

Filed 1/10/08

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

VOICES OF THE WETLANDS,

Plaintiff and Appellant,

v.

CALIFORNIA STATE WATER
RESOURCES CONTROL BOARD, et al.,

Defendants and Appellants.

DUKE ENERGY MOSS LANDING, LLC,
et al.,

Real Parties in Interest and
Appellants.

H028021

(Monterey County
Super. Ct. No. M54889)

ORDER MODIFYING OPINION
AND DENYING REHEARING

NO CHANGE IN THE JUDGMENT

It is ordered that the opinion filed herein on December 14, 2007, be modified as follows.

Page 2, line 2

Voices should be identified as “appellant and cross-respondent.”

Page 2, line 6

Should read “Real parties in interest are Duke ...”

Page 22, fifth line from the bottom

In the phrase “State Energy Commission,” the word state should not be capitalized.

Page 26, at the end of the first paragraph under heading “4”

The “cf” citation to *City of Morgan Hill* should be omitted.

Page 28, lines 5-7

The citation to *City of Morgan Hill* should be omitted.

Page 41, second line from the bottom

Add the word “effectively” between “trial court” and “ordered.”

Page 44, fifth line from the bottom

Remove second “.)” at end of citation.

Page 85, just above heading “c”

Add “cf” before citation to *Riverkeeper II*, fn. 25.

Page 92, under heading “a”

Expand the end of the sentence that starts “Even *Riverkeeper II*” to read “albeit in dicta and in the context of a cost-cost variance analysis.”

Page 96, under DISPOSITION:

At the start of the second sentence, change the word “Defendants” to “Respondents.”

There is no change in the judgment.

The petition for rehearing is denied.

Date:

McAdams, J.

Bamattre-Manoukian, Acting P.J.

Duffy, J.