

BEFORE THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS  
STATE CORPORATION COMMISSION

MAR 11 2011

In the Matter of the Notice and )  
Application of Westar Energy, Inc. and )  
Kansas Gas and Electric Company for )  
Approval of Use of REC's to Satisfy the )  
Renewable Energy Standards Act for )  
2011 and 2012. )

Docket No. 11-WSEE-438-MIS

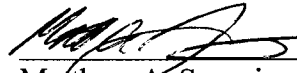


**NOTICE OF FILING OF STAFF REPORT AND RECOMMENDATION**

The Commission Staff ("Staff") of the State Corporation Commission of the State of Kansas ("Commission") hereby files its Report and Recommendation in the above-captioned docket.

WHEREFORE, Staff respectfully submits this Report and Recommendation to the Commission for review.

Respectfully submitted,



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Matthew A. Spurgin, #20470  
Litigation Counsel  
Gas & Electric, Transportation  
Kansas Corporation Commission  
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Attachment  
MAS

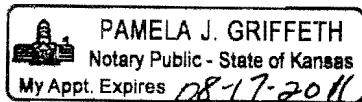
STATE OF KANSAS            )  
  ) ss.  
COUNTY OF SHAWNEE    )


**VERIFICATION**

Matthew A. Spurgin, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas, that he has read and is familiar with the foregoing *NOTICE OF FILING OF STAFF REPORT AND RECOMMENDATION* and that the statements contained therein are true and correct to the best of his knowledge, information and belief.

  
\_\_\_\_\_  
Matthew A. Spurgin, # 20470  
Kansas Corporation Commission of the  
State of Kansas

Subscribed and sworn to before me this 1<sup>st</sup> day of March, 2011.



  
\_\_\_\_\_  
Notary Public

My Appointment Expires: August 17, 2011



## STAFF REPORT AND RECOMMENDATION

February 25, 2011

In the Matter of the Notice and Application of Westar )  
Energy, Inc. and Kansas Gas and Electric Company for )  
Approval of Use of RECs to Satisfy the Renewable ) Docket No. 11-WSEE-438-MIS  
Energy Standards Act for 2011 and 2012 )

TO: Thomas E. Wright, Chairman  
Ward Loyd, Commissioner

FROM: Michael Deupree, Research Analyst  
Jaime Stamatson, Senior Research Economist

DATE SUBMITTED TO LITIGATION: 2/25/11

DATE SUBMITTED TO COMMISSIONERS: 3/11/11

Order Due Date: August 7, 2011

### EXECUTIVE SUMMARY

Westar Energy, Inc. and Kansas Gas and Electric Company (collectively “Westar” or “Company”) has requested the Commission allow the Company to use Renewable Energy Credits (“RECs”) obtained through existing Company renewable generation to satisfy a portion of the Company’s requirements under the Renewable Energy Standards Act (“RES” or “Act”) for the years 2011 and 2012. Within the Application, the Company also presents an alternative request that the Company be granted a waiver of penalties for failure to comply with the RES for 2011 and 2012, citing K.S.A. 66-1261(b) which allows the Commission to waive potential penalties for calendar years 2011 and 2012 if the affected utility can demonstrate it has “made a good faith effort to comply with portfolio standards requirements.”<sup>1</sup>

Staff is concerned with the potential policy implications of Westar’s primary proposal. The Company’s proposal may create a situation in future years where a utility with excess renewable

<sup>1</sup> Notice and Application, Docket 11-WSEE-438-MIS ¶ 21 (“Application”)

generation could use the generation's attributable RECs to help the utility meet future RES requirements in 2016 and 2020 (when the acts 15% and 20% requirements take effect).<sup>2</sup>

Staff believes that it was not the intention of the Legislature in drafting the RES to allow utilities the leeway to use RECs obtained through utility owned generation in a general manner to meet requirements under the RES, and that circumstances such as the Company presents in this Docket would be considered in the context of K.S.A. 66-1261(b). However, K.S.A. 66-1261(b) specifically grants the Commission authority to waive penalties for calendar years 2011 and 2012, and, for all practical purposes, allowing a utility to use previously generated RECs to assist in RES compliance for calendar years 2011 and 2012 is no different than granting the utility a waiver of penalties. In this manner, granting the Company's request to use RECs obtained through existing Company renewable generation to satisfy a portion of the Company's 2011 and 2012 requirements would essentially be granting the Company a waiver of penalties for those years under K.S.A. 66-1261(b).

