

BEFORE THE UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Pacific Gas and Electric Company) FERC Project No. 77-320
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Application for Temporary)
Variance of Flow Requirements)

**MOTION TO INTERVENE BY THE CITY OF UKIAH
IN PACIFIC GAS & ELECTRIC COMPANY’S
APPLICATION FOR TEMPORARY VARIANCE OF FLOW REQUIREMENTS
(POTTER VALLEY PROJECT NO. 77-320)**

Pursuant to 18 C.F.R section 385.214, the City of Ukiah (“Ukiah”) hereby moves to intervene in the February 22, 2024 “2024 Minimum Instream Flow Variance Request Due to Restricted Storage Capacity” for Pacific Gas & Electric Company’s (“PG&E”) Potter Valley Project (“PVP”), Project 77-320 (the “2024 Variance Request”).

In the 2024 Variance Request, PG&E requests a temporary variance of its minimum flow requirements at two locations: 1) to preserve cold water for aquatic resources downstream of Scott Dam on the Eel River, PG&E proposes to release flows below Scott Dam, as measured at gage E-2, to be consistent with a critical water year type minimum flow of 20 cubic feet per second (“cfs”) (noting that actual releases would be closer to 35 cfs); and 2) the reductio of minimum flows in the East Branch Russian River, as measured at gage E-16, to match the dry water year minimum flow requirement of 25 cfs with the flexibility to further reduce flows to the critical water year requirement of 5 cfs (as to the latter, the “Russian River Variance Request”).

Ukiah moves to intervene to protect its interests, and those of its residents, businesses, and communities, as those interests are significantly impacted by the Russian River Variance Request. In contravention to the requirements of the National Environmental Policy Act and the Endangered Species Act, the record in front of the Commission is devoid of any meaningful discussion on and appreciation for the impacts the Russian River Variance Request, if approved, will have on Ukiah, specifically in terms of its potentially-reduced ability to provide water and generate clean electricity and its interests in protecting listed salmonids in the Russian River.

INTERESTS OF THE CITY OF UKIAH IN POTTER VALLEY PROJECT NO. 77-316

Ukiah is an incorporated municipality in Mendocino County, California, with its principal place of business in Ukiah, California. Ukiah was incorporated in 1886. As an incorporated municipality, Ukiah has the powers to provide a variety of municipal services, including water services for domestic and municipal and industrial purposes. There are approximately 16,000 people who reside within Ukiah. These residents and the businesses, schools, and parks in the City receive their water service from Ukiah, which delivers that water by exercising water rights that rely in part on abandoned flows from the Potter Valley Project. Ukiah also owns and operates a hydroelectric facility at Coyote Valley Dam, the dam that creates Lake Mendocino on the East Branch of the Russian River. The generation of power is reliant on releases of water at Coyote Valley Dam, which is fed from water diverted from the Eel River through the Potter Valley Project to the East Branch Russian River.

The Ukiah Hydroelectric Plant generates electric power for the residents and businesses within Ukiah. It is comprised of two 2,400 volt, 3 phase generators. Its total capacity for production is 3.5 megawatts when 400 cubic feet per second can be run through the two units' turbines. This is enough clean power to supply approximately 875 homes in Ukiah at an average

of 400 watts per home.

Ukiah provides water service to its residents and businesses through the exercise of rights to water under California water law. These rights to water include rights to groundwater and rights to surface water. Ukiah diverts surface water through the exercise of rights to surface water, which include the right to divert Russian River underflow. Ukiah's rights to surface water include a pre-1914 appropriative right to water (the "Pre-1914 Water Right"), a 1954 appropriative right to water (the "1954 Water Right"), and a 1978 appropriative right to water (the "1978 Water Right"). In addition, Ukiah owns and operates a recycled water plant, which allows it to reuse treated water for certain purposes, which include offsetting demand that would otherwise be placed on the Russian River.

