

STATE OF CALIFORNIA

Energy Resources Conservation  
and Development Commission

**DOCKET**

**11-AFC-2**

DATE APR 25 2012

RECD. APR 25 2012

Application for Certification for the )  
HIDDEN HILLS SOLAR ELECTRIC )  
GENERATING SYSTEM )  
)

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Docket No. 11-AFC-2

**APPLICANT'S NOTICE OF OBJECTION  
TO CALIFORNIA ENERGY COMMISSION STAFF'S  
DATA REQUESTS SET 2F**

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Energy Resources Conservation  
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Application for Certification for the Hidden Hills )  
Solar Electric Generating System ) Docket No. 11-AFC-2  
)  
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**APPLICANT'S NOTICE OF OBJECTION  
TO CALIFORNIA ENERGY COMMISSION STAFF'S  
DATA REQUESTS SET 2F**

Hidden Hills Solar I, LLC and Hidden Hills Solar II, LLC (collectively, the "Applicant"), hereby file the following notice of objection to California Energy Commission ("Commission") Staff's Data Requests, Set 2F (Numbers 189-198), which were filed on April 17, 2012. As set forth below, Applicant generally objects to Set 2F as untimely, and specifically objects to Data Requests 192, 193, and 196 as requesting information that is neither relevant nor reasonably necessary for the Commission to make a decision on the Application for Certification ("AFC") for the Hidden Hills Solar Electric Generating System project ("HHSEGS" or "Project").

Although Set 2F is untimely, without waiving its objections, Applicant will respond to those specific requests that are relevant and for which information is reasonably available. In fact, responses to Data Requests 191, 194, 195, 197, and 198 have already been submitted (Applicant's *Supplemental Data Response, Set 3 (Responses to Project Description, Biology, Socioeconomics, and Traffic and Transportation)*, filed and served on April 18, 2012).

**I. OBJECTIONS TO SET 2F AS UNTIMELY**

Section 1716(e) of the Commission's regulations (Cal. Code Regs., tit. 20 § 1716) provides: "All requests for information shall be submitted no later than 180 days from the date

the commission determines an application is complete, unless the committee allows requests for information at a later time for good cause shown.”<sup>1</sup> The Commission determined the Application for Certification of the Hidden Hills Solar Electric Generating System (“HHSEGS” or “Project”) to be complete on October 5, 2011. As a result, the deadline for submitting requests for information was 180 days thereafter, or by April 2, 2012. Staff’s Data Requests Set 2F was filed over two weeks after the time provided for in the Commission’s regulations, despite notice of the close of the discovery period, and without any showing of good cause to justify the delay in filing these data requests.<sup>2</sup> Therefore, Applicant objects to Set 2F in its entirety as untimely.

## **II. SPECIFIC OBJECTIONS**

In addition to being untimely, Applicant objects to certain data requests contained in Set 2F for failing to meet the standard set forth in Section 1716(b) of the Commission’s regulations. Section 1716(b) provides that only information that is: (1) reasonably available to the applicant and either (2) relevant to the application proceeding, or (3) reasonably necessary to make any decision on the application may be requested from an applicant.

In particular, Data Requests 192, 193, and 196 all request information relating to a completely different project, the Ivanpah Solar Electric Generating System (“Ivanpah”), rather than the HHSEGS project. Data Request 192 requests information relating to property taxes paid for Ivanpah to San Bernardino County. Data Request 193 requests information relating to assessment of the Ivanpah site by San Bernardino County. Data Request 196 requests information relating to the governmental entity and/or agencies to which sales and/or use taxes have been paid “for any aspect or component” of Ivanpah. Information specific to another

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<sup>1</sup> 20 C.C.R. § 1716(e).

<sup>2</sup> 4/3/12 RT 32:14-15.

project will not aid in the analysis of potential impacts or the determination of benefits from HHSEGS, and is therefore not relevant or reasonably necessary to make a decision in this proceeding. Therefore, Applicant objects to Data Requests 192, 193, and 196.


**III. CONCLUSION**

As Staff submitted its Data Requests Set 2F over two weeks after the close of the discovery period, and has failed to show good cause for the delay in issuance of the data requests, Applicant objects to these data requests as untimely. Moreover, Applicant also objects to Data Requests 192, 193, and 196 on the grounds that the information requested, which relates to a completely different project, is neither relevant nor reasonably necessary for the Commission to make a decision in this proceeding regarding the AFC for the HHSEGS project. However, although Set 2F is untimely, without waiving its objection, Applicant will respond to those specific requests that are relevant, and for which information is reasonably available.

April 25, 2012

Respectfully submitted,

ELLISON, SCHNEIDER & HARRIS L.L.P.

By  \_\_\_\_\_

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**PROOF OF SERVICE**

I, Karen A. Mitchell, declare that on April 25, 2012, I served the attached *Applicant's Notice of Objection to California Energy Commission Staff's Data Requests Set 2F* via electronic and U.S. mail to all parties on the attached service list.

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



\_\_\_\_\_  
Karen A. Mitchell

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