Based on its review, Staff recommends the Commission:

Approve the Company's request for the approval to use RECs obtained through existing Company renewable generation to satisfy the Company's RES requirements, restricting such approval to only calendar years 2011 and 2012 as outlined by K.S.A. 66-1261(b).

*Or*

In the alternative, grant the Company's request to obtain a waiver under K.S.A. 66-1261(b) of penalties for failure to comply with the Company's 2011 requirement under the RES, finding specifically that the Company has "made a good faith effort to comply with the portfolio standards requirement."

## **BACKGROUND**

### **Procedural History**

On December 10, 2010, Westar filed a Notice and Application ("Application") with the Commission to permit the Company to use RECs obtained through its existing renewable generation to satisfy a portion of the Company's requirements under the RES for years 2011 and 2012. Within the Application, the Company also presented an alternative request: that the Company be granted a waiver from the Commission of penalties for failure to comply with the RES for 2011 and 2012, citing K.S.A. 66-1261(b) which allows the Commission to waive potential penalties for calendar years 2011 and 2012 if the affected utility can demonstrate it has "made a good faith effort to comply with portfolio standards requirements."<sup>3</sup>

On December 16, 2010, the Citizens' Utility Ratepayer Board ("CURB") petitioned the Commission for intervention status in the docket. The Commission subsequently granted this petition for intervention on January 19, 2011.

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<sup>2</sup> Note that RECs expire after two years, so only excess renewable generation in the prior two years may be applied to 2016 and 2020 requirements; See K.A.R. 82-16-6(c).

<sup>3</sup> Application ¶ 21

### **Renewable Energy Standard Act—K.S.A. 66-1256, et. seq.**

The RES, signed into law as K.S.A. 66-1256 through 66-1262, required the Commission to adopt rules and regulations requiring all non-municipal electric utilities operating within the State to generate or purchase a percentage of the utility's overall electricity need from renewable energy resources.<sup>4</sup> The statutorily required renewable capacity percentages escalate over time and are as follows:

- 10% of the affected utility's peak demand for calendar years 2011 through 2015;
- 15% of the affected utility's peak demand for calendar years 2016 through 2019;
- 20% of the affected utility's peak demand for each calendar year beginning in 2020.<sup>5</sup>

Kansas' RES is similar in many respects to other Renewable Portfolio and Renewable Energy Standards present in jurisdictions throughout the country. However, the RES differs from most other similar requirements in two important aspects: (1) renewable generation is not defined as renewable energy generation, but rather renewable generation capacity; and (2) 'affected utility's peak demand' listed above is defined as the average retail peak demand for the prior three calendar years. Because of both of these elements, compliance with the RES for the year 2011 can be computed with absolute accuracy, and compliance for 2012 can be estimated with reasonable accuracy.<sup>6</sup>

### **Renewable Energy Credits**

As defined in a January 2005 National Renewable Energy Laboratory Paper: *Emerging Markets for Renewable Energy Certificates: Opportunities and Challenges*,

*Renewable Energy Credits represent the attributes of electricity generated from renewable energy sources. These attributes are unbundled from the physical electricity, and the two products—the attributes embodied in the certificates and the commodity electricity—may be sold or traded separately.*<sup>7</sup>

Essentially, RECs represent the clean nature or 'greenness' of renewable energy compared to traditional fossil-fuel electrical generation. RECs act as a commodity separate from the electricity generated, and represent the environmental pollutants that are avoided by energy generated by clean renewable resources. RECs were developed separately in California and Texas around the year 2000 as a means to assist utilities with the compliance of Renewable Portfolio or Renewable Energy Standards because utilities at the time were struggling with the challenges of verifying the fuel mix and emission data claimed by electric service providers in deregulated markets.<sup>8</sup>

RECs are statutorily defined within Kansas as simply "...a credit representing energy produced by renewable energy resources issued as part of a program that has been approved by the State

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<sup>4</sup> See K.A.R. 66-1258: In addition to direct generation (ownership) and contractual purchases of renewable energy, the RES also allows for RECs to satisfy "...a portion of portfolio requirements..."

