

## DOCKETED

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# Power of Vision

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Via E Filing  
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Carlsbad Energy Center Project (07-AFC-06C)

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California Energy Commission  
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## **Petition to the Committee For An Order Directing the Applicant to Supply Responses to Power of Vision (POV) Data Request Numbers 8, 9, 11, 12, & 13.**

On October 7, 2014 POV docketed (TN#203177) data request set II, consisting of data request numbers 6-13, addressed to the applicant.

On October 21, 2014 Locke Lord LLP, attorneys for the applicant, docketed (TN#203227) objecting to all of the items in POV's data request set II.

Title 20 California Code of Regulations, Section 1716(g) states, in part, "If the requesting party or agency is unable to obtain information as provided in this section, such party or agency may petition the committee for an order directing the responding party to supply such information..."

Accordingly, POV petitions the Committee for an order directing the applicant to supply responses to POV's data request numbers 8, 9, 11, 12, & 13.

POV is not requesting a response to data request #6, since the recent Committee's scheduling order resolved this issue.

POV is not requesting a response to data request #7, since we have been able to make rough approximations (from existing plan views of the construction site) of the cubic yardage of earth that will have to be removed from the "pit".

POV data request #10 asked, "Will the southern-most (corner) transmission pole require stays?" Our concern was that this pole was close to the Caltrans property line and there may not be room for stays. POV is not requesting a response to data request #10 since this issue can be resolved when the applicant submits their final design drawings.

Before continuing on to each of the data requests for which we are requesting a response, we would like to point out that Locke Lord LLP, in their filing of October 21, 2014 incorrectly refers to "...20 CCR 1716(d)..." as the basis for "...Several of the objections...". Section 1716(d) clearly states, "Any party may request from a party other than the applicant information which is reasonable 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]. POV requested information from the applicant, not from a party other than the applicant. In this case, the less stringent requirements of Section 1716(b) apply: " Any party may request from the applicant information which is reasonable available to the applicant which is relevant to the notice or application proceeding or reasonably necessary to make any decision on the notice of application. All such requests shall include the reasons for the request." [emphasis added]. We therefore object to Locke Lord LLP's attempt to hold intervenors to a higher standard than that imposed by law.

#### **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's RESPONSE:**

The applicant's states: "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." This statement is not valid since the PTA, by changing the previously approved location of the transmission line from the western edge of the project to a position on the east side of the project adjacent to the I-5 freeway, has introduced a completely new and dominant visual impact, thereby creating the necessity for additional information to facilitate the Committee in reaching a decision on the PTA. The approved **VIS** requirements never contemplated a transmission line next to the freeway and new **VIS** requirements are necessary for this new transmission line location. The applicant tacitly acknowledged this when they responded to our data request #4 by providing a cross section drawing of their PTA proposed units 8 & 9, transformer, circuit breaker, H-frame, power pole located near the upper rim road, visual screening and I-5 freeway (TN#203058, Figure DR POV 4-1). At the September 24-25 workshop, this cross section drawing proved to be very useful for understanding the potential visual impacts. At the workshop the applicant then indicated that they were changing the location of two of the power poles from the upper rim road to the lower rim road and would also add an additional pole near the lower rim road. Because of this revised location of the power poles, we submitted our data request #8. The applicant did not express problems with providing information for the upper rim road pole location so we do not understand why they cannot provide similar cross section drawings with the most recent routing of the transmission line. We believe the information requested will help the Committee and other interested parties to this proceeding ascertain if there are simple and inexpensive ways to reduce the visual impact of the transmission line.

Our data request #8 has many features similar to CEC Staff's data requests #79 & #80, docketed on October 2, 2014 (TN#203149). Both of our data requests ask for elevation drawings incorporating the cumulative impacts of the foreseeable I-5 widening. However, in order to avoid the contentious issue surrounding the future I-5 widening, we can drop all reference to the "widened" or "widening" freeway from our data request #8. We urge the Committee to approve our petition for an order directing the applicant to supply a response to POV's data request #8, using whatever I-5 highway location the applicant chooses.

#### **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 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.

**POV's RESPONSE:**

All of the responses made by POV to the applicant's objections to our data request #8 above also apply here to our data request #9. Providing the requested information should not be overly burdensome to the applicant. The applicant did not express problems in providing (TN#203327) similar elevation drawings of a different section of the transmission as requested by Staff's data request #76 (TN#203149), so we do not understand why they cannot provide similar cross section drawings for the section of the transmission line requested in our data request #9. We believe the information requested will help the Committee and other interested parties to this proceeding ascertain if there are simple and inexpensive ways to reduce the visual impact of the transmission line. For example, one concern is the potential additional visual impact that may be created by the added new pole in the pit. The requested cross section drawing in this area may reveal that sufficient ground clearances are achievable without the additional pole. However, in order to avoid the contentious issue surrounding the future I-5 widening, we can drop all reference to the "widened" freeway from our data request #9. We urge the Committee to approve our petition for an order directing the applicant to supply a response to POV's data request #9, using whatever I-5 highway location the applicant chooses.

**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's RESPONSE:

Key Observation Points were established for the approved CECP. By moving the transmission line from the west side of the project to the east side of the project adjacent to the I-5 freeway, the PTA introduces a completely new set of visual impacts not anticipated by prior proceedings. New observations points are necessary to evaluate the visual impacts of the new transmission line location. The applicant tacitly acknowledged this when they responded to POV's data request #4 and provided new data points SB and NB on their Figures DR POV 5-1, DR POV 5-2 & DR POV 5-3 (TN#203058). Subsequently, the applicant changed the configuration of the transmission line, lowering two of the poles into the pit. Our data request #11 is similar to our data request #4 and will allow the Committee and other interested parties to view renderings of this latest transmission line configuration. We urge the Committee to approve our petition for an order directing the applicant to supply a response to POV's data request #11.

#### 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 October 21, 2014 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's RESPONSE:

Unfortunately, the 1978 Electric Power Institute version for 115-138Kv transmission line reference book is no longer in print or publicly available. However, since the applicant cited this reference on page 3-8 of the PTA, the applicant presumably has an access to this reference which is not available to POV. Similarly, the current 2008 version of the EPRI transmission line reference book should be readily available to the applicant or their consultants, whereas POV could not find any public availability of this reference book. The clearance information in POV's data request is crucial in determining if the 138Kv transmission line has been overdesigned, substantially contributing to its visual impact. Other similar gas turbine plants recently approved by the CEC (Panoche Energy Center, 06-AFC-5 and Pio Pico 11-AFC-01) have transmission

lines in the area contiguous the generating units that are approximately forty feet lower than those shown in the PTA. We therefore urge the Committee to approve our petition for an order directing the applicant to supply a response to POV's data request #12.

### **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

### **POV's RESPONSE:**

Unfortunately, the 1975 Electric Power Institute version for 230Kv transmission line reference book is no longer in print or publicly available. However, since the applicant cited this reference on page 3-8 of the PTA, the applicant presumably has an access to this reference book which is not available to POV. Similarly, the current 2013 version of the EPRI transmission line reference should be readily available to the applicant or their consultants, whereas POV could not find any public availability of this reference book. The clearance information in POV's data request is crucial in determining if the 230Kv transmission line has been oversized, substantially contributing to its visual impact. Other similar gas turbine plants recently approved by the CEC (Panoche Energy Center, 06-AFC-5 and Pio Pico 11-AFC-01) have transmission lines in the area contiguous to the generating units that are approximately forty feet lower than those shown in the PTA. We therefore urge the Committee to approve our petition for an order directing the applicant to supply a response to POV's data request #13.

Respectfully submitted by POV.

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