

## DOCKETED

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<b>Project Title:</b>	Puente Power Project
<b>TN #:</b>	206471
<b>Document Title:</b>	Objection to NRG's Proposal to Withdraw of Air Quality Information
<b>Description:</b>	Letter from Ellison Folk to Robert Oglesby (CEC) re Objection to NRG's Proposal to Withdraw Prior Responses to CEC Staff Data Request No. 2
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October 30, 2015

**Via Online Filing and U.S. Mail**

Mr. Robert Oglesby  
Executive Director  
California Energy Commission  
1516 Ninth Street  
Sacramento, California 95814

Re: Puente Power Project (15-AFC-01)  
Objection to NRG's Proposal to Withdraw Prior Responses to CEC  
Staff Data Request No. 2

Dear Mr. Oglesby:

The City of Oxnard objects to NRG's proposal to withdraw its August 17, 2015 response to Staff Data Request No. 2 and its September 25, 2015 revised response to the same data request. As NRG's proposal indicates, NRG is currently revising its air quality modeling, likely in response to issues raised in subsequent data requests from Commission staff and the City. The Commission, the Ventura County Air Pollution Control District, other regulatory agencies, and the City all need access to NRG's original modeling to determine what components of NRG's new modeling have changed and whether those changes are valid. Such a comparison is critical to the agencies' ability to determine the adequacy of NRG's air quality modeling.

Additionally, nearly three months ago (on August 4), the City requested that NRG provide the air-quality modeling data contained in NRG's responses to Staff Data Request No. 2. While NRG and the City have agreed in principle to a non-disclosure agreement pertaining to any confidential information contained in NRG's response, the City has yet to receive the requested information. The City is hopeful that it can resolve this discovery issue with NRG. However, if it cannot, the City will be forced to file a motion to compel production of this information.

Thus, because the original modeling materials are necessary to evaluate the adequacy of NRG's revised air quality monitoring, and because those materials are the

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subject of a currently unresolved data request that may require Commission adjudication, the City requests that the Commission deny NRG's proposal to withdraw and destroy the air-quality modeling materials that were submitted to the Commission.

Please do not hesitate to contact me if you have any questions regarding this matter.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

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/s/ Ellison Folk

Ellison Folk

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cc: John Hilliard  
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