<sup>5</sup> K.S.A. 66-1258(a)

<sup>6</sup> All information pertaining to 2011 compliance is known—renewable generation capacity and historical peak retail demands for 2008, 2009 and 2010. For 2012 compliance, only peak retail demand for 2011 needs to be estimated through load forecasts.

<sup>7</sup> Emerging Markets for Renewable Energy Certificates, January 2005, National Renewable Energy Laboratory, Pg 1

<sup>8</sup> *Id.*, pg. 7

Corporation Commission.<sup>9</sup> The Commission has clarified this definition, codifying in Kansas the widely accepted definition that a REC represents one megawatt-hour of energy generated by a renewable energy resource.<sup>10</sup>

**K.S.A. 66-1261(b)**

Within the RES, K.S.A. 66-1261(b) presents the following language referenced by the Company within the Application:

*For the calendar years 2011 and 2012, the Commission is not required to assess penalties if the affected utility can demonstrate it made a good faith effort to comply with the portfolio standards requirement. The Commission shall exempt an affected utility from administrative penalties for an individual compliance year if the utility demonstrates that the retail rate impact described in K.S.A. 2009 Supp. 66-1260, and amendments thereto, has been reached or exceeded and the utility has not achieved full compliance with K.S.A. 2009 Supp. 66-1258, and amendments thereto. In imposing penalties, the Commission shall have discretion to consider mitigating circumstances. Under no circumstances shall the costs of administrative penalties be recovered from Kansas retail customers.<sup>11</sup>*

K.S.A. 66-1261(b) appears to have been written into the RES to curb rate shock resulting from utilities attempting to meet the requirements of the Act. Of particular importance to the Company's Application is the language within the section pertaining to the ability of the Commission to waive penalties for utilities unable to comply with the Act's 2011 and 2012 requirements. This provides an escape clause for utilities that may have difficulties complying with the first few years of the RES as renewable generation is being built.<sup>12</sup>

**ANALYSIS**

As presented within Staff's detailed calculations attached to this Report and Recommendation as Exhibit MWD-1, Staff calculates that Westar will require 453 MW and 455 MW of renewable capacity to comply with the RES' requirements for years 2011 and 2012, respectively. Currently, the Company possesses 331 MW of renewable capacity in terms of compliance,<sup>13</sup> with Company's two new proposed wind farms, Post Rock and Ironwood, having estimated in-service dates of fall 2012.<sup>14</sup> Because of this, the Company will be deficient in meeting its 2011 and 2012 RES requirements of 121.8 MW and 123.8 MW respectively.

The Application filed by the Company contains two separate requests relating to the Company's forecasted renewable capacity deficiencies in years 2011 and 2012:

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<sup>9</sup> K.S.A. 66-1257(e)

<sup>10</sup> See K.A.R. 82-16-1(k): For purposes of (RES) regulations, this term is reflected on a certificate representing the attributes associated with one megawatt-hour of energy generated by a renewable energy resource that is located in Kansas or serves ratepayers in the state.

<sup>11</sup> K.S.A. 66-1261(b), emphasis added

<sup>12</sup> Note K.S.A. 66-1261(b) does not extend the escape clause provided for subsequent years after 2012.

<sup>13</sup> See K.S.A. 66-1258(c): "Each megawatt of eligible capacity in Kansas installed after January 1, 2000, shall count as 1.10 megawatts for purposes of compliance."

<sup>14</sup> It should be noted that with the completion of Post Rock and Ironwood, the Company will have sufficient renewable capacity to satisfy its requirement under the RES Act through 2015.

- Permit the Company to use Renewable Energy Credits created from renewable generation owned or contracted by the Company to satisfy the Company's requirements under the RES for years 2011 and 2012; or
- in the alternative, grant a waiver of noncompliance penalties for calendar years 2011 and 2012, citing K.S.A. 66-1261(b) which allows the Commission to waive potential penalties for calendar years 2011 and 2012 if the affected utility can demonstrate it has "made a good faith effort to comply with portfolio standards requirements."<sup>15</sup>

The requests within the Application are obviously related, but ultimately mutually exclusive. If the first request is granted, the second request is rendered moot, and vice versa. Because of this, Staff presents its analysis of each request in turn, independently of each other.

