

Applicant's Response to Motion to extend data request period Docket No: 11-AFC-3

Neff, Rick [RickNeff@Cogentrix.com]

Sent: Tuesday, May 08, 2012 1:07 PM

To: Renaud, Raoul@Energy; kevin Brewster [lzpup@yahoo.com]; camarin.madigan@bingham.com; ella.gannon@bingham.com; e-recipient@caiso.com; mkush@ci.santee.ca.us; Collins, John [JohnCollins@COGENTRIX.COM]; Ziebart, Lori [LoriZiebart@Cogentrix.com]; DorianHouser [dhouser@cox.net]; Peterman, Carla@Energy; Allen, Eileen@Energy; Solorio, Eric@Energy; Lemei, Galen@Energy; Bartridge, Jim@Energy; Douglas, Karen@Energy; Public Adviser's Office; Adams, Stephen@Energy; roslindv@gmail.com; barry.mcdonald@tetrattech.com; connie.farmer@tetrattech.com

Cc: Energy - Docket Optical System; Jennings, Jennifer@Energy; Phil Connor [connorphil48@yahoo.com]

Hearing Adviser Renaud,

Quail Brush Genco LLC, the Applicant, does not object to intervenors' request for an extension of the discovery cutoff. However, Applicant does object to extending the deadline to September 16, 2012. The Intervenor claim that the request is necessitated by the Applicant's recent request for a 60 day extension in the City of San Diego's Plan Amendment and rezoning processes. While the City's processes are related to the Quail Brush Generation Project and the CEC's consideration of the AFC, they involve entirely separate proceedings with separate timelines and considerations. Intervenor have not shown good cause as to why the discovery cutoff should be tied to the City process or why four additional months is now required.

While the Applicant does not agree that the request for an extension of time in the City process requires an extension of time for data request here, the Applicant does recognize and agree that other changes in the CEC schedule render an extension appropriate. Principally, as discussed at the April 30th Status Conference, the Applicant is making adjustments to the site layout to improve the visual characteristics of the proposed project and intends to file a Supplement No. 3 to the AFC for the Quail Brush Generation Project in June. We believe that it is appropriate to allow discovery to continue until 60 days from the submittal of Supplement 3.

A 60 day extension would also afford intervenors and staff and opportunity to review responses to outstanding Staff Data Requests prior to closure of discovery. This extension should be limited to data requests on the following topics:

- The project changes and related analysis;
- Responses provided to Data Request 2 and 3 (Emission Reduction Credits and related mitigation package);
- Responses provided to Data Requests 29 and 30 (Quino checkerspot butterfly);
- Response provided to Data Request 17 (cumulative modeling);
- Responses provided to Data Request 24 and 25 (nitrogen deposition);
- Response provided to Data Request 27 (USACE determination);
- Response provided to Data request 38 (City applications);
- Response provided to Data Request 40 (hydromodification plan); and
- Response provided to Data Request 58 (local fire district impacts).

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Thank you for your consideration of our request.

Please contact me with any comments regarding this matter.

Rick.

C. Richard Neff
Vice President – Environment, Health & Safety
Cogentrix Energy, LLC
Phone: 704.672.2818
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From: Renaud, Raoul@Energy [mailto:Raoul.Renaud@energy.ca.gov]
Sent: Thursday, May 03, 2012 1:00 PM
To: kevin Brewster; camarin.madigan@bingham.com; ella.gannon@bingham.com; e-recipient@caiso.com; mkush@ci.santee.ca.us; Collins, John; Ziebart, Lori; Neff, Rick; DorianHouser; Peterman, Carla@Energy; Allen, Eileen@Energy; Solorio, Eric@Energy; Lemei, Galen@Energy; Bartridge, Jim@Energy; Douglas, Karen@Energy; Public Adviser's Office; Adams, Stephen@Energy; rosindv@gmail.com; barry.mcdonald@tetrattech.com; connie.farmer@tetrattech.com
Cc: Energy - Docket Optical System; Jennings, Jennifer@Energy; Phil Connor
Subject: RE: Motion to extend data request period Docket No: 11-AFC-3

To Applicant and Commission Staff: Please email your response, if any, to the intervenors' request for an extension of the discovery cutoff to September 16, 2012, no later than Tuesday, May 8, 2012 at 3:00 PM. Under section 1716(e) of Commission regulations, the discovery cutoff is 180 days from the finding of data adequacy, which in this case would be May 14, 2012, but it may be extended by the Committee under section 1716(e) upon a showing of good cause.

Raoul Renaud
Hearing Adviser II
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814
(916) 651-2020

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From: kevin Brewster [mailto:lpup@yahoo.com]
Sent: Tuesday, May 01, 2012 9:36 PM
To: camarin.madigan@bingham.com; ella.gannon@bingham.com; e-recipient@caiso.com; mkush@ci.santee.ca.us; johncollins@kogentrix.com; loriziebart@kogentrix.com; rickneff@kogentrix.com; DorianHouser; Peterman, Carla@Energy; Allen, Eileen@Energy; Solorio, Eric@Energy; Lemei, Galen@Energy; Bartridge, Jim@Energy; Douglas, Karen@Energy; Public Adviser's Office; Adams, Stephen@Energy; rosindv@gmail.com; Renaud, Raoul@Energy; barry.mcdonald@tetrattech.com; connie.farmer@tetrattech.com
Cc: Energy - Docket Optical System; Jennings, Jennifer@Energy; Phil Connor; Jennings, Jennifer@Energy; Energy - Docket Optical System; Phil Connor
Subject: Motion to extend data request period Docket No: 11-AFC-3

Hello,

On behalf of the following Interveners : Rosalind Varghese, Rudy Reyes, Myself (Kevin Brewster) and Intervenor Applicant ; Phil Conner, we request that the time period for submitting data requests be extended to allow for additional time to file data requests. We are requesting the extension based on two Points:

1. The applicant has submitted an extension request with the City of San Diego to allow for additional Public outreach and public education. We believe that the data request are a key CEC process for allowing the public to educate themselves about Applications before the CEC. Asking questions and enriching knowledge are an essential part of the educational experience. Project details will provide a necessary detail and factual balance to the public discourse on the Power Plant.

2. Intervenors feel it is important to have a chance to respond to the responses provide by the applicant to staff data requests. As the applicant's status reports indicate; responses are to staff data requests are due after the completion of the data request time period. This would not allow follow up on any items clarified by staff data requests. (please see cited CEC regulation below). We would like time to prepare data requests after having a sufficient time period to review the applicants responses to the data requests.

Based on the above 2 points and the time lines for both items plus time to respond to data uncovered we the above Intervenors would request the new date of the Data Request deadline be extended to Sep 16th.

Thank you,
Kevin Brewster

Sited Regulation:

(g) If the requesting party or agency is unable to obtain information as provided in this section, such party or agency may petition the committee for an order directing the responding party to supply such information. A party petitioning the committee for an order to provide information must do so within either 30 days of being informed in writing by the responding party that such information will not be provided or within 30 days of the date the information was provided or was due. The committee may set a hearing to consider argument on the petition, and shall, within 30 days of the filing of the petition, either grant or deny the petition, in whole or in part. The committee may direct the commission staff to supply such of the information requested as is available to the staff.