Ukiah's Pre-1914 Water Right has a priority date that may date back to 1872, if not earlier. This water right predates the diversion of water from the Eel to the Russian through what we now call the Potter Valley Project. In response to the construction of Coyote Valley Dam in 1954, Ukiah applied for a permit with the State Water Board to secure additional appropriative water rights to the Russian River. The State Water Board granted Ukiah Permit No. 12952 to divert up to 20 cfs of Russian River water for municipal purposes within "the City and environs." Ukiah's 1954 Water Right has a priority date of January 25, 1954. Ukiah's water rights and its ability to meet the needs of its residents, businesses and communities, are largely, though not entirely, predicated on the availability of imported water from the Eel River.

Ukiah provides water service to its residents so those residents may use that water to cook, bathe, clean, drink, and water any yards, trees, or gardens they may have. It also uses water for its many parks and other public spaces, and its many businesses rely on the water provided. Ukiah provides water service to its residents in part because the reliable provision of water for purposes that include, but are not limited to, meeting basic necessities is a fundamental function

of creating a home and the resulting community.

Ukiah provides water service to more than just the residents and businesses within its city limits. Ukiah's water services have been called upon to fight fires outside the city limits when local agency supplies have proven inadequate. Ukiah's water services have also been called upon to provide water to residents and businesses outside the city limits during times of drought. Ukiah, and its ability to continue to divert water, is fundamental to the future health, safety, and welfare of the Ukiah Valley. Ukiah has also invested significantly in improving the ecology of the Russian River, including improving water quality and quantity for listed species of salmonids, in part through the development and operation of its state-of-the-art water recycling facility, which just recently celebrated its one billionth gallon of recycled water.

FACTUAL BACKGROUND

As PG&E's 2024 Variance Request observes, "PG&E requested flow variances in 7 out of the last 10 years when the spillway gates were in operation between 2013 and 2022[.]" The 2024 Variance Request is not an outlier – there is an acknowledged regime of successive variance requests going back as far as 2013.

In 2022, PG&E proposed a flow variance request for the East Branch Russian River to reduce the target flow into the East Branch Russian River to 5 cfs initially, and then to adjust between 5 cfs and 25 cfs. Such a request reflected a change in the Classification year from "Normal" to "Critical/ Dry". PG&E made the same request in 2023, the effects of which were only avoided by the fact that the Commission did not approve the request until after the summer and in October 2023.

PG&E's 2024 Variance Request

In PG&E 2024 Variance Request, PG&E proposes through the Russian River Variance Request to reduce flows to the East Branch of the Russian River at gauge E-16 once again to a

Critical or Dry Year Classification. This in yet another near-record year of precipitation for the region. Approval would result in a reduction of the current flows from 75 cfs to 25 cfs, which may be further reduced to 5 cfs. Through its Eel River Variance Request, PG&E has also proposed a variance for flows in the Eel River below Scott Dam, ostensibly due to recently-discovered seismic risks and the need to keep the spillway gates at Scott Dam open “indefinitely”, thereby reducing Lake Pillsbury’s water storage capacity.

Ukiah’s focus in this motion is on the impacts the Russian River Variance Request, if approved, will have on its residents, businesses, schools, and community, and to highlight for the Commission that, absent compliance with NEPA and the ESA, the Commission does not have the information required by the law to make an informed decision on whether to approve the Russian River Variance Request.

Constrained Supply Of Water In The Upper Russian River Due To Reduced Diversion of Eel River Water

As indicated above, the entire Upper Russian River, including Ukiah, has developed over the past 120 years based on the diversion of water from the Eel River. This imported water has allowed water right holders to perfect rights to that water. This has resulted in communities, including Ukiah, developing to the point they are thriving small towns in Northern California. But their future is entirely depending on the continued diversion of Eel River water above the minimum provided for in the Russian River Variance Request. This is best, though not entirely exemplified, in recent reductions of supply through either natural or, in the case of PG&E’s successive variance requests, manufactured drought conditions.

