

## DOCKETED

|                         |  |
|-------------------------|--|
| <b>Docket Number:</b>   | 07-AFC-06C   |
| <b>Project Title:</b>   | Carlsbad Energy Center - Compliance                              |
| <b>TN #:</b>            | 203227   |
| <b>Document Title:</b>  | Project Owner's Objections to Power of Vision Data Request Set 2 |
| <b>Description:</b>     | N/A  |
| <b>Filer:</b>           | Dee Hutchinson   |
| <b>Organization:</b>    | Locke Lord LLP   |
| <b>Submitter Role:</b>  | Applicant Representative   |
| <b>Submission Date:</b> | 10/21/2014 4:06:24 PM  |
| <b>Docketed Date:</b>   | 10/21/2014   |



Attorneys & Counselors

500 Capitol Mall, Suite 1800  
Sacramento, CA 95814  
Telephone: 916-930-2500  
Fax: 916-930-2501  
www.lockelord.com

John A. McKinsey  
Direct Telephone: 916-930-2527  
Direct Fax: 916-720-0443  
jmckinsey@lockelord.com

October 21, 2014

VIA E-FILING

Power of Vision  
c/o Arnold Roe, Ph.D  
3210 Piragua Street  
Carlsbad, CA 92009

Carlsbad Energy Center Project (07-AFC-06C)  
Karen Douglas, Commissioner and Presiding Member  
Andrew McAllister, Commissioner and Associate Member  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814-5512

Re: **Carlsbad Energy Center Project, 07-AFC-06C**  
**Objections to Power of Vision Data Request Set 2**

Power of Vision and CECP Siting Committee:

Pursuant to Title 20 CCR Sections 2025 and 1716, Carlsbad Energy Center LLC, project owner ("Project Owner") of the Carlsbad Energy Center Project ("CECP") herein objects in whole or in part to data requests issued by Power Of Vision, an intervenor in the Petition to Amend ("PTA") process for CECP.

Several of the objections relate to the authority for data requests found in 20 CCR 1716(d) which specifies:

"Any party may request from a party other than the applicant information which is **reasonably available to the responding party** and **cannot otherwise be readily obtained**, and which is **relevant to the proceeding or reasonably necessary to make any decision** on the notice or application. All such requests shall state the reasons for the request." [emphasis added.]

Project Owner desires to provide all necessary or useful information that it is able to do so, but the requests proposed seek information that is not reasonably necessary to make a decision on the PTA and/or that also are not reasonably available to Project Owner. Thus, responding to the requests is either impossible or would be time consuming and costly.

### **Specific Objections**

**POV DATA REQUEST 6:** Please provide an updated version of the “1.10 Schedule” which will take into consideration the recent Commissioner’s orders. Also, please clarify when in your schedule you will place orders for the six GE gas turbine units and when these units will be delivered on site.

OBJECTION TO DATA REQUEST 6: Project Owner objects to this data request because it seeks information not necessary or useful to making a decision on the PTA. Revising a schedule whenever a revised projection is issued by the Committee or a party is of little value to the evaluation of the environmental impacts that will be changed by the PTA. The data request also asks information that is not known at this time, and thus the information is not reasonably available to the Project Owner.

**POV DATA REQUEST 7:** Please specify the total cubic yardage of material that will be removed when excavating the three east-west berms currently surrounding the tanks in the proposed pit area for the six GE gas turbine units. Please indicate the lay down area for this material if it will be distributed on site. If material is to be disposed of off-site, indicate how many truck trips will be required and the approximate dates of beginning and end of such truck haulage.

OBJECTION TO DATA REQUEST 7: Project Owner objects to this data request because it seeks information not known at this time and that would be burdensome to calculate. Because the breakdown of specific excavation quantities and where it would be placed on site for further handling is not reasonably necessary to make a decision on the PTA, this data request is not appropriate.

**POV DATA REQUEST 8:** Please provide four dimensioned cross-section drawings (one for each pair of power units), looking north, and extending from the west at the upper rim road through the gas turbine units, transformers, circuit breakers, H-frames, transmission poles to the anticipated future freeway I-5 roadway. These cross section drawings should show the upper and lower rim roads, pit slopes, gas turbine units, stacks, transformers, circuit breakers, H-frames, power poles, safety berm adjacent to the widened I-5 freeway, future visual screening (trees?) after I-5 widening, property fence after freeway widening, and the relocated I-5 freeway. Horizontal distances between each of these items should be clearly stated, as well as the vertical heights of each item.

OBJECTION TO DATA REQUEST 8: Project Owner objects to this data request because it seeks information that is not necessary to reach a decision on the PTA. Further, some of the information sought is not known at this time because it is only capable of being determined when detailed final engineering is completed, a stage that occurs after a project design is approved. Other aspects of the information sought would be costly and time consuming to prepare. The final decision for the currently-approved CECP has already authorized a visual profile and in making such a decision, the California Energy Commission has already addressed the potential for significant visual impacts from this and all viewpoints.

