

**ENDORSED**

**FILED**  
SUPERIOR COURT, METROPOLITAN DIVISION  
COUNTY OF KERN

**AUG - 9 2006**

**TERRY McMAHON, CLERK**  
BY \_\_\_\_\_ DEPUTY

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7 Attorneys for Defendant and Respondent  
8 GREAT BASIN UNIFIED AIR POLLUTION CONTROL  
DISTRICT

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF KERN

11  
12 CITY OF LOS ANGELES DEPARTMENT  
OF WATER AND POWER,

13 Petitioner and Plaintiff,

14 v.

15 GREAT BASIN UNIFIED AIR POLLUTION  
16 CONTROL DISTRICT,

17 Respondent and  
18 Defendant.

Case No. S-1500-CV-258678, RJO

UNLIMITED JURISDICTION

**CERTIFICATION OF THE  
ADMINISTRATIVE RECORD BY  
CLERK OF THE GOVERNING  
BOARD OF THE GREAT BASIN  
UNIFIED AIR POLLUTION  
CONTROL DISTRICT**

Date Action Filed: March 21, 2006  
Trial Date: Not Set

Before the Hon. Richard J. Oberholzer  
Judge, Superior Court  
Department 5  
1415 Truxtun Avenue  
Bakersfield, California

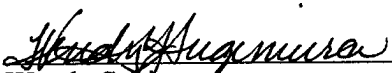
24  
25  
26 TO ALL PARTIES AND THEIR COUNSEL OF RECORD HEREIN:

27 PLEASE TAKE NOTICE THAT the undersigned, Wendy Sugimura, hereby certifies that the  
28 documents identified in the attached Index of Administrative Record of Proceedings, Part 1:

1 numbered 2 through 1423 (included on compact disks #1 through #4) and Part 2: references  
2 numbered 5 through 159 (included on compact disk #5 ), as described in the Index, as documents  
3 previously provided to Plaintiff and Petitioner, constitute Respondent and Defendant Great Basin  
4 Unified Air Pollution Control District's ("District") true and correct record of proceedings in the  
5 above-captioned matter. The District's Administrative Record of Proceedings was prepared by the  
6 District pursuant to California Public Resources Code section 21167.6 and California Code of Civil  
7 Procedure section 1094.6 in connection with the above-captioned matter, and includes all documents  
8 in the record.

9 I declare that I am employed in the County of Inyo, California; that I am over 18 years of age,  
10 that I am employed as the Clerk of the Governing Board of the District, and that my business address  
11 is 157 Short Street, Bishop, California.

12 I declare under penalty of perjury under the laws of the State of California that the foregoing  
13 is true and correct and that this certification was executed at Bishop, California on this 7<sup>th</sup> day of  
14 August, 2006.

15  
16   
17 Wendy Sugimura  
18 Clerk of the Governing Board of the District  
19  
20  
21  
22  
23  
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28

1 **PROOF OF SERVICE**

2 I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address  
3 is 555 West Fifth Street, Los Angeles, California 90013-1024. I am not a party to the within  
4 cause, and I am over the age of eighteen years.

5 I further declare that on August 8, 2006, I served a copy of:

6 **CERTIFICATION OF THE ADMINISTRATIVE RECORD**  
7 **BY CLERK OF THE GOVERNING BOARD OF THE**  
8 **GREAT BASIN UNIFIED AIR POLLUTION CONTROL**  
9 **DISTRICT**

10  **BY FACSIMILE [Code Civ. Proc sec. 1013(e)] (not including the**  
11 **administrative record, which is served by overnight mail only)** by sending a true  
12 copy from Morrison & Foerster LLP's facsimile transmission telephone number  
13 213.892.5454 to the fax number(s) set forth below, or as stated on the attached  
14 service list. The transmission was reported as complete and without error. The  
15 transmission report was properly issued by the transmitting facsimile machine.