### **Westar's Request to Use Internal RECs to Satisfy RES Requirements for 2011 and 2012**

Exhibit MWD-2 presents renewable capacity calculations from RECs pursuant to the formula laid out in K.A.R. 82-16-6(c). As can be seen, Westar has 255 MW and 199 MW renewable capacity from RECs accrued from 2009 and 2010 generation<sup>16</sup> respectively. This means that Westar has enough accrued RECs to satisfy the remainder of the Company's 2011 and 2012 renewable capacity requirements under the RES, as attested to by the Company.<sup>17</sup>

### Policy Implications

Staff is concerned however with the policy implications of the Company's proposal. Westar is essentially asking the Commission to allow utilities the ability to 'bank' excess renewable capacity for two years through the use of RECs. Suppose a utility is having difficulties meeting the 20% requirement in 2020; if a utility had excess renewable generation in 2018 and 2019, the RECs created from this excess renewable generation could be used to help the utility comply with the RES' 2020 and 2021 requirement. In this manner, the utility would actually not meet the RES' 20% requirement by 2022.

No specific language within the RES pertains to allowing utilities the general ability to use RECs obtained from existing utility renewable generation for RES compliance, and yet, through K.S.A. 66-1261(b), the RES contains language addressing the Company's current situation. First, K.S.A. 66-1261(b) includes language pertaining to the ability of the Commission to grant a waiver of penalties if it can be shown that the affected utility has made a 'good faith effort' to comply with the RES. Secondly, K.S.A. 66-1261(b) contains additional language allowing the Commission the discretion of considering 'mitigating circumstances' when imposing penalties.

When viewed in the context of K.S.A. 66-1261(b), Staff concludes that it was not the intention of the legislature in drafting the RES to allow utilities the leeway to use RECs obtained through utility owned generation in a general manner to meet requirements under the RES, and that the Legislature anticipated circumstances such as the Company presents in this Docket would be considered in the context of K.S.A. 66-1261(b). However, K.S.A. 66-1261(b) specifically grants the Commission the authority to waive penalties for calendar years 2011 and 2012, and, for all practical purposes, allowing a utility to use previously generated RECs to assist in RES

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<sup>15</sup> Application, ¶ 21

<sup>16</sup> Calculations for 2010 RECs include an allowance for 305,000 RECs which were sold by the Company in that year.

<sup>17</sup> See Application, Affidavit of Don Ford

compliance for calendar years 2011 and 2012 is no different than granting the utility a waiver of penalties. In this manner, granting the Company's request to use RECs obtained through existing Company renewable generation to satisfy a portion of the Company's 2011 and 2012 requirements would essentially be granting the Company a waiver of penalties for those years under K.S.A. 66-1261(b).

### **Westar's Request to Waive RES Penalties for 2011 and 2012**

Although the majority of the Company's Application is devoted to Westar's request to utilize RECs the Company has accrued over the past two years, the Company also requests as a fallback that, "...to the extent the Commission believes it is necessary, Westar also requests a waiver from the Commission of penalties for failure to comply with the (RES) for 2011 and 2012 on the basis that Westar has 'made a good faith effort to comply with the portfolio standards requirement.<sup>18</sup>'" The language Westar is referring to is the waiver language within K.S.A. 66-1261(b). As briefly mentioned above, Staff feels that this language was included within the statute to provide an escape clause for utilities that have difficulties complying with the first few years of the RES as renewable generation is being built. Indeed, it is very possible that this section was included at the behest of legislators knowledgeable of Westar's situation.<sup>19</sup>

### Evidence of Westar's Good Faith Effort

Westar presents the following as evidence of a 'good faith effort' to comply with the RES: (1) A current renewable energy portfolio capacity of 301 MWs;<sup>20</sup> (2) efforts through a 2009 Request For Proposals to secure additional renewable energy capacity which the Company chose not to pursue due to terms and conditions which were unattractive to the Company and its customers;<sup>21</sup> (3) the Company's current plans to secure an additional 369 MWs of wind capacity from Ironwood and Post Rock wind farms; and<sup>22</sup> (4) the Company's joint venture in Prairie Wind Transmission LLC, which plans to construct additional high-voltage transmission infrastructure in western Kansas through the 'Y Plan.'<sup>23</sup>

Staff feels the four items the Company provides constitutes ample evidence of a good faith effort by the Company to procure additional renewable generation in the future. The only item left concerning complying with the 2011 and 2012 RES requirements is whether or not it would be prudent for the Company to procure the additional renewable capacity needed through the purchase of RECs on the open market.<sup>24</sup> Concerning this, the Company simply estimates that such a purchase would cost \$1.4 million per year<sup>25</sup>—or \$2.8 million total—and that utilizing RECs obtained through existing generation or obtaining a waiver under K.S.A. 66-1261(b) would minimize the cost of compliance to Westar's customers.