The data request is also fundamentally problematic because it presumes that a certain design of a widened I-5 has been completed and is also certain to occur at some date in the near future. While a widened I-5 is anticipated to occur at some time, the final decision on the currently-approved PTA already has conditions of certification in place to ensure that the project accommodates the reasonably expected scope of changes to I-5. Further, the PTA does not propose any changes

relevant to those conditions. Thus this inquiry about I-5 detailed information seems not only incapable to being responded to, but also unnecessary to reach a decision on the PTA.

**POV DATA REQUEST 9:** Please provide an elevation drawing along the route of the proposed transmission line from the northern-most pole adjacent to the widened I-5 to the southern-most pole adjacent to the widened I-5. Show all clearances (vertical and horizontal) along the way from the (sagged) transmission cables to the ground, embankments, roadways, buildings and final stage vegetation (under wind conditions).

**OBJECTION TO DATA REQUEST 9:** Project Owner objects to this data request because it seeks information that is not necessary to reach a decision on the PTA. Further, some of the information sought is not known at this time because it is only capable to being determined when detailed final engineering is completed, a stage that occurs after a project design is approved. Other aspects of the information sought would be costly and time consuming to prepare. The final decision for the currently-approved CECP has already authorized a visual profile and in making such a decision, the California Energy Commission has already addressed the potential for significant visual impacts from this and all viewpoints.

**POV DATA REQUEST 10:** Will the southern-most (corner) transmission pole require stays? If so, please provide an enlarged plan view showing the pole and its stays.

**OBJECTION TO DATA REQUEST 10:** Project Owner objects to this data requests because the requested information is not readily available because the information is that of final engineering design detail unknown at this time. Further, assumptions regarding the use of stays is not required for a decision on the PTA, because the presence of stays would not lead to any significant visual impact or a LORS compliance issue.

**POV DATA REQUEST 11:** Please provide three visual renderings (SB, NB, and SNB) of how the proposed new location of the transmission line will look from points on the modified I-5 freeway, as shown on the attached "FIG DR POV 5-1 Modified by POV". These renderings should show the visual screening (trees?) available at the time immediately after the transmission poles are erected, a time when visual impacts will be most severe.

**OBJECTION TO DATA REQUEST 11:** Project Owner objects to this data request because it seeks renderings from locations that are not Key Observation Points, nor locations that would qualify to represent the project's potential for significant impacts. Moreover, the viewpoints listed represent a view threshold that is significantly benefited by the PTA, meaning that the PTA provides substantial visual benefits to the project by lowering the visual profile of the project as seen from the east. The final decision for the currently-approved CECP has already authorized a visual profile and in making such a decision, the California Energy Commission has already addressed the potential for significant visual impacts from this and all viewpoints. Here, the view is clearly benefitted by the PTA. Finally, Project Owner has recently agreed to provide further concessions by moving several generator tie line transmission poles west. As a result of that movement and also in response to another request, Project Owner is completing revised renderings from the Key Observation Points. Renderings from these viewpoints, however, would not be necessary to make a decision on the project.

**POV DATA REQUEST 12:** For the 138kV transmission line please show in side-by-side tables (one side being the values in the PTA cited "Electric Power Institute. 1978 Transmission Line

Reference Book, 115-138kV Compact Line Design. Palo Alto, California”, the other side being the more current “EPRI Transmission Line Reference Book: 115-345 kv Compact Line Design, The Blue Book” published 05-Nov-2008.) the following recommended design values:

- a. Vertical clearances of conductors above ground and roadways.
- b. Vertical clearances of conductors from other supporting structures and buildings.
- c. Vertical separation between phases of the same circuit.
- d. Number of insulators and length of the string.

**OBJECTION TO DATA REQUEST 12:** Project Owner objects to this data request because the request appears to either seek information equally available to the asking party or seeks detailed engineering design details that are not known at this time. Further, the information is not reasonably necessary to make a decision on the PTA because it seeks information that does not have a bearing on the project’s ability to comply with applicable regulations or standards.

**POV DATA REQUEST 13:** For the 230 kV transmission line please show in side-by-side tables (one side being the values in the PTA cited “Electric Power Institute. 1975. Transmission Line Reference Book, 345-kV and Above. Palo Alto, California”, the other side being the more current EPRI AC Transmission Line Reference Book – 200kV and Above, 2013 Edition”) the following recommended design values:

- a. Vertical clearances of conductors above ground and roadways.
- b. Vertical clearances of conductors from other supporting structures and buildings.
- c. Vertical separation between phases of the same circuit.
- d. Number of insulators and length of the string.

**OBJECTION TO DATA REQUEST 13:** Project Owner objects to this data request because the request appears to either seek information equally available to the asking party or seeks detailed engineering design details that are not known at this time. Further, the information is not reasonably necessary to make a decision on the PTA because it seeks information that does not have a bearing on the project’s ability to comply with applicable regulations or standards.

Locke Lord LLP



---

By: John McKinsey  
Attorneys for Carlsbad Energy Center LLC