

STATE OF CALIFORNIA  
Energy Resources Conservation  
and Development Commission

<b>DOCKET</b>	
<b>11-AFC-3</b>	
DATE	<u>MAY 08 2012</u>
RECD.	<u>MAY 08 2012</u>

In the Matter of: )  
 ) Docket No. 11-AFC-03  
 )  
Application for Certification )  
 ) May 8, 2012  
For the Quail Brush Generating Project )  
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\_\_\_\_\_ )

Staff Response to Intervenors' Motion to  
Extend Data Requests to September 16, 2012

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On May 1, 2012, Intervenor Kevin Brewster filed on his own behalf and on behalf of Intervenors Rosalind Varghese and Rudy Reyes and Intervenor-Applicant Phil Conner a request to extend the period for submitting data requests from May, 14, 2012 to September 16, 2012 (“Intervenors’ Motion”). In response to receipt of this motion, Hearing Adviser Raoul Renaud asked parties to this proceeding on May 3, 2012 to respond to the motion by 3 p.m. on May 8, 2012. This document contains staff’s response in opposition to the extension as proposed by the intervenors.

1. Staff believes a shorter extension of the deadline for data requests is warranted and should be approved by the Committee.

The applicant’s representatives stated at an April 30, 2012 status conference that a revised project description would be submitted during the first or second week of June, but also stated that the submittal’s timing could slip by a week or two. The changes in project design that are under consideration by the applicant would potentially require staff and other parties to reexamine certain project impacts anew. These areas may include, for example, the project’s visual impacts, air quality, and drainage. Other project impacts may be largely unaffected by the design changes that may be submitted in June.

Staff believes it will need a minimum of four weeks after receiving the amended project description to study the revised project and formulate data requests based on the new design. Given that the applicant’s latest estimates indicate a revised project description might not be filed until the latter part of June, staff believes it is appropriate to extend the time period for data requests to approximately August 1, 2012. Staff also reserves the right to file a motion for another extension in discovery if the project amendment is not filed within the time frame most recently suggested by the applicant.

2. Staff does not believe the Committee should limit the topics for data requests during an extended period.

Staff notes that applicant’s May 8, 2012 response to Intervenors’ Motion requests that the scope of data requests after May 14, 2012 be limited to certain topics. Staff believes such limits should not be placed on future data requests because staff and other parties have not had an opportunity to examine the proposed topics to determine whether they include all outstanding data requests. In addition, the topic listed by applicant as “project changes and related analysis” might be too vague to provide the parties practical guidance. Staff certainly intends to focus its data requests in coming weeks on areas where information has not yet been provided and areas relevant to project changes, but does not believe it is appropriate to define the scope of data requests in advance of what might be a substantial change in key features of the proposed project.

3. Staff does not believe an extension to September 16 is warranted at this time.

Intervenors’ Motion lists two reasons for the requested extension to September 16: to provide additional time for public education and public fact-finding about the project, and to provide intervenors with an opportunity to respond with their own data requests after reviewing the applicant’s responses to staff’s data requests. Staff believes an extension of the data request opportunity to August 1 or a similar period would address both of these concerns without pushing the formal discovery phase of this proceeding out longer than necessary. If any parties,

including staff, believe that an additional round of data requests in August or September is important to obtain relevant data relating to the upcoming project changes, a motion for a further extension could be filed prior to that time, and the Committee will then have the benefit of knowing more specifically what data concerns remain at that time.

Date: May 8, 2012

Respectfully submitted,

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STEPHEN ADAMS  
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**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**

**APPLICATION FOR CERTIFICATION  
FOR THE *QUAIL BRUSH GENERATION PROJECT***

DOCKET NO. 11-AFC-03  
PROOF OF SERVICE  
(Revised 5/7/2012)

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## DECLARATION OF SERVICE

I, Janice Titgen, declare that on May 8, 2012, I served and filed a copy of the Staff Response to Intervenors' Motion to Extend Data Requests to September 16, 2012, dated May 8, 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/quailbrush/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 **NOT** marked "e-mail preferred."

**AND**

**For filing with the Docket Unit at the Energy Commission:**

- by sending an 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. 11-AFC-3  
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 at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

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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/ Janice Titgen \_\_\_\_\_