In 2021, the California State Water Resources Control Board (the “State Water Board”) issued notices of curtailment throughout the entire Upper Russian River, from Healdsburg north, in effect curtailing nearly every water right holder regardless of priority or use of water. Ukiah’s 1954 Water Right was curtailed, as was its 1978 Water Right. Its Pre-1914 Water Right was

nearly curtailed despite its senior priority and location at the far north of the Upper Russian River. These curtailments were prompted not only by the drought, but also by severe reductions in water diverted from the Eel River to the East Branch Russian River. These curtailments occurred during a declared state of drought emergency and water users across the Upper Russian River were only provided enough water to meet minimum human health and safety needs – around 55 gallons of water per person, per day.

Subsequently, however, while the region was beginning to recover from the drought, in 2022, reduced diversions from the Eel River to the East Branch Russian River as proposed by PG&E nearly resulted in widespread regional curtailments occurring again. These curtailments were only narrowly avoided by water users across the Upper Russian River, including and led by Ukiah, sharing their water resources. While the sharing of water avoided regulatory action by the State Water Board, water users throughout the Russian River were once again faced with a significantly constrained supply of water. Ukiah was constrained, despite its Pre-1914 Water Right, because of its commitment to provide some of its water for other water users in the Upper Russian River.

As the rains came in 2023 in near-record amounts, the state of drought emergency was lifted. Regardless of this significant precipitation, PG&E once again filed another variance request in 2023, once again asking the Commission to approve flows into the East Branch Russian River as low as 5 cfs. This request led to significant concern that the entire region, including Ukiah, would find itself in a state of manufactured severe drought, potentially restricting Ukiah and the rest of the region to only enough water to meet minimum health and safety needs – again, this potential outcome following near-record precipitation throughout California in 2023. This dire outcome was only allayed by the Commission’s delay in approving PG&E’s variance request from 2023, thereby avoiding the proposed reduction in diversion of Eel

River water into the Russian. This delay avoided severe reductions in water supply during the critical summer months and avoided the dire consequences of what would have amounted to a manufactured drought emergency for an entire region in the Upper Russian River, including, in part because of its continued commitment to its neighbors, Ukiah and its residents, businesses, and community. To be clear: this manufactured drought, potentially restricting the use of water to only that necessary to meet minimum human health and safety needs, means no parks, no gardens, no tree-lined walkways, no soccer fields, dying and stressed orchards and vineyards – essentially, the impoverishment of a Northern California community.

ARGUMENT

1. FERC Cannot Approve The 2024 Variance Request Absent Compliance With NEPA

Signed into law on January 1, 1970, the National Environmental Policy Act (42 U.S.C. §§ 4321-4370f) (“NEPA”) establishes a “national policy [to] encourage productive and enjoyable harmony between man and his environment,” and was intended to reduce or eliminate environmental damage and to promote “the understanding of the ecological systems and natural resources important to” the United States. 42 U.S.C. §4321. “NEPA itself does not mandate particular results” in order to accomplish these ends. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989). NEPA imposes procedural requirements on federal agencies with a particular focus on requiring agencies to undertake analyses of the environmental impact of their proposals and actions. *See id.*, at 349-350. At the heart of NEPA is a requirement that federal agencies “include in every recommendation or report on proposals for legislation and *other major Federal actions significantly affecting the quality of the human environment*, a detailed statement by the responsible official on –

- (i) the environmental impact of the proposed action,
- (ii) any adverse environmental effects which cannot be avoided should the

proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitment of resources which would be involved in the proposed action should it be implemented.”

42 U.S.C. §4332(2)(C) (emphasis added).

NEPA applies to “major federal action,” defined as “an activity or decision subject to Federal control and responsibility[.]” 50 CFR 1508.1(q). “Major Federal actions may include new and continuing activities, including projects and programs entirely or partly financed, assisted, conducted, regulated, or *approved by Federal agencies*; new or revised agency rules, regulations, plans, policies, or procedures; and legislative proposals.” *Id.*, at 1508(a)(q)(2) (emphasis added). “Major Federal actions tend to fall within one of the following categories: ... (iv) approval of specific projects, such as construction or management activities located in a defined geographic area. Projects include *actions approved by permit or other regulatory decision* as well as Federal and federally assisted activities.” *Id.* at 1508(1)(q)(3)(iv) (emphasis added).

