technology is proven safe for birds. Workers at the Australian facility have witnessed birds flying between the mirrors and the receivers on numerous occasions with no adverse effects.

Applicant reiterates its objection to these data requests and maintains that no mitigation plan is necessary as no known impact to birds from CLFR technology will occur.

E. Water Quality and Resources

1. Floating Springs

CURE's Motion to Compel then reiterates its request for more information regarding all "floating springs" within the watershed (Data Requests 73 and 74.)[33]

Applicant restates its response that it has no knowledge of any "floating spring" on the CESF project site or within the watershed. Even though the term "spring" is used in the requests and is characterized by CURE as "common" and "well-defined in literature," CURE still does not clarify what the term "floating" means in conjunction with a "spring." Since floating" is not a hydrogeological term typically associated with springs, Applicant assumes that CURE is referring to flowing springs. Springs are a manifestation of a location where the water table intersects the ground surface, resulting in the presence of groundwater seeps and in some cases flowing water. Springs are often the result of perched or shallow groundwater making its way to the ground surface. There is only one reported spring that could be within a 3-mile radius of the site, based on a statement by Ms. Janet Clock during the August 5, 2008 public workshop. Ms.

[32] 1986 avian mortality study at 138 and 140.
[33] Motion to Compel at 31-32.

Klock owns property within 3 miles northeast and east of the Ausra site in Township 29 South, Range 18 East, Sections 13, 14, and 23 through 26. The results of groundwater modeling for pumping the Lower Aquifer at the site indicate that it will not significantly affect neighboring wells in the Shallow Aquifer within a 3-mile radius of the site. This also would include springs located within a 3-mile radius of the site.

If CURE continues to request information about "floating springs," applicant objects as the request is vague and unclear.

2. Groundwater Supplies

Applicant provided a list of wells identified within the vicinity of the project in Table 3-1. The map provided as Figure 3-3 shows the approximate locations of wells identified during the well survey. To the best of our knowledge, this list is substantially complete. However, well logs are confidential. Therefore, although this list represents all of the wells identified in the vicinity of the project, it is possible that some wells remain unidentified. The potential effects of pumping from unidentified wells was explicitly addressed through a sensitivity analysis that includes simulations for a wide range of pumpage in the vicinity of the project. This sensitivity analysis would also account for other proposed subdivisions and proposed projects. The overall impact of the project on water levels was found to be negligible in all cases.

Despite providing this information in a detailed groundwater modeling report, CURE continues to request more and more information. Applicant believes the information provided to date is sufficient. Applicant notes Staff who originally requested this data is satisfied with the groundwater model and has not requested any further refinements or information. CURE presses its request for information pertaining to all wells located within a three mile radius of the project vicinity (Data Requests 75 and 76.)[34] As stated in its earlier objection, well information is confidential and not reasonably accessible to Applicant. If CURE has managed to obtain what would otherwise be confidential information through legal mans, Applicant assumes CURE has all of the information it needs to conduct its analysis. Further requests for Applicant to obtain confidential well information are not reasonable and are unnecessary to complete an analysis of the impacts to groundwater from CESF.

[34] Motion to Compel at 33-34.

In conclusion, Applicant need not conduct every test, study or analysis requested in order to provide a reasonable assessment of the potential impacts of construction and operation of CESF. The information already provided by Applicant is sufficient to complete this analysis. Therefore, CURE's motion to compel should be denied. Furthermore, CURE should not be allowed to misuse the Commission's siting process in an effort to require project proponents to enter into illegal and unenforceable contracts with labor unions.

DATED: November 10, 2008 DOWNEY BRAND LLP

By: Jane E. Luckhardt
Jane E. Luckhardt

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

APPLICATION FOR CERTIFICATION FOR THE CARRIZO ENERGY SOLAR FARM BY CARRIZO ENERGY, LLC	DOCKET NO. 07-AFC-8 **PROOF OF SERVICE (Revised 7/24/2008)**

INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 07-AFC-8
1516 Ninth Street, MS-15
Sacramento, CA 95814-5512
docket@energy.state.ca.us

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DECLARATION OF SERVICE

I, Lois Navarrot, declare that on November 10, 2008, I deposited copies of the attached Carrizo Energy, LLC's Response to California Unions for Reliable Energy's Motion to Compel Production of Information in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of the California Code of Regulations, title 20, sections 1209, 1209.5 and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

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

Lois Navarrot

Lois Navarrot