



TETRA TECH EC, INC.

California Energy Commission

DOCKETED

11-AFC-3

TN # 68572

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November 19, 2012

Eric Solorio, Project Manager
California Energy Commission
Docket No. 11-AFC-3
1516 9th St.
Sacramento, CA 95814

Cogentrix Quail Brush Generation Project - Docket Number 11-AFC-3, Initial Response to Rudy Reyes' Intervenor Data Requests, 1 through 46

Docket Clerk:

Pursuant to the provisions of Title 20, California Code of Regulations, and on behalf of Quail Brush Genco, LLC, a wholly owned subsidiary of Cogentrix Energy, LLC, Tetra Tech hereby submits the Initial Response to Rudy Reyes' Intervenor Data Requests, 1 through 46 (11-AFC-3). The Quail Brush Generation Project is a 100 megawatt natural gas fired electric generation peaking facility to be located in the City of San Diego, California.

If you have any questions regarding this submittal, please contact Rick Neff at (704) 525-3800 or me at (303) 980-3653.

Sincerely,

A handwritten signature in blue ink that reads "Constance E. Farmer".

Constance E. Farmer
Project Manager/Tetra Tech

cc: Lori Ziebart, Cogentrix
John Collins, Cogentrix
Rick Neff, Cogentrix
Proof of Service List

TETRA TECH EC, INC.



**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 10/29/2012)**

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DECLARATION OF SERVICE

I, Constance Farmer, declare that on November 19, 2012, I served and filed copies of the attached Initial Response to Rudy Reyes' Intervenor Data Requests, 1 through 46, dated November 19, 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 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 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-03
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
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:

California Energy Commission
Michael J. Levy, Chief Counsel
1516 Ninth Street MS-14
Sacramento, CA 95814
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 proceeding.





Quail Brush Genco, LLC

A Project Company of Cogentrix Energy, LLC

9405 Arrowpoint Boulevard
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(704) 525-3800
(704) 525-9934 – Fax

November 19, 2012

Siting Committee
Raoul Renaud, Hearing Officer
Eric Solorio, Project Manager
California Energy Commission
1516 Ninth Street, MS-15
Sacramento, CA 95814

**Re: Quail Brush Generation Project (11-AFC-03)
Initial Response to Rudy Reyes' Intervenor Data Requests, 1 through 46**

Dear Members of the Siting Committee and Mr. Solorio:

In response to the Rudy Reyes' (Intervenor) Data Requests, 1 through 46, dated October 29, 2012, Quail Brush Generation Project (Quail Brush) objects to the following data requests pursuant to Section 1716(f) of the Commission's regulations: Requests 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 20, 21, 22, 23, 25, 26, 28, 30, 31, 32, 33, 34, 35, 37, 37 [sic], 38, 39, 40, 41, 42, 43, 44, 45 and 46. Each of these Data Requests is itemized below along with a description of the grounds for the objection or the reasons for the inability to provide the information, as applicable.

General Objections to Data Requests

Section 1716 of the Commission's regulations permits any party to request "information reasonably available to Quail Brush which is relevant to the notice or application proceeding or reasonably necessary to make any decision on the notice or application." Quail Brush objects to the data requests below because they seek information that is not relevant to this proceeding, and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations.

In addition, many of Mr. Reyes' data requests are vague, and Mr. Reyes has not provided sufficient information or background to explain the relevance of the data requests to this proceeding. For these data requests, it was therefore difficult for Quail Brush to decipher the nature, form or content of the specific information sought. Lastly, Quail Brush objects to these data requests to the extent they request information that Quail Brush or another party has already entered into the public record for this proceeding.

