



## Quail Brush Genco, LLC

A Project Company of Cogentrix Energy, LLC

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(704) 525-3800  
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September 13, 2012

Rudy Reyes  
8527 Graves Avenue, #120  
Santee, CA 92071

**Re: Quail Brush Generation Project (11-AFC-03), Applicant's Data Requests 1 - 16**

Pursuant to the provisions of Title 20, California Code of Regulations, Section 1716, Quail Brush Genco, LLC ("Quail Brush"), a wholly owned subsidiary of Cogentrix Energy, LLC, hereby submits the enclosed Data Requests, numbered 1 through 16. The information requested is necessary to more fully understand your objections to the Project and the Application for Certification so that Quail Brush can appropriately address your concerns throughout the licensing process.

Written responses to the enclosed data requests are due to Quail Brush on or before October 15, 2012. If you are unable to provide the information requested, need additional time, or object to providing the requested information, please send a written notice to the Committee and us within 20 days of receipt of this notice. This notification must contain the reasons for the inability to provide the information or the grounds for any objections (see Title 20, California Code of Regulations, Section 1716(f)).

If you have any questions regarding this submittal, please contact me at (704) 672-2818.

Regards,

C. Richard ("Rick") Neff  
Quail Brush

Enclosure: (Data Request Packet)

cc: Docket (11-AFC-3)

California Energy Commission <b>DOCKETED</b> 11-AFC-3
TN # 67106 SEP 13 2012

QUAIL BRUSH GENERATION PROJECT  
(11-AFC-3)

QUAIL BRUSH GENCO, LLC  
DATA REQUESTS 1 - 16

September 13, 2012

## **BACKGROUND FOR DATA REQUESTS 1 THROUGH 3**

In your comments submitted to the Commission via email on February 7, 2012, you quote comments submitted by the City of San Diego on November 30, 2011. You reiterate the City's statement that "[t]he analysis provided in the AFC indicates that the project will exceed the City's threshold for noise in all land use categories."

As explained in the AFC at Figure 4.3-5, the attenuated Project (i.e., the Project as proposed) will have sound impacts on very few residential homes, and will not have sound impacts above 35-40 dBA on any residence. As described in Table 4.3-1 of the AFC, a sound pressure level of 35-40 dBA is "faint" and is equivalent to a "bedroom or quiet living room," "bird calls," or a "typical wilderness area." Noise impacts to the parcels immediately adjacent to the Project site will rarely exceed 50 dBA, a level considered "quiet" and equivalent to light auto traffic at 100 feet. (*Id.* at Figure 4.3-5, Table 4.3-1).

The City of San Diego provides a table of applicable sound level limits in its Noise Abatement Ordinance. (San Diego Municipal Code § 59.5.0401(a)). The applicable sound level limits are categorized by land use type. Under the San Diego General Plan, the proposed project site and the surrounding property are designated as either "Park, Open Space, & Recreation" or "Industrial Employment." (General Plan Figure LU-2 General Plan Land Use and Street System Map). The applicable sound level limit for "Industrial or Agricultural" land use on the City's table of applicable limits is a one-hour average sound level of 75 dBA. (§ 59.5.0401(a)). "Park, Open Space, & Recreation" is not included as a land use category on the table of applicable sound level limits and therefore does not have an applicable sound level limit. The noise level contemplated in the AFC and shown on Figure 4.3-5 (Received Sound Levels: Attenuated Project Operation) are consistent with the City of San Diego's standards.

## **DATA REQUESTS 1 THROUGH 3**

1. Considering that the Applicant's studies conclude that sound impacts to residential neighborhoods will not exceed 35 to 40 dBA, and impacts to non-residential parcels adjacent to the Project site will rarely exceed 50 dBA – levels well below noise thresholds established by the City of San Diego, please explain in detail the basis for the conclusion that "[t]he analysis provided in the AFC indicates that the project will exceed the City's threshold for noise in all land use categories."
2. Please provide any data and studies used to reach the above conclusions.
3. If applicable, please provide the names, titles, credentials, and work addresses of each expert who conducted the studies noted above.

## **BACKGROUND FOR DATA REQUESTS 4 THROUGH 6**

In your February 7, 2012 comments, you state the Project would "[b]light the region . . . through property values."

Various interveners have relied upon the two following studies to support an argument that the Project will negatively affect property values in the neighborhoods located close to the Project site.

[1] Davis, Lucas W., "The Effect of Power Plants on Local Housing Values and Rents" Haas School of Business, University of California, Berkeley, CA 94720-1900 (May 2010)

[2] Davis, Lucas W., "The Effect of Power Plants on Local Housing Values and Rents: Evidence from Restricted Census Microdata" Massachusetts Institute of Technology, Center for Energy and Environmental Policy Research in its series Working Papers with number 0809 (Jun 2008)

However, both the 2008 and 2010 Davis articles are limited to the study of housing values and rents of properties located in neighborhoods outside of San Diego County and where the power plants were opened during the 1990s. As suggested by the Sunset Greens HOA in its Data Request Set One, the housing market in the neighborhoods closest to the Project site has changed dramatically in recent years.