“NEPA seeks to assure that when Government officials consider taking action that may affect the environment, they do so fully aware of the relevant environmental considerations. An EIS does not force them to make any particular decision, but it does lead them to take environmental considerations into account when they decide whether, or how, to act.” *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 35 (2008) (Breyer, J., concurring in part). Among other things, NEPA calls for federal agencies to “use all practicable means ... to improve and coordinate Federal plans, functions, programs, and resources to the end that the

Nation may—

- (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.”

42 U.S.C. § 4331(b).

The Commission’s approval of the Russian River Variance Request triggers the analyses required by NEPA. FERC is a Federal agency, and its approval of the Russian River Variance Request would amount to “major Federal action” as that term is defined, namely, an “action[] approved by permit or other regulatory decision[.]” 50 C.F. R. § 1508(1)(q)(3)(iv). Regardless, nowhere in the record does it show the Commission has complied with NEPA in considering whether to approve the Russian River Variance Request.

Absent compliance with NEPA, which may require an Environmental Impact Statement, the Commission has no way of knowing whether, and to what extent, approving the

Russian River Variance Request may affect the environment in the Russian River Watershed. This analysis includes consideration of the cumulative effects of repeated historic approvals of similar requests by PG&E, reducing flows into the East Branch Russian River to as low as 5 cfs, and the resulting impacts to the Russian River Watershed and Ukiah. Federal agencies are required to address whether a proposed action is related to other actions with individually insignificant but cumulatively significant impacts. At the least conducting an Environmental Assessment would inform the Commission whether these cumulative effects cause a significant impact and thus require an EIS. Absent such an analysis, the cumulative effects of successive approvals of similar variance requests and the cumulative effects of other related actions, such as flood control and water supply operations at Coyote Valley Dam, result in a significant impact to Ukiah and the entire Upper Russian River.

The successive approvals of very similar requests by PG&E over the past twelve years raises another issue under NEPA: improper segmentation of the Action. A federal agency, such as FERC, impermissibly segments a project under NEPA “when it divides connected, cumulative, or similar federal actions into separate projects and thereby fails to address the true scope and impact of the activities that should be under consideration.” *Del. Riverkeeper Network v. FERC*, 753 F.3d 1304, 1313 (D.C. Cir. 2014). Therefore, to comply with NEPA, not only must the Commission analyze the effects on the human environment caused by the 2024 Variance Request, it must conduct that analysis inside what has become a new regime of successive approved requests with cumulative effects across a broad variety of resource categories.

Environmental effects analyses under NEPA are not limited to ecological or biological effects. Rather, NEPA requires an analysis on the impacts to the entire human environment. Such analyses may include: growth-inducing effects; changes in land use patterns, population

density, or growth rate; energy requirements and conservation potential; effect on urban quality; and socioeconomic and environmental justice effects. Thus, before the Commission may grant the Russian River Variance Request, it must understand the full range of effects that decision will have on residents, business, schools, and families in Ukiah who rely – and have relied for over 120 years – in all the various ways on the continued diversion of sufficient water from the Eel River.

Approval of the Russian River Variance Request, which as proposed includes flows as low as 5 cfs into the East Branch Russian River, effectively risks putting the entire Upper Russian River community, including Ukiah, in a perpetual state of manufactured drought with only enough water to meet minimum human health and safety needs. The Commission may very well still decide to do so, but NEPA clearly holds that it cannot do so absent a full understanding of the full range of effects on the human environment such a regime of manufactured drought has had and would continue to have.

