

## DOCKETED

<b>Docket Number:</b>	15-AFC-02
<b>Project Title:</b>	Mission Rock Energy Center
<b>TN #:</b>	212962
<b>Document Title:</b>	Staff Request for Extension of Time to Respond to Applicant's Data Requests Objections
<b>Description:</b>	N/A
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<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
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**STATE OF CALIFORNIA**

**Energy Resources Conservation  
And Development Commission**

**In the Matter of:**

**Docket No. 15-AFC-02**

**Application for Certification  
for the Mission Rock Energy Center**

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**ENERGY COMMISSION STAFF REQUEST FOR EXTENSION OF TIME  
TO RESPOND TO APPLICANT'S DATA REQUESTS OBJECTIONS**

Pursuant to section 1211.5 of title 20 of the California Code of Regulations,<sup>1</sup> Staff of the California Energy Commission (Staff) hereby requests an extension until September 26, 2016 of the deadline to file a petition for an order directing Mission Rock Energy Center, LLC (Applicant) to provide information pursuant to subdivision (g) of section 1716.

On June 24, 2016, pursuant to section 1716, Staff issued to Applicant Data Request Set 1 (TN# 211974). Staff and Applicant mutually agreed pursuant to subdivision (f) of section 1716 to extend the deadlines for Applicant to file objections to Data Request Set 1 no later than August 1, 2016, and for Applicant to file responses no later than September 1, 2016.

On August 1, Applicant filed a Notice of Objections to California Energy Commission Staff's Data Requests Set 1 (TN# 212531), objecting to 40 of the 107 data requests in Data Request Set 1. Pursuant to subdivision (g) of section 1716, Staff may file a petition for an order directing Applicant to provide information within 30 days of being notified that responses will not be provided.<sup>2</sup> To the extent that the Notice of Objections constitutes such notice,<sup>3</sup> such a petition would be due by August 31, 2016. However, subdivision (f) of section 1716 provides that "the dates in [section 1716] may be changed by mutual agreement of the parties or by Commission Order." Furthermore, section 1203 provides that the presiding member of a committee can "[f]or good cause shown, shorten or lengthen the time for compliance with any provision of [division 2 of title 20]."

As Applicant noted in the Notice of Objection, Staff and Applicant have not yet had an opportunity to discuss these data requests and Applicant's objections thereto. A workshop for

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<sup>1</sup> Hereinafter all section references are to title 20 of the California Code of Regulations unless otherwise noted.

<sup>2</sup> Subdivision (g) provides: "A party petitioning the committee for an order to provide information must do so within 30 days of being informed in writing that the information will not be provided, or within 30 days of the date the information was provided or was due."

<sup>3</sup> In the Notice of Objections, Applicant did not definitively state that information would not be provided, and in some instances indicated that some information would be provided notwithstanding the objection.

this purpose is scheduled for Friday, August 26, 2016, which was the earliest that Staff and Applicant could find a mutually agreeable time and provide notice required by sections 1209 and 1711.

Staff is hopeful that it will be able to reach agreement with Applicant at the workshop on the majority of outstanding issues related to Data Request Set 1. However, in the event that agreement is not reached on any requests, Staff will not have sufficient time before August 31, 2016, to prepare a petition for an order directing Applicant to provide information. Staff therefore asks the Committee to extend until September 26, 2016, the deadline for staff to file such a petition. This will give Staff and Applicant adequate time to resolve issues related to Data Request Set 1, and may obviate the need for such a petition, or narrow its scope. Staff believes this constitutes good cause pursuant to section 1209.

DATED: August 25, 2016

Respectfully submitted,



Galen Lemei, Senior Staff Counsel  
Kerry Willis, Assistant Chief Counsel  
California Energy Commission