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March 30, 2010

**VIA U. S. Mail and Electronic Service**

CALIFORNIA ENERGY COMMISSION  
Attn: Docket No. 07-AFC-3  
1516 Ninth Street, MS-4  
Sacramento, California 95814-5512

Re: CPV Sentinel Energy Project  
Issues Identification Report  
Docket No. 07-AFC-3

Dear Sir or Madam:

Enclosed is the original Petition for Order to Allow Submission of Data Requests.

This filing was filed today via electronic mail in accordance with the February 16, 2010 Proof of Service List in addition to being deposited into the U.S. Mail for delivery to the Dockets Unit.

Sincerely,

ORIGINAL SIGNED BY

Angela Johnson Meszaros  
Counsel to  
California Communities Against Toxics

<b>DOCKET</b>
<b>07-AFC-3</b>
DATE <u>MAR 30 2010</u>
RECD. <u>APR 01 2010</u>

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

	)	
	)	
Application for Certification for the	)	
<b>CPV SENTINEL ENERGY PROJECT</b>	)	
By CPV Sentinel, L.L.C.	)	<b>Docket No. 07-AFC-03</b>
	)	Petition for Order to Allow Submission
	)	Of Data Requests
	)	
	)	
	)	
_____	)	

California Communities Against Toxics (hereinafter "CCAT") hereby petitions for an Order granting, for good cause, this Petition for Order to Allow Submission of Data Requests.

**BACKGROUND**

On December 22, 2009, California Communities Against Toxics' timely filed Petition to Intervene was granted by the Members presiding on this matter. As ordered, on January 11, 2010, CCAT submitted an Issues Identification Report which noted "there is no information about whether or how [the conditions established in AB 1318] will be satisfied by the applicant making it impossible for CCAT to provide any comment as to whether the conditions have been met and therefore reserve the right to raise concern about, dispute, or further inquire into any documentation subsequently presented to the Commission on this issue." CCAT specifically, identified the condition of AB 1318 that "On or before March 1, 2010, the AQMD shall report to the CEC "the emission credits to be credited and transferred" to CPV Sentinel."<sup>1</sup>

On March 4, 2010, the District submitted an addendum to the Determination of Compliance (DOC) for CPV Sentinel's proposed power plant which included the statement: "Based upon our review of the additional information provided by CPV, AQMD has determined that the CPV Project complies with all applicable requirements of the local, state and federal air quality Rules and Regulations."

CCAT seeks information which is relevant to the proceedings and/or is reasonably necessary to make a decision on the application. Specifically, CCAT currently seeks:

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<sup>1</sup> CCAT has challenged the Constitutionality of the adoption of AB 1318 in Los Angeles Superior Court and in making reference to the statute does not assert or recognize the legality of it.

1. The additional information provided by CPV to AQMD related to emissions offsets that formed the basis for AQMDs determination that the CPV Project complies with all applicable requirements of the local, state and federal air quality Rules and Regulations related emissions offsets.
2. Electronic copies of the records that show that the emission offsets provided in the internal emission offset account tracking system pursuant to AB 1318 as described in the Determination of Compliance Appendix N, Attachment I, and Tables 1 and 2 provided to the California Energy Commission for the Sentinel Power Project meet the integrity criteria for qualifying as offsets, meaning that they are all Real, Permanent, Quantifiable, Enforceable and Surplus.

### There is Good Cause to Allow a Request for Information

Upon a showing of good cause, the committee may allow requests for information at a time later than 180 days after the determination that the application is complete. 20 CCR 1716(e).

Good cause exists for allowing CCAT to request information related to the South Coast Air Quality Management District's recently submitted Addendum to the Determination of Compliance for four reasons: 1) because the information sought by CCAT is reasonably necessary for the committee to make a decision on the application, specifically, without the information sought by CCAT, the committee will be unable to determine if the offsets that the SCAQMD proposes to credit and transfer to Sentinel meet all applicable federal legal requirements; 2) in February 2008, 180 days after the determination that the application was complete, neither the document nor the law which allowed for the document's creation or submission existed; 3) it was not possible for this information to have been sought at any time prior to March 2010; and 4) the District will present a witness at the Evidentiary Hearing to explain its Determination of Compliance and, as a party, CCAT has a right to cross-examine the witness. 20 CCR 1744.5(c), 1207(c), and 1212(c). Effective cross-examination depends on having access to information related to the District's testimony prior to the Hearing.

### Conclusion

There being good cause shown, CCAT requests that the committee grant this Petition for Order to Allow Submission of Data Requests for information reasonably necessary to ensure that the facility will be in compliance with all applicable federal requirements.

Dated March 30, 2010

Respectfully submitted,

ORIGINAL SIGNED BY

Angela Johnson Meszaros  
Counsel to  
California Communities Against Toxics

**DECLARATION OF SERVICE**

I, Angela Johnson Meszaros, declare that on, March 30, 2010, I served and filed a copy of the attached Petition for Order to Allow Submission of Data Requests. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[\[http://www.energy.ca.gov/sitingcases/sentinel/index.html\]](http://www.energy.ca.gov/sitingcases/sentinel/index.html)

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

***(Check all that Apply)***

**For service to all other parties:**

  x   sent electronically to all email addresses on the Proof of Service list;

       by personal delivery or by depositing in the United States mail at with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

**AND**

**For filing with the Energy Commission:**

  x   sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

**OR**

       depositing in the mail an original and 12 paper copies, as follows:

**CALIFORNIA ENERGY COMMISSION**

Attn: Docket No. 07-AFC-3  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

I declare under penalty of perjury that the foregoing is true and correct.

Original signed by \_\_\_\_\_

Angela Johnson Meszaros



**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)**

**APPLICATION FOR CERTIFICATION FOR THE  
CPV SENTINEL ENERGY PROJECT  
BY THE CPV SENTINEL, L.L.C**

**DOCKET No. 07-AFC-3**

**PROOF OF SERVICE  
(Revised 2/16/2010)**

**APPLICANT**

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