16 I am readily familiar with Morrison & Foerster LLP's practice for sending facsimile  
17 transmissions, and know that in the ordinary course of Morrison & Foerster LLP's  
18 business practice the document(s) described above will be transmitted by facsimile  
19 on the same date that it (they) is (are) placed at Morrison & Foerster LLP for  
20 transmission.

21  **BY U.S. MAIL [Code Civ. Proc sec. 1013(a)]** by placing a true copy thereof  
22 enclosed in a sealed envelope with postage thereon fully prepaid, addressed as  
23 follows, for collection and mailing at Morrison & Foerster LLP, 555 West Fifth  
24 Street, Los Angeles, California 90013-1024 in accordance with Morrison &  
25 Foerster LLP's ordinary business practices.

26 I am readily familiar with Morrison & Foerster LLP's practice for collection and  
27 processing of correspondence for mailing with the United States Postal Service, and  
28 know that in the ordinary course of Morrison & Foerster LLP's business practice the  
document(s) described above will be deposited with the United States Postal  
Service on the same date that it (they) is (are) placed at Morrison & Foerster LLP  
with postage thereon fully prepaid for collection and mailing.

1  **BY OVERNIGHT DELIVERY [Code Civ. Proc sec. 1013(d)]** by placing a true  
2 copy thereof enclosed in a sealed envelope with delivery fees provided for,  
3 addressed as follows, for collection by UPS, at 555 West Fifth Street, Los Angeles,  
4 California 90013-1024 in accordance with Morrison & Foerster LLP's ordinary  
5 business practices.

6 I am readily familiar with Morrison & Foerster LLP's practice for collection and  
7 processing of correspondence for overnight delivery and know that in the ordinary  
8 course of Morrison & Foerster LLP's business practice the document(s) described  
9 above will be deposited in a box or other facility regularly maintained by UPS or  
10 delivered to an authorized courier or driver authorized by UPS to receive documents  
11 on the same date that it (they) is are placed at Morrison & Foerster LLP for collection.

12  **BY PERSONAL SERVICE [Code Civ. Proc sec. 1011]** by placing a true copy  
13 thereof enclosed in a sealed envelope addressed as follows for collection and  
14 delivery at the mailroom of Morrison & Foerster LLP, causing personal delivery of  
15 the document(s) listed above to the person(s) at the address(es) set forth below.

16 I am readily familiar with Morrison & Foerster LLP's practice for the collection and  
17 processing of documents for hand delivery and know that in the ordinary course of  
18 Morrison & Foerster LLP's business practice the document(s) described above will be  
19 taken from Morrison & Foerster LLP's mailroom and hand delivered to the  
20 document's addressee (or left with an employee or person in charge of the  
21 addressee's office) on the same date that it is placed at Morrison & Foerster LLP's  
22 mailroom.

23  **BY ELECTRONIC SERVICE [Code Civ. Proc sec. 1010.6]** by electronically  
24 mailing a true and correct copy through Morrison & Foerster LLP's electronic mail  
25 system to the e-mail address(s) set forth below, or as stated on the attached service  
26 list per agreement in accordance with Code of Civil Procedure section 1010.6.

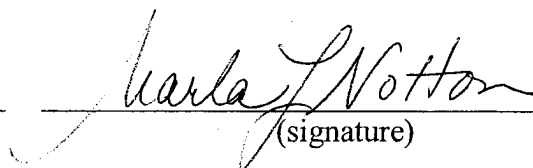
27 Julie Conboy, Deputy City Attorney  
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Mark D. Johnson  
Craig A. Moyer  
Manatt, Phelps & Phillips, LLP  
11355 West Olympic Blvd.  
Los Angeles, CA 90064-1614  
Facsimile: 310 312-4224

29 I declare under penalty of perjury under the laws of the State of California that the  
30 foregoing is true and correct.

31 Executed at Los Angeles, California, this 8th day of August, 2006.

32 \_\_\_\_\_  
33 Marla L. Notton  
34 (typed)

35   
36 (signature)