

Andrea Issod  
Sierra Club  
85 Second St, Second Floor  
San Francisco, CA 94105  
(415) 977-5544



**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,



Andrea Issod, Staff Attorney  
Sierra Club Environmental Law Program  
85 Second St, Second Floor  
San Francisco, CA 94105  
[andrea.issod@sierraclub.org](mailto:andrea.issod@sierraclub.org)  
(415) 977-5544



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
1-800-822-6228 – [WWW.ENERGY.CA.GOV](http://WWW.ENERGY.CA.GOV)

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

**Docket No. 08-AFC-08A**  
(Revised 11/20/12)

**APPLICANT**

SCS Energy, LLC  
Marisa Mascaro  
30 Monument Square, Suite 235  
Concord, MA 01742  
[mmascaro@scsenergyllc.com](mailto:mmascaro@scsenergyllc.com)

Tiffany Rau  
2629 Manhattan Avenue, PMB# 187  
Hermosa Beach, CA 90254  
[trau@heca.com](mailto:trau@heca.com)

Hydrogen Energy California, LLC  
George Landman  
Director of Finance and  
Regulatory Affairs  
500 Sansome Street, Suite 750  
San Francisco, CA 94111  
[glandman@heca.com](mailto:glandman@heca.com)

**CONSULTANT FOR APPLICANT**

URS Corporation  
Dale Shileikis, Vice President  
Energy Services Manager  
Major Environmental Programs  
One Montgomery Street, Suite 900  
San Francisco, CA 94104-4538  
[dale\\_shileikis@urscorp.com](mailto:dale_shileikis@urscorp.com)

**COUNSEL FOR APPLICANT**

Latham & Watkins, LLP  
Michael J. Carroll  
650 Town Center Drive, 20<sup>th</sup> Fl.  
Costa Mesa, CA 92626-1925  
[michael.carroll@lw.com](mailto:michael.carroll@lw.com)

**INTERESTED AGENCIES**

California ISO  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)  
Department of Conservation  
Office of Governmental and  
Environmental Relations  
(Department of Oil, Gas &  
Geothermal Resources)  
Marni Weber  
801 K Street, MS 2402  
Sacramento, CA 95814-3530  
[marni.weber@conservation.ca.gov](mailto:marni.weber@conservation.ca.gov)

**INTERVENORS**

California Unions for Reliable Energy  
Thomas A. Enslow  
Marc D. Joseph  
Adams Broadwell Joseph & Cardozo  
520 Capitol Mall, Suite 350  
Sacramento, CA 95814  
[tenslow@adamsbroadwell.com](mailto:tenslow@adamsbroadwell.com)

Association of Irrigated Residents  
Tom Frantz  
30100 Orange Street  
Shafter, CA 93263  
[tfrantz@bak.rr.com](mailto:tfrantz@bak.rr.com)

Kern-Kaweah Chapter  
of the Sierra Club  
Andrea Issod  
Matthew Vespa  
85 Second Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94105  
[andrea.issod@sierraclub.org](mailto:andrea.issod@sierraclub.org)  
[matt.vespa@sierraclub.org](mailto:matt.vespa@sierraclub.org)

**INTERVENORS (con't.)**

Environmental Defense Fund (EDF)  
Timothy O'Connor, Esq.  
123 Mission Street, 28<sup>th</sup> Floor  
San Francisco, CA 94105  
[toconnor@edf.org](mailto:toconnor@edf.org)

Natural Resources Defense Council  
George Peridas  
111 Sutter Street, 20<sup>th</sup> Fl.  
San Francisco, CA 94104  
[gperidas@nrdc.org](mailto:gperidas@nrdc.org)

Kern County Farm Bureau, Inc.  
Benjamin McFarland  
801 South Mt. Vernon Avenue  
Bakersfield, CA 93307  
[bmcfarland@kerncfb.com](mailto:bmcfarland@kerncfb.com)

**\*HECA Neighbors  
c/o Chris Romanini  
P.O. Box 786  
Buttonwillow, CA 93206  
[roman93311@aol.com](mailto:roman93311@aol.com)**

**ENERGY COMMISSION –  
DECISIONMAKERS**

KAREN DOUGLAS  
Commissioner and Presiding Member  
[karen.douglas@energy.ca.gov](mailto:karen.douglas@energy.ca.gov)

ANDREW McALLISTER  
Commissioner and Associate Member  
[andrew.mcallister@energy.ca.gov](mailto:andrew.mcallister@energy.ca.gov)

Raoul Renaud Hearing  
Adviser  
[raoul.renaud@energy.ca.gov](mailto:raoul.renaud@energy.ca.gov)

Eileen Allen Commissioners'  
Technical Advisor for Facility  
Siting  
[eileen.allen@energy.ca.gov](mailto:eileen.allen@energy.ca.gov)

Galen Lemei  
Advisor to Presiding Member  
[galen.lemei@energy.ca.gov](mailto:galen.lemei@energy.ca.gov)

Jennifer Nelson  
Advisor to Presiding Member  
[jennifer.nelson@energy.ca.gov](mailto:jennifer.nelson@energy.ca.gov)

David Hungerford  
Advisor to Associate Member  
[david.hungerford@energy.ca.gov](mailto:david.hungerford@energy.ca.gov)

Patrick Saxton  
Advisor to Associate Member  
[patrick.saxton@energy.ca.gov](mailto:patrick.saxton@energy.ca.gov)

**ENERGY COMMISSION –  
STAFF**

Robert Worl Project  
Manager  
[robert.worl@energy.ca.gov](mailto:robert.worl@energy.ca.gov)

John Heiser  
Associate Project Manager  
[john.heiser@energy.ca.gov](mailto:john.heiser@energy.ca.gov)

Lisa DeCarlo Staff Counsel  
[lisa.decarlo@energy.ca.gov](mailto:lisa.decarlo@energy.ca.gov)

**ENERGY COMMISSION –  
PUBLIC ADVISER**

Jennifer Jennings Public  
Adviser's Office  
[publicadviser@energy.ca.gov](mailto:publicadviser@energy.ca.gov)

**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](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:**

- 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:**

- 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](mailto: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 Counsel<sup>1</sup> 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  
1516 Ninth Street MS-14  
Sacramento, CA 95814  
[michael.levy@energy.ca.gov](mailto: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

---

<sup>1</sup> 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.