

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

IN RE:)

PIO PICO ENERGY CENTER, LLC)

PSD Permit No. SD 11-01)

) PSD Appeal Nos. 12-04, 12-05 & 12-06

NOTICE OF SUPPLEMENTAL INFORMATION

Pio Pico Energy Center, LLC (“Pio Pico”) hereby submits this notice of supplemental information to inform the Environmental Appeals Board of a recent factual development. San Diego Gas & Electric Company and Pio Pico have executed an amendment to the Purchase Power Tolling Agreement (“PPTA”) which contemplates the project starting construction in early 2014 and requires a commercial operations date no later than September 1, 2015. A copy of the amendment is attached at Exhibit 1.¹ Although Pio Pico maintains that it does not require the amendment to the PPTA to begin construction and operation of the Pio Pico Energy Center, this notice is provided given the Board’s prior request for additional briefing and a status conference on the issue. *See* Order Scheduling Status Conference and Directing Parties to Provide Additional Information, Dkt. No. 22 (Apr. 5, 2013); Pio Pico Energy Center LLC’s Supplemental Brief in Response to the Board’s Order of April 5, 2013, Dkt. No. 23 (Apr. 15, 2013); EPA Region 9’s Supplemental Brief, Dkt. No. 27 (Apr. 29, 2013); Sierra Club’s Brief in Response to Supplemental Briefs, Dkt. No. 29 (Apr. 30, 2013).

¹ Pursuant to 40 C.F.R. § 22.5(d) and section III.I of the Environmental Appeals Board Practice Manual, a non-confidential version of Exhibit 1 is attached to this Notice. A confidential version of Exhibit 1 will be delivered to the Clerk of the Board. Pio Pico requests confidential treatment of the unredacted copy of the amendment pursuant to 40 C.F.R., Part 2, Subpart B and Freedom of Information Act Exemption 4. 5 U.S.C. § 552(b)(4).

DATED: June 11, 2013

Respectfully submitted,

/s/ James R. Wedeking

David T. Buente, Jr.
Roger R. Martella, Jr.
James R. Wedeking
SIDLEY AUSTIN, LLP
1501 K Street, N.W.
Washington, D.C. 20005
Phone: (202) 736-8000
Facsimile: (202) 736-8711

Counsel for Pio Pico Energy Center, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of June 2013, copies of the foregoing Notice of Supplemental Information were served by First Class mail to the following:

Robert Simpson
27126 Grandview Avenue
Hayward, CA 94542

Johannes Hubert Epke
1108 Fifth Avenue, Suite 202
San Rafael, CA 94901

David C. Bender
MCGILLIVRAY WESTERBERG & BENDER, LLC
211 S. Paterson Street, Suite 320
Madison, WI 53703

Joanne Spalding
Travis Ritchie
Sierra Club Environmental Law Program
85 Second Street
San Francisco, CA 94105

Julie Walters
U.S. EPA, Region 9
75 Hawthorne Street
Mail Code: ORC-2
San Francisco, CA 94105

/s/ James R. Wedeking