Specific Data Requests and Objections Thereto or Reasons for Inability to Provide Responses

1. Please provide information as to why the "Wartsila 20V34SG-C2s" were chosen? I have found the Wartsila Company offers better engines as shown, the 50DF is far superior!. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush also objects to the unsupported assertion that "the 50DF is far superior." The Wartsila 50DF engine and the Wartsila 34SG have different operating characteristics and neither is "superior" to the other in all instances. The Wartsila 34SG is well suited to meet the Project's objectives. Quail Brush further objects to this data request to the extent it seeks information that has already been made available in this proceeding. Please refer to the Application for Certification ("AFC") at Section 4.7 and Appendix F.6 docketed on August 25, 2011 and Supplement 1 to the AFC at Attachment A.2 docketed on October 24, 2011.
2. Please provide information as to the Power Plant burning of natural gas producing micro-particulate nitrogen oxides and carbon dioxide. Carbon monoxide interferes with blood's ability to carry oxygen to the body's tissues and results in numerous adverse health effects. Nitrogen oxides can contribute to formation of photochemical ozone (smog), can impair visibility, and have health consequences; they are thus considered pollutants. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush also objects to this data request because it seeks information that has already been made available in this proceeding. Potential air emissions from the proposed Project have been identified and their impacts fully analyzed in the AFC at Section 4.7 and Appendix F.6 docketed on August 25, 2011, the Revised Air Quality Analysis and Health Risk Assessment docketed on September 24, 2012, and the Revised Air Quality NO₂ Modeling Analysis docketed on October 31, 2012.
3. Please provide information regarding the Thermal Plumes from the Power Plant effect on the Biological and Aviation? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush also objects to this data request because it is vague and Mr. Reyes has not provided sufficient information or background to explain the relevance of the data request to this proceeding. It is difficult for Quail Brush to decipher the nature, form, or content of the specific information sought. In addition, Quail Brush objects to this data request to the extent it seeks information that has already been made available in this proceeding. Please refer to the Plume Vertical Velocity Assessment (a.k.a., the Thermal Plume analysis) docketed on March 7, 2012; and the nitrogen deposition analyses docketed on October 2, 2012 and October 31, 2012.
4. Please provide information as to the effect on the Local High school children who run and exercise at school? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush also objects to this data request. It is difficult for Quail Brush to decipher the nature, form, or content of the specific information sought. In addition, Quail Brush objects to this data request to the extent it seeks information that has already been made available in this proceeding. Potential impacts from the proposed Project on

sensitive receptors have been identified and fully analyzed in section 4.8 Public Health of the AFC, as supplemented by the Revised Air Quality Analysis and Health Risk Assessment docketed on September 24, 2012.

5. Please provide information as to why the choice was made to not have additional "cleaner" added to the "stacks"? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush also objects to this data request because it is vague and Mr. Reyes has not provided sufficient information or background to explain the relevance of the data request to this proceeding. It is difficult for Quail Brush to decipher the nature, form, or content of the specific information sought. In addition, Quail Brush objects to the suggestion there is an unspecified, additional "cleaner" that could be added to or appropriate for use in the "stacks" of the proposed Project's electricity generating facility. The facility is designed to comply with all relevant air emission regulations, and includes the use of "best available control technology" ("BACT") as required by law. Lastly, Quail Brush objects to this data request to the extent it seeks information that has already been made available in this proceeding. Quail Brush's choice of air emissions control technology is explained in the AFC at Section 2.3.10 and Section 4.7, Appendix F.6 docketed on August 25, 2011.

6. Please provide information as to why effects of "lowering" the "stacks" from 100ft to 70ft, regarding health, NOx, and CO2? On the San Diego river? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush also objects to this data request because it is vague and Mr. Reyes has not provided sufficient information or background to explain the relevance of the data request to this proceeding. It is difficult for Quail Brush to decipher the nature, form, or content of the specific information sought. In addition, Quail Brush objects to this data request to the extent it seeks information that has already been made available in this proceeding. The impacts of lowering the stack height have been identified and analyzed in the Revised Air Quality Analysis and Health Risk Assessment docketed on September 24, 2012.

7. Please provide information as to the validation of reasoning as to the lack of Alternatives to Gas power in plant? Roof top solar? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Further, Quail Brush docketed a revised alternatives analysis with the Commission on October 31, 2012. The revised alternatives analysis provides a full explanation of methodology used to identify and evaluate a reasonable range of alternatives and analyzes alternative technologies, including rooftop solar.

