



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

California Energy Commission

DOCKETED
11-AFC-3

TN # 68585

NOV.19 2012

APPLICATION FOR CERTIFICATION FOR THE
QUAIL BRUSH GENERATION PROJECT

DOCKET No. 11-AFC-03

COMMITTEE ORDER ON INTERVENOR'S MOTION FOR EXTENSION OF DISCOVERY PERIOD

Upon consideration of the Motion for an Extension of the Discovery Period filed by Intervenor HomeFed Fanita Rancho, LLC, and joined in by Intervenor Sunset Greens Homeowners Association, the Committee designated to conduct proceedings in this matter makes the following findings:

1. Section 1716 of the Commission's regulations¹ provides that parties in Application for Certification proceedings may request information from the applicant which is relevant to the proceedings or reasonably necessary to make any decision on the application. Section 1716(e) requires that all requests for information be submitted no later than 180 days from the date the Commission determines an application is complete. In this case, the Commission's determination was made on November 16, 2011 and the 180-day period expired on May 14, 2012.
2. Section 1716(e) gives the Committee discretion to allow requests for information to be submitted beyond the 180-day period "for good cause shown."
3. In response to a previous motion by other intervenors the Committee extended the discovery period to 60 days after Applicant's filing of Supplement 3 to the AFC. That extension expired October 31, 2012.
4. Intervenor HomeFed Fanita Rancho requests that the discovery period be extended to December 14, 2012. Intervenor points out that the Applicant promised to file supplemental information related to alternatives on or before October 31, 2012. Thus, Intervenor points out, it will not have an opportunity to review that information and submit follow-up requests for information.
5. At a Status Conference held October 16, 2012 the Committee advised the parties that it would be considering override findings in this matter due to the proposed project's apparent conflict with land use LORS. The Committee also requested that the parties prepare a particularly thorough and robust presentation of evidence concerning alternatives upon which to base the override portion of the decision.

¹ All references to regulations are to Title 20 of the California Code of Regulations unless otherwise specified.

6. Applicant did in fact file the supplemental material related to alternatives on October 31, 2012. It is an extensive filing, covering nine additional alternative sites.
7. Allowing the parties additional time to conduct discovery will help the parties prepare their override evidence, which may touch upon many of the environmental topics normally reviewed in our AFC proceedings. Thus, we find it is not reasonably feasible to prescribe limits on the topics which may be the subject of requests for information during any such extension period.
8. Furthermore, Staff points out in its responsive brief both that recent changes in project design have resulted in a significant delay in the preparation of the Preliminary Determination of Compliance by the San Diego Air Pollution Control District and that Applicant is preparing a report on fire and emergency response which is anticipated by November 30, 2012. These documents are needed for the preparation of the Preliminary Staff Assessment (PSA) which will thus be delayed for several weeks, possibly to January 23, 2013.
9. It therefore appears that the schedule has been delayed due to causes unrelated to the parties' participation in discovery. We find that extending the discovery period will both benefit the parties and will not result in further delay in the progress of the AFC.

THEREFORE, pursuant to Commission regulations Section 1716.5, the Committee **ORDERS**:

1. Intervenor's request for an extension of the period for submission of requests for information to December 14, 2012 is **GRANTED**.
2. All parties in this matter may submit requests for information in compliance with Sections 1716(b) and (d) until December 14, 2012.
3. This Order is made without prejudice to the parties' future ability to request further extensions of time pursuant to Section 1716(e).

Dated: November 19, 2012 at Sacramento, California.

Original Signed By:

KAREN DOUGLAS
Commissioner and Presiding Member
Quail Brush Generation Project AFC Committee

Original Signed By:

ANDREW McALLISTER
Commissioner and Associate Member
Quail Brush Generation Project AFC Committee



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QUAIL BRUSH GENERATION PROJECT**

DOCKET NO. 11-AFC-03
PROOF OF SERVICE
(Revised 11/19/2012)

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DECLARATION OF SERVICE

I, Maggie Read, declare that on November 19, 2012 I served and filed copies of the attached Committee Order on Intervenor's Motion for Extension of Discovery Period, 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
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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
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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.

Original Signed By:

Maggie Read
Hearing Adviser's Office