2. FERC Must Ensure Approval Of The 2024 Variance Request Will Not Jeopardize The Continued Existence Of Listed Species In The Russian River Or Adversely Modify Those Species' Habitat In The Russian River

As importantly, PG&E's application does not analyze the impact of the 2024 Variance Request on listed species in the Russian River. "The plain intent of Congress in enacting [the Endangered Species Act (16 U.S.C. §§1531 – 1544)] was to halt and reverse the trend toward species extinction, whatever the cost. This is reflected not only in the stated policies of the [ESA], but in literally every section of the statute." *TVA v. Hill*, 437 U.S. 153, 184 (1978). The ESA was enacted "to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, [and] to provide a program for the conservation of such endangered species and threatened species." 16 U.S.C. § 1531(b). Section 7(a)(2) of the ESA states: "[e]ach Federal agency shall, in consultation with ... the Secretary

[of Commerce or the Interior] insure that any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [the critical] habitat of such species” 16 U.S.C. § 1536(a)(2). The Secretary of Commerce is responsible for listed marine species, including anadromous salmonids, and administers the ESA through the National Marine Fisheries Service (“NMFS”). 50 C.F.R. §§ 402.01, 223.102 (threatened marine and anadromous species), 224.101 (endangered marine and anadromous species). Consultation with NMFS is required if an agency action “may affect” a listed species or critical habitat. 50 C.F.R. § 402.14. Section 7 “includes an affirmative grant of authority to attend to protection of listed species within agencies’ authority when they take actions covered by section 7(a)(2).” *Defenders of Wildlife v. EPA*, 420 F.3d 946, 965 (9th Cir. 2005).

An action jeopardizes the continued existence of a listed species if it “would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.” 50 C.F.R. § 402.02. The “adverse modification” inquiry focuses on “whether, with implementation of the proposed Federal action, critical habitat would remain functional (or retain the current ability for the [PCEs] to be functionally established) to serve the intended conservation role for the species.” (NMFS A.R. 85 at 3.) In preparing the biological opinion, NMFS must consider “the effects of the action and cumulative effects on the listed species or critical habitat.” 50 CFR 402.14(g)(3).

A biological opinion must detail how an agency action impacts critical habitat and whether those impacts are likely to constitute destruction or adverse modification of that habitat. *See* 16 U.S.C. § 1536(b)(3)(A). In doing so, NMFS must consider “the effects of the action and cumulative effects on ... critical habitat.” 50 C.F.R. § 402.14(g)(3). The effects of

the action include the direct and indirect effects, together with the effects of other activities that are interrelated or interdependent with the action, “that will be added to the environmental baseline.” *Id.* § 402.02.

To formulate its biological opinion, NMFS must determine the geographic scope of the “action area.” The “action area” includes “all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action.” 50 C.F.R. § 402.02. “[T]he determination of the scope of an [action] area requires application of scientific methodology and, as such, is within the agency's discretion.” *Native Ecosystems Council v. Dombeck*, 304 F.3d 886, 902 (9th Cir.2002) (*citing Kleppe v. Sierra Club*, 427 U.S. 390, 414, (1976)).

In its 2024 Variance Request, PG&E is concerned about preserving cooler water temperatures in Lake Pillsbury which will be released in late summer ostensibly to support species listed under the ESA in the Eel River downstream of Scott Dam. In doing so, PG&E asks the Commission to rely on the Biological Opinion for the proposed license amendment for the Potter Valley Project (Federal Energy Regulatory Commission Project Number 77-110), issued November 2, 2002 (the “PVP BiOp”). However, the PVP BiOp does not analyze the impacts the proposed flows in the Russian River Variance Requests will have on listed salmonids in the Russian River. Additionally, the 2024 Variance Request itself lacks any discussion of the impacts the Russian River Variance Request would have on listed species in the Russian River and limits the discussion to above Coyote Valley Dam and rainbow trout.

The PVP BiOp describes the Action Area for the Potter Valley Project to include “the entire mainstem Eel River below Scott Dam to the Pacific Ocean, and the East Branch Russian River below the Potter Valley Project powerhouse to its confluence with the mainstem Russian River, and below this confluence to the Pacific Ocean at Jenner.” PVP BiOp, at 11. As the

BiOp observes, the Russian River has three species of salmonid that are listed under the ESA: steelhead, *Oncorhynchus mykiss* (“CCC Steelhead”); Chinook salmon, *Oncorhynchus tshawytscha* (“CC Chinook”); and coho salmon, *Oncorhynchus kisutch* (“CCC Coho”) (collectively, the “Russian River Listed Salmonids”). CCC Steelhead and CC Chinook are listed as threatened, 71 Fed. Reg. 834 (Jan. 5, 2006) & 70 Fed. Reg. 37,160 (June 28, 2005), and CCC Coho is listed as endangered, 70 Fed. Reg. at 37,192. The Russian River is critical habitat for all three species. 70 Fed. Reg. 52,485 (Sept. 2, 2005).

