

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re:)	
Pio Pico Energy Center)	Appeal Nos. PSD 12-04, 12-05
PSD Permit No. SD 11-01)	and 12-06
)	

**PETITIONER SIERRA CLUB’S MOTION FOR LEAVE TO RESPOND
TO PIO PICO ENERGY CENTER LLC’S JUNE 11, 2013 NOTICE OF
SUPPLEMENTAL INFORMATION**

Petitioner, Sierra Club, respectfully requests leave to respond to the applicant, Pio Pico Energy Center LLC’s (“PPEC”) June 11, 2013 filing, captioned “Notice of Supplemental Information.” In support of this motion, Sierra Club states as follows:

1. The supplemental information submitted by PPEC included a redacted copy of a “Sixth Amended Power Purchase and Transmission Agreement” (“PPTA”).
2. Sierra Club requests leave to provide a short (2-page) response to clarify that the Sixth Amended PPTA does not become effective unless and until it is approved by the California Public Utilities Commission.
6. Pursuant to 40 C.F.R. § 124.19(f)(2), Sierra Club has attempted to ascertain whether the other parties concur or object to this motion. PPEC does not object to Sierra Club filing a short response. EPA Region 9 takes no position but reserves the right to file a response to Sierra Club’s filing if appropriate. Petitioner Rob Simpson supports Sierra Club filing a short response.
7. A copy of Petitioner’s proposed response is being filed with this motion and both the motion and proposed reply are being served on the parties.

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WHEREFORE, Sierra Club respectfully requests that the Board grant leave for Sierra Club to respond PPEC's "Notice of Supplemental Information."

Respectfully submitted, this 18th day of June, 2013.

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CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing to be served by electronic mail upon the persons listed below.

Dated: June 18, 2013

s/ David C. Bender
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