8. Please provide information as to why "Industrial zone" was not chosen for the Proposed site originally and why this land so important to applicant? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Further, Quail Brush docketed a revised alternatives analysis with the Commission on October 31, 2012. Section 1.1 of the Alternatives Analysis explains the Project Objectives; Section 1.2 provides a rationale and screening criteria for selection of alternative project sites; and Sections 1.3 and 1.4

identify and analyze numerous alternative project sites. The referenced sections fully explain the site selection criteria.

9. Provide information as to why this Project is not an energy storage unit. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. In addition, Quail Brush also objects to this data request because it is vague and Mr. Reyes has not provided sufficient information or background to explain the relevance of the data request to this proceeding. Quail Brush does not understand the intended meaning of "energy storage unit" in this context. Further, Quail Brush docketed a revised alternatives analysis with the Commission on October 31, 2012. Section 1.6 of the Alternatives Analysis identifies and analyzes alternative technologies, including battery storage technologies. This provides all information necessary to understand and analyze the Project objectives and potential alternatives to the proposed Project.

10. Please provide information as to the validation of the 2-1 mitigation for the land? I believe this is too small! Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush does not understand the meaning of "validation" in this context. As will be more fully explained in the Biological Resources Mitigation Plan, which Quail Brush plans to docket on or around November 30, 2012, the mitigation parcels collectively offset the effects on biological resources of the proposed Project. Quail Brush further contends that Mr. Reyes' unsupported beliefs are irrelevant to this proceeding.

11. Please provide information as to why there is a Lack of Night life(mice, bats,ect) in the biological survey? Bio-resources are much more active at night! Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush also objects to this data request to the extent it implies that Quail Brush did not follow all required procedures in assessing impacts on biological resources. Quail Brush followed approved protocols in conducting biological surveys, which did not require studies or monitoring at night.

12. Why are the mitigated sites proposed to be 'replacement' not congruent? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. In addition, Quail Brush objects to this data request because it is vague and Mr. Reyes has not provided sufficient information or background to explain the relevance of the data request to this proceeding. It is difficult for Quail Brush to decipher the nature, form, or content of the specific information sought. In addition, Quail Brush objects to this data request to the extent it suggests that mitigation parcels are required to be contiguous. As will be more fully explained in the Biological Resources Mitigation Plan, which Quail Brush plans to docket on or around November 30, 2012, the mitigation parcels were selected for their biological values rather than their adjacency to the proposed Project site.

14. Please provide information as to the Verification the "native Monitors were from Kumeyyey descent? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush objects to this data request because it suggests that native monitors must be from Kumeyaay descent, which is not required by any law or regulation.

20. Please provide information as to validation of the "override" of San Diego city LORS? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. In addition, Quail Brush objects to this data request because it is vague and Mr. Reyes has not provided sufficient information or background to explain the relevance of the data request to this proceeding. It is difficult for Quail Brush to decipher the nature, form, or content of the specific information sought because the meaning of "validation" is unclear in this context. Quail Brush further objects to this data request to the extent it requests legal interpretation or conclusions, which are not appropriate subjects for data requests. Lastly, Quail Brush notes that it docketed a summary of Public Record Documents Supporting the Need for the Quail Brush Project with the Commission on October 30, 2012.

21. Please provide information as to with San Diego City LORS Being against the projectand PRC 25525? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. In addition, Quail Brush objects to this data request because it is vague and Mr. Reyes has not provided sufficient information or background to explain the relevance of the data request to this proceeding. It is difficult for Quail Brush to decipher the nature, form, or content of the specific information sought. Quail Brush further objects to this data request to the extent it requests information from the City of San Diego or regarding the City of San Diego's position toward the proposed Project, which is not in the possession of Quail Brush nor reasonably available to Quail Brush.

22. Please provide the rational for choosing this cite given PRC 25527 restrictions on preserved lands? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. The rational for choosing the site is explained in the revised alternatives analysis docketed on October 31, 2012. Quail Brush also objects to this data request to the extent it requests legal interpretation or conclusions, which are not appropriate subjects for data requests.

23. Please provide information as to prc 25525 and 25527 inherently protecting this cite? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush also objects to this data request to the extent it requests legal interpretation or conclusions, which are not appropriate subjects for data requests.

