

DOCKETED

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STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

Application for Certification for the
MISSION ROCK ENERGY CENTER.

Docket No. 15-AFC-02

**NOTICE OF OBJECTIONS
TO CALIFORNIA ENERGY COMMISSION STAFF'S
DATA REQUESTS SET 2A (DATA REQUESTS 144 AND 146)**

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January 17, 2017

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DATA REQUESTS SET 2A (DATA REQUESTS 144 AND 146)**

Pursuant to Section 1716(f) of the California Energy Commission's ("Commission") regulations, Mission Rock Energy Center, LLC ("Applicant") provides this notice that it objects to providing certain information requested by Staff's *Data Request Set 2A (Nos. 134-153)*, docketed December 30, 2016, regarding the Mission Rock Energy Center ("MREC").¹ As set forth in further detail below, the Applicant objects to providing the topographic site maps requested by Data Requests 144 and 146 as the information requested is neither reasonably available to the Applicant nor reasonably necessary to make a decision on the Application for Certification ("Application") for the MREC.

OBJECTIONS

Section 1716(b) of the Commission's regulations provides that a "party may request from the applicant any information reasonably available to the applicant which is relevant to the notice or application proceedings or reasonably necessary to make any decision on the notice or application." The Commission also considers the burden on the applicant to provide the data.² As explained below, the following data requests do not meet the requirements of Section 1716.

¹ TN # 215132.

DATA REQUESTS 144 & 146 SEEK DETAILED DESIGN INFORMATION

Data Request 144 requests a detailed topographic site map “that identifies the location of preliminary, site-specific best management practices (BMPs) that would protect side slopes from erosion during placement of imported fill material.” Similarly, Data Request 146 requests a topographic site map “that identifies the location of preliminary site specific BMPs for soil stabilization that would be appropriate for the size of soil disturbance, slope steepness, slope length, and soil erodibility.”

The Applicant does not object to describing in general terms the types of BMPs or other engineering design measures that would be available to protect side slopes from erosion or scour during fill material placement and construction. However, site-specific “detailed design” will be performed after project approval, i.e., post-Certification, consistent with Commission precedent, the California Environmental Quality Act, and good public policy, and is therefore not reasonably available at this stage in the process. The topographic site maps requested by Data Requests 144 and 146, which request identifying with engineering specificity the location of BMPs or other engineering design measures, are detailed design elements and are not reasonably available at this time. The requested information will be dependent on site-specific detailed design and engineering requirements that will be finalized only after the Application is approved.

In addition, the requests for detailed design information relating to the location of site-specific BMPs or other engineering design measures are not necessary for the Commission to make a decision on this Application. Once a decision is made to proceed with construction of

² See Committee Ruling on Intervenor Center for Biological Diversity’s Petition to Compel Data Requests (Dec. 26, 2008) Docket No. 07-AFC-6, Carlsbad Energy Center Project, TN # 49528.

the project post-Certification, the MREC will be designed and built in compliance with all applicable laws, ordinances, regulations, and standards.

Therefore, the Applicant objects to providing the topographic site maps requested by Data Requests 144 and 146 because the information is neither reasonably available nor reasonably necessary to a decision the Commission must make on this Application.

Dated: January 17, 2017

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By 

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