#### **DATA REQUESTS 4 THROUGH 6**

4. Please provide any studies, data collected, and methodologies used for arriving at the conclusion that the project will blight the region through property values, rather than anecdotes and research articles about other residential regions.
5. To the extent you rely upon the Davis articles to answer Data Request # 4, please provide additional documentation and explanations to establish that the analysis is applicable to housing prices currently and in the immediate future.
6. If applicable, please provide the names, titles, credentials, and work addresses of each expert who conducted the studies noted above.

#### **BACKGROUND FOR DATA REQUESTS 7 THROUGH 8**

In your February 7, 2012 email, you state: "Our businesses depend on a reliable power supply void of disruptions, the county would like to see this to a truly renewable source. The quail brush project is NOT!" and that "[n]atural gas peaker plants would NOT allow us to use clean power without experiencing any negative effects related to intermittency."

The Applicant has never suggested that Quail Brush is a source of renewable energy. Rather, peaker plants such as Quail Brush are necessary to integrate renewable energy sources onto the grid. The more renewable energy that is added, the more flexible and load-following resources such as Quail Brush are needed.

#### **DATA REQUESTS 7 THROUGH 8**

7. Please provide any studies, data collected, and methodologies used to support the conclusion that "a truly renewable source" of energy could provide "a reliable power supply void of disruptions."

8. Please provide examples of any existing “truly renewable source[s]” of energy that currently provide “a reliable power supply void of disruptions,” or, if you are aware of none, please provide a detailed description of the basis for your implied conclusion that such non-intermittent renewable resources will be commercially available and operative in the local San Diego region by summer 2014 when Quail Brush is scheduled to come online.

#### **BACKGROUND FOR DATA REQUESTS 9 THROUGH 10**

In your February 7, 2012 email, you state that “[t]he project claims to also create temporary and permanent jobs, yet these jobs are only 7-11 permanent jobs!” The Applicant understands that the region is in need of more jobs, and is proud to create jobs for as many workers as is necessary to construct and operate the proposed project, 90% of which it anticipates will be local.

#### **DATA REQUESTS 9 THROUGH 10**

9. If, in the above statement, you are implying that 7-11 permanent jobs is not appropriate for the Project, please explain in detail what amount of permanent jobs would be appropriate, and provide evidence and data to support this conclusion.
10. If, in the above statement, you are implying that 7-11 permanent jobs does not provide a positive impact to the local community, please explain in detail how the addition of up to 11 permanent jobs does not provide a positive impact to the local community.

#### **BACKGROUND FOR DATA REQUESTS 11 THROUGH 13**

In your June 24, 2012 Status Report, you stated: “I would also like to let Committee know i have talked to the District Attorney regarding possible ‘illegal acts’.” The Applicant is not aware of any such illegal acts committed by the District Attorney, and furthermore contends that any such acts are wholly irrelevant to the Energy Commission’s review of the AFC.

#### **DATA REQUESTS 11 THROUGH 13**

11. Please provide documentation regarding all conversations with the District Attorney regarding alleged possible “illegal acts”, including all communications from you to the District Attorney’s office, and all communications from the District Attorney’s office to you.
12. Please explain the specific acts and instances of those acts that you allege are possibly illegal.
13. Please explain the relevance of such possibly illegal acts to the Energy Commission’s review of the Quail Brush Project’s AFC.

## **BACKGROUND FOR DATA REQUESTS 14 THROUGH 16**

At the December 2, 2011 CEC Workshop and the January 25, 2012 Informational Hearing and Site Visit, you stated during public comment that you had personal knowledge of significant cultural and archaeological resources located within the proposed Project area. As stated in the AFC and Supplements 1 and 2, the Applicant has conducted extensive cultural resources surveys within the proposed Project area. The findings were reported in the confidential cultural resources report docketed on April 26, 2012. The redacted cultural resources report was docketed on June 1, 2012 and provided to the interveners at that time. As the report indicates, no significant cultural resources have been identified within the proposed Project area to date.

## **DATA REQUESTS 14 THROUGH 16**

14. Please provide any studies, data collected, and methodologies used to support the conclusion in your public statements that significant cultural and archaeological resources are located within the proposed Project area,
15. Please provide documentation that the studies noted above were undertaken on private land with the landowners' permission.
16. Please provide the names, titles, credentials, and work addresses of each expert who conducted the studies noted above.



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 8/14/2012)

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\*indicates change

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DECLARATION OF SERVICE

I, Margaret Pavao, declare that on September 13, 2012, I served and filed a copies of the attached Applicant's Data Requests 1 through 16 to Intervenor Rudy Reyes, dated September 13, 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-03  
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:

California Energy Commission  
Michael J. Levy, Chief Counsel  
1516 Ninth Street MS-14  
Sacramento, CA 95814  
[michael.levy@energy.ca.gov](mailto: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, and that I am over the age of 18 years and not a party to the proceeding.

  
\_\_\_\_\_