25. Please provide information as to Biological effects of noise from plant? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. There are no threatened or endangered wildlife species in proximity of the proposed Project, for whom the law and the Commission's regulations would require analysis of impacts. Quail Brush also objects to this data request because it seeks information that has already been made available in this proceeding. Please refer to Quail Brush's response to Dorian Houser's Data Request No. 13 docketed on May 29, 2012.

26. Please provide information as to how noise will be muffled to 40 dbs when the manufacturer admits at 200 yrds the dbs will be 70 dbs?? <http://www.youtube.com/watch?v=zZM24eAyAPM>. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush also objects to this data request because it rests upon inappropriate assumptions. The noise values quoted by Mr. Reyes in this data request are not attenuated. Engine noise will be attenuated by the engine hall (the building housing the 11 engines). Please refer to AFC Section 4.3.3.3 Operational Noise Impacts, Stack Wall and Exits docketed on August 25, 2011 for information on proposed mitigation for the exhaust stacks. Sound levels from the plant will be consistent with those levels presented in the Acoustical Analysis given at the October 19, 2012 Commission Workshop, presentation slides for which were docketed on November 14, 2012, demonstrating the feasibility of the project to operate in compliance with LORS at all existing noise sensitive areas.

28. Please present information as to with the "High fire" potential of their cite, What if there is a natural gas explosion at the site...what is the range of this type of explosion? or another Santa Ana-wind driven fire like those of 2003 and 2007? or a line explosion like the San Bruno fires? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush additionally objects to this data request because data regarding the "range of natural gas pipeline explosions" is not reasonably available to it.

The 8" diameter natural gas lateral (extending from the existing SDG&E system) to the Facility will be designed and constructed by SDG&E in accordance with all Federal, State, and local regulations. SDG&E is a regulated public utility that provides safe and reliable energy service to customers in San Diego and southern Orange counties. SDG&E's gas distribution pipelines are also operated and maintained in accordance with or exceeding state and federal pipeline operation and maintenance safety regulations. Additionally, regulators routinely audit their program to ensure that they are in compliance with all safety regulations. SDG&E regularly performs rigorous pipeline safety tasks, including patrolling, testing, repairing and replacing pipelines.

Please note the existing SDG&E system includes approximately 20 miles of existing large (16" to 36") diameter high-pressure natural gas pipelines running under the heavily populated Santee/El Cajon/La Mesa/Lakeside areas. The half-mile 8" diameter natural gas lateral to the Facility would be a short extension to the existing system under an unpopulated area. A worst-case scenario for a natural gas pipeline leak and explosion would occur elsewhere within the existing system.

30. Please present information as to the validation of "shelter in cite" while the fires are allowed to escape and endanger surrounding neighbors? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush also objects to this data request because it does not make sense and Quail Brush therefore does not understand the nature of the information sought. Quail Brush further disagrees with the premise that "fires are allowed to escape and endanger the neighbors." Shelter-in-Place simply gives a facility the ability to provide a safe place for employees and visitors to shelter until a wildfire passes over the facility. The Shelter-in-Place will be located in the Facility's control room. Shelter-in-Place dimensions, materials of construction, and required equipment will be determined in conjunction with the City of San Diego Fire Department ("SDFD").

31. Please present information as to fire walls not being shown in photos of project? Quail Brush objects to this data request because it is based upon an incorrect premise. The fire wall is along the west side of the facility and is shown on the Revised Visual Simulations Showing Five Year Vegetation Growth docketed on October 15, 2012. The firewall is 10-feet tall and composed of 8-inch thick concrete masonry units.