Despite NMFS’ acknowledgment in the PVP BiOp that Potter Valley Project operations, including diversion of Eel River water to the Russian River, affects these listed species and the entire Russian River as their critical habitat, the PG&E 2024 Variance Request completely ignores the effects on the Russian River Listed Salmonids due to the Russian River Variance Request. Indeed, the only discussion PG&E provides the Commission is focused on non-listed rainbow trout, the effects upon which are discarded as resulting “in the continuation of reduced sport fishing opportunities for the duration of the variance.” 2024 Variance Request, at 11.

Though the record reflects a communication from NMFS providing edits, there is no suggestion in those communications of the impacts to Russian River Listed Salmonids stemming from the 2024 Variance Request. Instead, the analysis is entirely focused on temperature concerns for listed species in the Eel River. Ukiah does not intend or desire to put the interests of some species over those of others; it simply observes the Congressional obligation that FERC, as the Action Agency, and NMFS, as the Consulting Agency, have to ensure approval of the 2024 Variance Request does not jeopardize the continued existence of listed species in either the Eel or the Russian River systems.

To be clear: Ukiah does not dispute that there may be impacts to listed species in the

Eel River due to Potter Valley Project operations, including the 2024 Variance Request, and it laments any impacts there may be. Ukiah simply observes there may very well be impacts to listed species in the Russian River that are not analyzed anywhere in the record – not in the PVP BiOp, and not in the 2024 Variance Request. This places FERC in danger of violating the ESA, to include Section 7’s requirement that Federal agencies ensure their actions do not jeopardize the continued existence of listed species or adversely modify those species’ habitats.

FERC, as the Action Agency, has an obligation under Section 7 of the ESA to ensure its actions do not jeopardize the continued existence of the Russian River Listed Salmonids. As is the case with NEPA, FERC cannot approve the Russian River Variance Request without sufficient – or, as is the case here, any – information on how that approval may affect the Russian River Listed Salmonids as required by the ESA. To do so not only deprives the Commission of making a fully-informed decision about the impacts of its actions, but also risks further jeopardizing listed species in the Russian River already on the brink of extinction. This the law does not allow.

CONTACT INFORMATION

Pursuant to FERC Rule 203(b), Movant-Intervenors request that all communications and service in this matter be directed to:

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CONCLUSION

For the foregoing reasons, the City of Ukiah respectfully requests the Commission to grant its Motion to Intervene and be granted full-party status in the proceeding. In moving to

intervene, Ukiah seeks to ensure the full breadth of impacts to its residents, business, community, and region are understood and weighed by the Commission before it decides whether to approve the 2024 Variance Request. These impacts include the economic, social, aesthetic, environmental, and biological impacts felt on the Russian River, none of which are currently included in the record. Ukiah believes that a thorough approach to understanding these impacts will enable the Commission to make better-informed decisions as we face continuing changes in the Potter Valley Project.

Sincerely,
/s/ Philip A. Williams

Philip A. Williams

Attorney for Intervenor City of Ukiah

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Pacific Gas and Electric Company)	FERC Project No. 77-320
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Application for Temporary)	
Variance of Flow Requirements)	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served by electronic mail, the **Motion to Intervene by The City of Ukiah on Pacific Gas & Electric Company’s Application for Temporary Variance of Flow Requirements (Potter Valley Project No. 77-320)**, on each person designated on the official Service List compiled by the Commission in the above-captioned proceedings, and by electronic mail and U.S Postal Service, the Federal Energy Regulatory Commission and National Marine Fisheries Service.

Dated this 1st day of April, 2024, at Ukiah, California.

/ s / Philip A. Williams
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