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<sup>18</sup> Application, ¶ 21

<sup>19</sup> Responses to the Company's 2009 Request for Proposals were received March 30, 2009, with the RES Act being passed into law two months later in May.

<sup>20</sup> Application, ¶ 6

<sup>21</sup> *Id.* ¶ 7

<sup>22</sup> *Id.* ¶ 9

<sup>23</sup> *Id.* ¶¶ 11-14; the transmission project discussed by the Company is commonly referred to as the 'Y Plan,' formally known as the 'V Plan.'

<sup>24</sup> Since the RES is in terms of renewable capacity and RECs are sold in terms of renewable generation, any RECs purchased would have to be converted to a capacity basis as outlined in K.A.R. 82-16-1(f).

<sup>25</sup> *Id.* ¶ 20



**RECOMMENDATION:**

Based on its review, Staff recommends the Commission:

Approve the Company's request for the approval to use RECs obtained through existing Company renewable generation to satisfy the Company's RES requirements, restricting such approval to only calendar year 2011 and 2012 as outlined by K.S.A. 66-1261(b).

*Or*

In the alternative, grant the Company's request to obtain a waiver under K.S.A. 66-1261(b) of penalties for failure to comply with the Company's 2011 requirement under the RES, finding specifically that the Company has "made a good faith effort to comply with the portfolio standards requirement."

CC: Susan Duffy, Executive Director  
Dr. Michael Schmidt, Director of Utilities  
Tom Stratton, Chief Litigation Counsel  
Public Affairs and Consumer Protection (PAPC)

System Retail Peak Demand		
Year	Retail Peak	Date of Peak
2008	4,600 MWs	August 04, 2008
2009	4,375 MWs	June 23, 2009
2010	4,613 MWs	August 12, 2010
2011 <sup>a</sup>	4,659 MWs	--
2012 <sup>a</sup>	4,706 MWs	--
2013 <sup>a</sup>	4,753 MWs	--
2014 <sup>a</sup>	4,800 MWs	--
2015 <sup>a</sup>	4,848 MWs	--

Year	Average Peak Demand of Prior Three Years	RES Requirement	Renewable Capacity Needed for Compliance
2011	4,529 MWs	10%	453
2012	4,549 MWs	10%	455
2013	4,659 MWs	10%	466
2014	4,706 MWs	10%	471
2015	4,753 MWs	10%	475
2016	4,800 MWs	15%	720

Renewable Capacity (includes x1.1 modifier)									
Year	Cloud County (Meridian Way) Wind Farm	Flat Ridge Wind Farm (owned)	Flat Ridge Wind Farm (PPA)	Central Plains Wind Farm	Rolling Meadows Landfill	Post Rock Wind Farm	Ironwood Wind Power Project	Total Renewable Capacity	Projected Renewable Capacity Deficiency (Surplus)
2011	105.6	55	55	108.9	6.6	--	--	331.1	121.8
2012	105.6	55	55	108.9	6.6	--	--	331.1	123.8
2013	105.6	55	55	108.9	6.6	221.1	184.8	737	(271.1)
2014	105.6	55	55	108.9	6.6	221.1	184.8	737	(266.4)
2015	105.6	55	55	108.9	6.6	221.1	184.8	737	(261.7)
2016	105.6	55	55	108.9	6.6	221.1	184.8	737	(16.9)

a: Retail Peak Demand for 2011 through 2015 are estimated assuming a 1% year-on-year escalation.