32. Please present information as to safety for neighbors considering poor response time for San Diego Fire? Does this place a unfair/unsafe situation for neighbors(santee city)? Quail Brush objects to this data request because it is based upon a misleading premise. Quail Brush disagrees with the term "poor response time". As stated by the SDFD Fire Marshal and Commission Staff expert, electrical generating facilities have an excellent history of not being a fire hazard. National Fire Protection Association (NFPA) requirements and the LORS which electrical generating facilities are constructed and operated under are a major factor behind this success. However, the Fire Marshal has also stated that any fire/emergency call-out will cause SDFD drawdown which may impact other areas. Due to this potential drawdown, the Fire Marshal and Commission have requested the Applicant to conduct a third-party review of the facility's Fuel Modification Plan (to increase protections beyond what is required by code), and the Fire Protection Plan (to describe ways to minimize and mitigate potential for loss from fire). The Applicant's intent is to incorporate the independent study findings into the facility's comprehensive fire protection plan thus reducing to the extent practicable the fire/emergency needs of the facility. The results of this independent review are expected to be docketed with the Commission on or about December 15, 2012. The Facility will operate under a comprehensive fire protection plan which will be approved by the Fire Marshal with the goal of protecting human health, the electrical grid and the environment.

34. Please present the information regarding the potential for "overhead" lines to spark a fire outside the plant? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush objects to this data request as Mr. Reyes has not provided any support or justification for the underlying premise that the project will create a "potential for "overhead" lines to spark a fire." Quail Brush further objects to this data requests because data "regarding the potential for "overhead" lines to spark a fire" is not reasonably available to it. Considering the extensive electrical transmission system in the area, Quail Brush believes any additional risk due to the short loop into to the Facility will be *de mimimus*.

35. Please present the information on Calfire and US forest service response to the proposed project? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush has no information regarding a CAL FIRE response to the Project. The Authority Having Jurisdiction ("AHJ") over the Project is the SDFD. Quail Brush has no information regarding a US Forest Service response to the Project. The Project is not located in the jurisdiction of the US Forest Service.

37. [P]lease provide information as to A homeowner less than a mile south of the power plant site has been denied insurance on her condo by both Ameriprise and the Automobile Club (Triple A). . . . [I]f homeowners can't get insurance due to proximity to a designated fire zone, why should a gas-powered plant covering 11+ acres within this zone get a green light? And how will a gas power plant impact the residents of the surrounding area? Residents worry about insurance coverage and rate increases compounding property value loss? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Homeowner insurance standards play no part in the Commission's review of a power plant AFC pursuant to the Warren-Alquist Act and the Commission's regulations. In addition, Quail Brush objects to this data request because it seeks information not reasonably available to it.

37 [sic]. Brush fires in and along Mission Trails and East Elliott Open Space are common, especially along Highway 52. Locals (like myself) are used to seeing a few every year, with many started from car sparks or cigarettes thrown out car windows. How will the applicant mitigate this potential fire Hazard? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush further notes that observation that many fires are started from "car sparks or cigarettes thrown out car windows" supports the idea that a wildfire will more likely start in this manner than due to operation of the proposed Project. Quail Brush also objects to this data request because it seeks information that has already been made available in this proceeding. Quail Brush will operate under the procedures described in the Draft Wildfire Response Emergency Action Plan, which was docketed on July 9, 2012. Additional information regarding fire protection and emergency plans is available in AFC Section 4.10.5 docketed on August 25, 2011.

38. Please present information as to validity of CEC Fire Safety Expert saying there is no risk of fires from the pipeline due to strict Federal regulations of new pipelines? Proof Here's a list of some pipeline accidents resulting in fires. . . . Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush also objects to this data request to the extent it requests information from Commission Staff, which is not reasonably available to Quail Brush.

In regard to the 8" diameter natural gas lateral to the Facility, it will be designed and constructed by SDG&E in accordance with all Federal, State, and local regulations. SDG&E is a regulated public utility that provides safe

and reliable energy service to customers in San Diego and southern Orange counties. SDG&E's gas distribution pipelines are also operated and maintained in accordance with or exceeding state and federal pipeline operation and maintenance safety regulations. Additionally, regulators routinely audit their program to ensure that they are in compliance with all safety regulations. SDG&E regularly performs rigorous pipeline safety tasks, including patrolling, testing, repairing and replacing pipelines. Please note the existing SDG&E system includes approximately 20 miles of existing large (16" to 36") diameter high-pressure natural gas pipelines running under the heavily populated Santee/El Cajon/La Mesa/Lakeside areas. The half-mile 8" diameter natural gas lateral to the Facility would be a short extension to the existing system under an unpopulated area.

