STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

In the Matter of:                                         Docket No. 08-AFC-8A

The Application for Certification for the Hydrogen Energy California Project

SIERRA CLUB’S MOTION TO ALLOW ADDITIONAL DATA REQUESTS PAST DISCOVERY CUTOFF

Sierra Club hereby requests that the Commission allow Sierra Club to propound additional data requests to Hydrogen Energy California (“HECA” or the “Applicant”) related to the Hydrogen Energy California Project (“Project”) past the discovery cutoff.

Parties are allowed to propound data requests to the Applicant within 180 days from the date the Commission finds the application is complete “unless the committee allows requests for information at a later time for good cause shown.” 20 Cal. Code Regs. §1716(e). HECA’s amended application was filed on May 2, 2012, and it was deemed complete as of that filing date because the Commission related data adequacy back to 2009. Sierra Club expressed concern for skipping the data adequacy stage early on in a letter to Robert Worl dated June 13, 2012.

Sierra Club worked diligently to review the amended application and submitted its first set of data requests on August 2, 2012. HECA delayed responses to some data requests by 30-60 days and refused to turn over certain responses until the Committee granted Sierra Club’s motion.
to compel on November 2, 2012. Sierra Club received confidential emissions spreadsheets from the Applicant recently, on December 10, 2012. Additionally, Sierra Club filed a second set of data requests on October 30, 2012, and the Applicant filed its responses to most of these requests on November 30, 2012.

Sierra Club has follow-up data requests related to the information contained in Applicant’s spreadsheets and the November 30, 2012 data responses. Sierra Club’s redacted data requests are attached to this motion. There is good cause to extend the discovery cutoff since the amended application did not go through the data adequacy process, and because Sierra Club’s requests are follow-up questions related to data requests that it has diligently pursued. Sierra Club’s request will not delay this proceeding since counsel has been informed by the project manager that the Preliminary Staff Assessment will likely not be finalized until early March 2013 because of incomplete data responses to staff’s requests.

Respectfully submitted,

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**AMENDED APPLICATION FOR CERTIFICATION FOR THE HYDROGEN ENERGY CALIFORNIA PROJECT**

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**Docket No. 08-AFC-08A**
(Revised 11/20/12)
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*Indicates Change
DECLARATION OF SERVICE

I, Andrea Sanchez, declare that on December 20, 2012, I served and filed a copy of the attached Motion to Extend Discovery, dated December 20, 2012. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at: http://www.energy.ca.gov/sitingcases/hydrogen_energy/index.html

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission’s Docket Unit or Chief Counsel, as appropriate, in the following manner:

(Check all that Apply)

For service to all other parties:

x Served electronically to all e-mail addresses on the Proof of Service list;

___ Served by delivering on this date, either personally, or for mailing with the U.S. Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses marked “hard copy required” or where no e-mail address is provided.

AND

For filing with the Docket Unit at the Energy Commission:

x by sending one electronic copy to the e-mail address below (preferred method); OR

___ by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT
Attn: Docket No. 08-AFC-08A
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.ca.gov

OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:

___ Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel1 at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission
Michael J. Levy, Chief Counsel
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michael.levy@energy.ca.gov

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

/s/ Andrea Sanchez

1 This Proof of Service form is not appropriate for the use when filing a document with the Chief Counsel under Title 20, sections 1231 (Complaint and Request for Investigation) or 2506 (Petition for Inspection or Copying of Confidential Records). The Public Advisor can answer any questions related to filing under these sections.