2010 Net Generation (MWh)													
	YTD	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
CPW1	296,511	20,539	17,235	30,825	28,584	29,857	24,257	22,146	23,062	26,057	25,295	27,138	21,516
FRW1	156,538	11,885	8,771	18,401	17,802	11,020	13,355	8,673	9,331	14,073	13,085	17,004	13,138
<b>Total Wind (Owned)</b>	<b>453,049</b>	<b>32,424</b>	<b>26,006</b>	<b>49,226</b>	<b>46,386</b>	<b>40,877</b>	<b>37,612</b>	<b>30,819</b>	<b>32,393</b>	<b>40,130</b>	<b>38,380</b>	<b>44,142</b>	<b>34,654</b>
FRW2 (PPA)	154,708	11,932	9,068	18,789	17,334	11,136	13,080	8,913	9,452	13,793	12,485	16,218	12,508
MWW1 (PPA)	268,965	19,269	17,335	31,217	28,303	23,893	22,163	17,253	20,274	22,460	17,319	27,965	21,514
<b>Total Wind (PPA)</b>	<b>423,673</b>	<b>31,201</b>	<b>26,403</b>	<b>50,006</b>	<b>45,637</b>	<b>35,029</b>	<b>35,243</b>	<b>26,166</b>	<b>29,726</b>	<b>36,253</b>	<b>29,804</b>	<b>44,183</b>	<b>34,022</b>
<b>TOTAL WIND</b>	<b>876,722</b>	<b>63,625</b>	<b>52,409</b>	<b>99,232</b>	<b>92,023</b>	<b>75,906</b>	<b>72,855</b>	<b>56,985</b>	<b>62,119</b>	<b>76,383</b>	<b>68,184</b>	<b>88,325</b>	<b>68,676</b>

2009 Net Generation (MWh)													
	YTD	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
CPW1	200,034			1,310	24,594	23,700	15,738	15,388	23,017	17,458	26,985	22,722	29,122
FRW1	88,220		6,475	13,461	9,420	9,445	8,707	6,951	4,865	2,857	6,367	7,327	12,345
<b>Total Wind (Owned)</b>	<b>288,254</b>		<b>6,475</b>	<b>14,771</b>	<b>34,014</b>	<b>33,145</b>	<b>24,445</b>	<b>22,339</b>	<b>27,882</b>	<b>20,315</b>	<b>33,352</b>	<b>30,049</b>	<b>41,467</b>
FRW2 (PPA)	74,091			6,239	14,074	9,345	7,708	5,200	1,692	1,610	5,290	8,802	14,131
MWW1 (PPA)	234,407	23,135	21,842	28,652	20,439	14,283	8,654	9,418	17,839	13,664	27,047	22,985	26,449
<b>Total Wind (PPA)</b>	<b>308,498</b>	<b>23,135</b>	<b>21,842</b>	<b>34,891</b>	<b>34,513</b>	<b>23,628</b>	<b>16,362</b>	<b>14,618</b>	<b>19,531</b>	<b>15,274</b>	<b>32,337</b>	<b>31,787</b>	<b>40,580</b>
<b>TOTAL WIND</b>	<b>596,752</b>	<b>23,135</b>	<b>28,317</b>	<b>49,662</b>	<b>68,527</b>	<b>56,773</b>	<b>40,807</b>	<b>36,957</b>	<b>47,413</b>	<b>35,589</b>	<b>65,689</b>	<b>61,836</b>	<b>82,047</b>

	Commercial Operation	Generator Nameplate Rating (kW)	Generator Capacity Factor 2009	Generator Capacity Factor 2010
Central Plains (CPW1)	3/31/2009	99,000	31%	34%
Flat Ridge (FRW1)	2/11/2009	50,000	23%	36%
Flat Ridge (FRW2)	3/16/2009	50,000	21%	35%
Meridian Way (MWW1)	12/29/2008	96,000	28%	32%
<b>Average Capacity Factor</b>			<b>26%</b>	<b>34%</b>

	2009	2010
RECs Accrued <sup>a</sup>	571,722	596,752
Capacity from RECs (MWs) <sup>b</sup>	255	199

a: RECs accrued in 2009 include an allowance for 305,000 sold by the Company in 2010; See Response to Data Request KCC-2

a: See K.A.R. 82-16-1(f) for formula for calculating Capacity factor and Capacity from RECs

## CERTIFICATE OF SERVICE

11-WSEE-438-MIS

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Notice of Filing of Staff Report and Recommendation was placed in the United States mail, postage prepaid, or hand-delivered this 11th day of March, 2011, to the following:

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