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California Energy Commission DOCKETED 08-AFC-8A
TN # 66544 AUG 10 2012

STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of:)	Docket No. 08-AFC-8A
)	
REVISED APPLICATION FOR)	OBJECTIONS AND REQUESTS FOR
CERTIFICATION FOR THE HYDROGEN)	ADDITIONAL TIME TO RESPOND TO
ENERGY CALIFORNIA POWER PLANT)	CEC STAFF DATA REQUESTS A1- A123
PROJECT (“HECA”))	
)	
)	

On July 20, 2012, California Energy Commission (“CEC”) staff issued Data Requests A1 – A123 in the above-referenced matter. The data requests seek information from the Applicant and/or Occidental of Elk Hills, Inc. (“OEHI”). As set forth below, Applicant objects to certain of the data requests. In addition, Applicant and OEHI will require additional time beyond the proscribed 30-day period to respond to certain the data requests as specified below.

Air Quality

Data Requests A26-A35 and A39-A43

These data requests are directed primarily to OEHI. OEHI requires a one-week extension (until August 29, 2012) to respond to these data requests.

Data Requests A36-A38

These data requests are directed primarily to OEHI. OEHI requires a two-week extension (until September 12, 2012) to respond to these data requests.

Biological Resources

Data Request A48

The proposed locations of the intersection improvements were included in general biological surveys, but protocol level surveys were not completed in these areas. Applicant objects to

conducting protocol level surveys in these areas at this time. Given that the mitigation measures are only proposed at this time, and it is not yet known what final mitigation measures may be imposed by the CEC in consultation with the County, it is premature to undertake the requested surveys at this time. Applicant suggests that this issue be addressed through a Condition of Certification requiring additional analysis in these affected areas prior to ground disturbing activities, but after certification of the project and finalization of the required mitigation measures.

Data Requests A59, A61 and A62

These data requests are directed primarily to OEHI. OEHI requires a one-week extension (until August 29, 2012) to respond to these data requests.

Data Requests A60

This data request is directed primarily to OEHI. OEHI requires a two-week extension (until September 12, 2012) to respond to this data request.

Cultural Resources

Data Request A68

Applicant requires a 30-day extension (until September 21, 2012) to respond to this data request.

Data Requests A69-A71

Applicant objects to these data requests on the basis that HECA-2010-2, which is the subject of these data requests, is located on private property that the Applicant does not have access to. It is unclear at this time when Applicant might obtain rights of access to the subject property.

Data Requests A73-A75

As requested in Data Request A72, Applicant confirms that no ground disturbing activity will occur within the boundaries of MR7 and MR9. This confirmation renders Data Requests A73-A75 moot.

Data Requests A76-A82

Applicant objects to these data requests, which require additional analysis of the area potentially affected by proposed traffic mitigation measures. Given that the mitigation measures are only proposed at this time, and it is not yet known what final mitigation measures may be imposed by the CEC in consultation with the County, it is premature to undertake the analysis at this time. Applicant suggests that this issue be addressed through a Condition of Certification requiring additional analysis in these affected areas prior to ground disturbing activities, but after certification of the project and finalization of the required mitigation measures.

Data Requests A85-A88

These data requests are directed primarily to OEHI. OEHI requires a two-week extension (until September 12, 2012) to respond to these data requests.

Hazardous Materials Management

Data Requests A93-A97

Applicant requires a 30-day extension to respond to these data requests. Furthermore, with respect to Data Request A93, one of the issues that Applicant will be evaluating during this 30-day period is whether or not the identified scenarios reflect worst-case releases given the design of the Project. Applicant reserves the right to object to performing an off-site consequence analysis for one or both of these scenarios on the basis that they do not reflect worst-case release scenarios.

Soil and Water Resources

Data Requests A115 and A116

Applicant requires a 60-day extension (until October 22, 2012) to respond to these data requests.

Visual Resources

Data Request A117

Applicant requires a 30-day extension (until September 21, 2012) to respond to this data request.

Data Request A120

This data request is directed primarily to OEHI. OEHI requires a one-week extension (until August 29, 2012) to respond to this data request.

Waste Management

Data Request A121

This data request is directed primarily to OEHI. OEHI requires a one-week extension (until August 29, 2012) to respond to this data request.

DATED: August 9, 2012

Respectfully submitted,

/s/ Michael Carroll

Michael J. Carroll
LATHAM & WATKINS LLP
Counsel to Applicant

**STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

In the Matter of:)	Docket No. 08-AFC-08A
)	
REVISED APPLICATION FOR)	PROOF OF SERVICE
CERTIFICATION FOR THE HYDROGEN)	
ENERGY CALIFORNIA POWER PLANT)	(July 27, 2012)
PROJECT (“HECA”))	
_____)	

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HYDROGEN ENERGY CALIFORNIA PROJECT
CEC Docket No. 08-AFC-08A

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HYDROGEN ENERGY CALIFORNIA PROJECT
CEC Docket No. 08-AFC-08A

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HYDROGEN ENERGY CALIFORNIA PROJECT
CEC Docket No. 08-AFC-08A

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DECLARATION OF SERVICE

I, Paul Kihm, declare that on August 9, 2012, I served and filed copies of the attached:

**OBJECTIONS AND REQUESTS FOR ADDITIONAL TIME TO RESPOND TO CEC
STAFF DATA REQUESTS A1 – A123**

to all parties identified on the Proof of Service List above in the following manner:

California Energy Commission Docket Unit

Transmission via electronic mail to:

CALIFORNIA ENERGY COMMISSION

Attn: DOCKET NO. 08-AFC-08A
1516 Ninth Street, MS-4
Sacramento, California 95814-5512
docket@energy.state.ca.us

For Service to All Other Parties

Transmission via electronic mail to all email addresses on the Proof of Service list.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 9, 2012, at Costa Mesa, California.

/S/ Paul Kihm

Paul Kihm