

STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission

DOCKET	
11-AFC-4	
DATE	JUN 08 2012
RECD.	JUN 08 2012

In the Matter of:)
)
Application for Certification for the)
Rio Mesa Solar Electric Generating Facility)
)
_____)

Docket No. 11-AFC-04

APPLICANT'S NOTICE PURSUANT TO 20 C.C.R. § 1716(f)
FOR CALIFORNIA ENERGY COMMISSION STAFF'S
DATA REQUESTS SET 2A

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June 8, 2012

Attorneys for Applicant

**STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission**

In the Matter of:)
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Application for Certification for the) Docket No. 11-AFC-04
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**APPLICANT’S NOTICE PURSUANT TO 20 C.C.R. § 1716(f)
FOR CALIFORNIA ENERGY COMMISSION STAFF’S
DATA REQUESTS SET 2A**

On May 21, 2012, Rio Mesa Solar I, LLC, Rio Mesa Solar II, LLC, and Rio Mesa Solar III, LLC (collectively, the “Applicant”), received the California Energy Commission (“CEC”) Staff’s Data Requests, Set 2A. Except as noted below, the Applicant will respond to these requests on or before June 20, 2012. Pursuant to Title 20, California Code of Regulations, Section 1716(f), Applicant hereby provides notice of its partial objection to Data Request 159. Applicant also provides notice for more time on Data Requests 167 and 172.

A. Partial Objection to Data Request 159

In part, Data Request 159 asks the Applicant to:

- [P]rovide a three-dimensional graphical model of the southern 250 MW (net) facility proposed for Rio Mesa SEGF under full-load, partial-load and full standby status, illustrating the composite effect of convective heat and radiant flux. The modeled convective heat should include elevated temperature of the receiver tower and heliostat surfaces on surrounding air. The modeled radiant flux must include all radiant energy, including (1) ambient solar energy; (2) energy reflected and/or radiated from heliostats to the receiver tower, the standby locations, and the surrounding air; and (3) energy reflected and/or radiated from the receiver tower. . .
- (b) The radiant flux model should show the density conditions as contours at 2.5 kW/m², 10 kW/m², 25 kW/m², 50 kW/m² and 150 kW/m². . .

Applicant objects to the portion of data request 159 that requests modeling showing density conditions as contours at 2.5 kW/m². This portion of Data Request 159 fails to meet the standard set forth in Section 1716(b) of the Commission's regulations. Section 1716(b) provides that only information that is: (1) reasonably available to the applicant and either (2) relevant to the application proceeding, or (3) reasonably necessary to make any decision on the application may be requested from an applicant.

Applicant's existing computer program for modeling flux concentrations cannot be used to satisfy this portion of the data request. Modeling at 2.5 kW/m² would require Applicant to create a new computer program at a significant expense and time. Thus, the information requested in Data Request 159 is not reasonably available to the Applicant and would be burdensome to produce. In addition, modeling at 2.5 kW/m² is not reasonably necessary to a decision on the application. Modeling at 2.5 kW/m² will not produce results that would support the Commission's consideration of the potential for significant impacts. Flux concentrations at 2.5 kW/m² cannot be reliably distinguished from ambient solar energy, and staff has not produced any information suggesting that flux levels at these low levels would have the potential for a significant impact. In sum, modeling at 2.5 kW/m² calls for information that is not reasonably available to the applicant and the information is not reasonably necessary to make any decision on the application. Applicant therefore partially objects to Data Request 159. Without waiving Applicant's objection, Applicant will endeavor to provide other information requested in Data Request 159.

B. Notice For More Time On Data Request 167

Data Request 167 asks the Applicant whether any underground infrastructure will be required to operate the heliostats. The Applicant is updating various engineering drawings relating to Applicant's environmental enhancement proposal and will need these files in order to respond to this Data Request. Applicant does not expect that the engineering drawings will be ready in time for Applicant to provide a response to this Data Request. Applicant will require until July 20th, 2012 to respond to this data request.

C. Notice For More Time On Data Request 172

Data Request 172 asks the Applicant to provide an updated construction craft resources survey. As noted in the existing labor survey, the reason for performing an update of the Labor Survey is to have more current figures available during discussions and negotiations with the

Building Trades concerning the Project Labor Agreement (“PLA”). The process of developing and negotiating the various terms and conditions of a PLA takes approximately six months, and having updated figures at the time of negotiations assists in establishing appropriate parameters for work force rules, work force requirements, travel issues, etc. The existing labor survey provides staff with a sufficient amount of information to prepare the staff assessment and for the Commission to make a decision on the application. Providing an interim update is unnecessary at this juncture. As noted in the original Labor Survey for the Project, Applicant will require until January 31, 2013 to update the Labor Survey.

Dated: June 8, 2012

Respectfully submitted,

ELLISON, SCHNEIDER & HARRIS L.L.P.

By  _____

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STATE OF CALIFORNIA

Energy Resources Conservation
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APPLICATION FOR CERTIFICATION)
for the RIO MESA SOLAR ELECTRIC)
GENERATING FACILITY)
_____)

Docket No. 11-AFC-04

PROOF OF SERVICE

I, Karen A. Mitchell, declare that on June 8, 2012, I served the attached *Applicant's Notice Pursuant To 20 C.C.R. § 1716(F) For California Energy Commission Staff's Data Requests Set 2A* via electronic and U.S. mail to all parties on the attached service list.

I declare under the penalty of perjury that the foregoing is true and correct.



Karen A. Mitchell

SERVICE LIST
11-AFC-04

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