39. Please present information as to What is the true effects on the elderly who reside within 10 miles of plant? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush also objects to this data request because it is vague and Mr. Reyes has not provided sufficient information or background to explain the relevance of the data request to this proceeding. It is difficult for Quail Brush to decipher the nature, form, or content of the specific information sought. In addition, Quail Brush objects to this data request to the extent it seeks information that has already been made available in this proceeding. Potential impacts from the proposed Project on sensitive receptors have been identified and fully analyzed in section 4.8 Public Health of the AFC docketed on August 25, 2011, as supplemented by the Revised Air Quality Analysis and Health Risk Assessment docketed on September 24, 2012.

40. Please present information as to What is the true effects on the children who reside within 10 miles of plant? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush also objects to this data request because it is vague and Mr. Reyes has not provided sufficient information or background to explain the relevance of the data request to this proceeding. It is difficult for Quail Brush to decipher the nature, form, or content of the specific information sought. In addition, Quail Brush objects to this data request to the extent it seeks information that has already been made available in this proceeding. Potential impacts from the proposed Project on sensitive receptors have been identified and fully analyzed in section 4.8 Public Health of the AFC docketed on August 25, 2011, as supplemented by the Revised Air Quality Analysis and Health Risk Assessment docketed on September 24, 2012.

41. Please present information as to What is the true effects on the elderly who reside within 10 miles of plant? Quail Brush notes that this data request is identical to data request number 39, and refers to its corresponding objection and response above.

42. Please present information as to any Radioactive chemical to be used at proposed cite? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. In addition, Quail Brush objects to this data request to the extent it seeks information that has already been made available in this proceeding. Please refer to AFC Section 4.9 of the AFC, which explains all hazardous materials usage and storage during

construction and operation. As identified in the AFC, Quail Brush will not consume nor create a waste stream of any radioactive chemicals in the production of electricity.

43. Please present information as to the effects of reduction of stacks from 100 to 70 ft? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush also objects to this data request because it is vague and Mr. Reyes has not provided sufficient information or background to explain the relevance of the data request to this proceeding. It is difficult for Quail Brush to decipher the nature, form, or content of the specific information sought. In addition, Quail Brush objects to this data request to the extent it seeks information that has already been made available in this proceeding. The impacts of lowering the stack height have been identified and analyzed in the Revised Air Quality Analysis and Health Risk Assessment docketed on September 24, 2012.

44. Please present information as to Noise from plant hurting Biologic surrounding proposed plant? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. There are no threatened or endangered wildlife species in proximity of the proposed Project, for whom the law and the Commission's regulations would require analysis of impacts. Quail Brush also objects to this data request because it is vague and Mr. Reyes has not provided sufficient information or background to explain the relevance of the data request to this proceeding. It is difficult for Quail Brush to decipher the nature, form, or content of the specific information sought. In addition, Quail Brush objects to this data request because it seeks information that has already been made available in this proceeding. Please refer to Quail Brush's response to Dorian Houser's Data Request No. 13 docketed on May 29, 2012.

45. Please present information as to plant design to collect and treat water, which is potentially contaminated with oil and other impurities, before its discharge from the plant? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. In addition, Quail Brush objects to this data request because it seeks information that has already been made available in this proceeding. Please refer to the Water Quality Technical Report, docketed on September 24, 2012, the Drainage Study docketed September 24, 2012, and the Hydrological Responses, docketed October 31, 2012.

46. Please present information as to potential for said contamination to get into surrounding area? and water Table? Santee Lakes? Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. In addition, Quail Brush objects to this data request because it seeks information that has already been made available in this proceeding. Please refer to the Water Quality Technical Report, docketed on September 24, 2012, the Drainage Study docketed September 24, 2012, and the Hydrological Responses, docketed October 31, 2012.

Quail Brush will respond to the remainder of Rudy Reyes' (Intervenor) Data Requests, 1 through 46, on November 29, 2012.

I certify under penalty of perjury that the foregoing is true, correct, and complete to the best of my knowledge

Regards,

A handwritten signature in black ink, appearing to read "C. Neff", written in a cursive style.

C. Richard Neff
Vice President