

April 15, 2009

California Energy Commission  
Docket Unit  
1516 Ninth Street  
Sacramento, CA 95814-5512

**DOCKET**

**08-AFC-10**

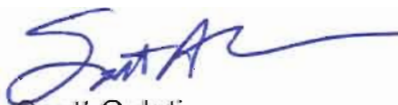
DATE APR 15 2009

RECD. April 15 2009

**Subject: OBJECTIONS BY NORTHERN CALIFORNIA POWER AGENCY TO  
DATA REQUEST SET 3 (#13 SUPPLEMENT) FROM THE CALIFORNIA  
ENERGY COMMISSION STAFF**

Enclosed for filing with the California Energy Commission is the original copy of  
**OBJECTIONS BY NORTHERN CALIFORNIA POWER AGENCY TO DATA  
REQUEST SET 3 (#13 SUPPLEMENT) FROM THE CALIFORNIA ENERGY  
COMMISSION STAFF**, for the Lodi Energy Center (08-AFC-10).

Sincerely,



Scott Galati  
Counsel to NCPA

Scott A. Galati  
Robert Alan Gladden, Jr.  
GALATI & BLEK  
455 Capitol Mall, Suite 350  
Sacramento, CA 95814  
(916) 441-6575

STATE OF CALIFORNIA  
  
Energy Resources  
Conservation and Development Commission

In the Matter of:

DOCKET NO. 08-AFC-10

Application for Certification for the  
LODI ENERGY CENTER

OBJECTIONS BY NORTHERN  
CALIFORNIA POWER AGENCY TO  
DATA REQUEST SET 3 (#13 Supplement)  
FROM THE CALIFORNIA ENERGY  
COMMISSION STAFF

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Northern California Power Agency (NCPA), by and through their counsel of record, hereby submits the following Objections to Staff Data Request Set 3, #13 Supplement (Data Request #13s), dated March 26, 2009.

Data Request #13s, states:

“Please conduct a geoarchaeological field study that examines the landforms in the project area that, on the basis of age and evident processual geomorphic origin, may contain archaeological deposits. Staff recommends that the geoarchaeological field study of the project area include the following:

- a. excavation of at least three backhoe trenches in locations across the project area that will provide the opportunity to reliably characterize the stratigraphy of the project area to the anticipated maximum depth of the proposed construction;
- b. complete recordation of one prepared profile from each backhoe trench to include reasonably detailed written descriptions of each lithostratigraphic and pedostratigraphic unit in each profile, a measured profile drawing, and a profile photograph with a metric scale;
- c. screening of a small (3, 5-gallon buckets) sample of sediment from the major lithostratigraphic units in each profile, or from 50-centimeter arbitrary levels down each profile, through 1/4 –inch hardware cloth;

- d. collection and assaying of enough soil humate to reliable radiocarbon-date a master stratigraphic column for the project area; and
- e. an analysis of the data that are the result of the above field study and the original literature review that is the basis for the extant response to Data Request 13, and an assessment, on those bases, of the likelihood that the project will encounter buried archaeological deposits, and, to the extent possible, the likely age and character of such deposits."

## OBJECTIONS

In accordance with the California Code of Regulations Section 1716(f), the NCPA objects to the California Energy Commission (CEC) Staff issued Data Request #13s for the reasons stated herein; asserting that the request by staff is both unduly burdensome, unduly time-consuming and will not lead to any relevant information.

Staff issued Data Request #13s seeks information which is neither reasonably available to NCPA nor necessary to make any primary, substantive or concomitant decision on the Application for Certification filed by the NCPA. In addition to the non-relevant and unnecessarily time-consuming nature of the request it will also be an unnecessary expense.

Consistent with the Staff needs in prior siting cases, the information requested is not reasonably needed for Staff to complete and conduct a competent and comprehensive analysis.

Respectfully submitted,



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Robert Alan Gladden, Jr.  
Counsel for NCPA



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](http://WWW.ENERGY.CA.GOV)

APPLICATION FOR CERTIFICATION  
FOR THE *Lodi Energy Center*

DOCKET No. 08-AFC-10

PROOF OF SERVICE  
(Revised 2/17/09)

APPLICANT

Ken Speer  
Assistant General Manager  
Northern California  
Power Agency  
651 Commerce Drive  
Roseville, CA 95678  
[ken.speer@ncpagen.com](mailto:ken.speer@ncpagen.com)

Ed Warner  
Project Manager  
Northern California  
Power Agency  
P.O. Box 1478  
Lodi, CA 95241  
[ed.warner@ncpagen.com](mailto:ed.warner@ncpagen.com)

APPLICANT'S COUNSEL

Scott Galati  
Galati Blek  
455 Capitol Avenue, Ste. 350  
Sacramento, CA 95814  
[sgalati@gb-llp.com](mailto:sgalati@gb-llp.com)

APPLICANT'S CONSULTANT

Andrea Grenier  
Grenier & Associates, Inc.  
1420 E. Roseville Pkwy,  
Ste. 140-377  
Roseville, CA 95661  
[andrea@agrenier.com](mailto:andrea@agrenier.com)

Sarah Madams  
CH2MHILL  
2485 Natomas Park Drive,  
Ste. 600  
Sacramento, CA 95833  
[smadams@ch2m.com](mailto:smadams@ch2m.com)

APPLICANT'S ENGINEER

Steven Blue  
Project Manager  
Worley Parsons  
2330 E. Bidwell, Ste. 150  
Folsom, CA 95630  
[Steven.Blue@WorleyParsons.com](mailto:Steven.Blue@WorleyParsons.com)

INTERESTED AGENCIES

California ISO  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

INTERVENORS

ENERGY COMMISSION

Karen Douglas  
Chairman and Presiding  
Member  
[kldougl@energy.state.ca.us](mailto:kldougl@energy.state.ca.us)

Jeffrey D. Byron  
Commissioner and Associate  
Member  
[jbyron@energy.state.ca.us](mailto:jbyron@energy.state.ca.us)

Kenneth Celli  
Hearing Officer  
[kcelli@energy.state.ca.us](mailto:kcelli@energy.state.ca.us)

Rod Jones  
Project Manager  
[rjones@energy.state.ca.us](mailto:rjones@energy.state.ca.us)

Melanie Moultry  
Staff Counsel  
[MMoultry@energy.state.ca.us](mailto:MMoultry@energy.state.ca.us)

Elena Miller  
Public Adviser  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

**DECLARATION OF SERVICE**

I, Ashley Y Garner, declare that on April 15, 2009, I served and filed copies of the attached **OBJECTIONS BY NORTHERN CALIFORNIA POWER AGENCY TO DATA REQUEST SET 3 (#13 SUPPLEMENT) FROM THE CALIFORNIA ENERGY COMMISSION STAFF** dated **March 26, 2009**. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: **[[www.energy.ca.gov/sitingcases/lodi](http://www.energy.ca.gov/sitingcases/lodi)]**. The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

**(Check all that Apply)**

**FOR SERVICE TO ALL OTHER PARTIES:**

☒ sent electronically to all email addresses on the Proof of Service list;

☒ by personal delivery or by depositing in the United States mail at with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

**AND**

**FOR FILING WITH THE ENERGY COMMISSION:**

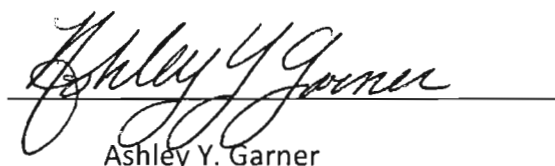
☒ sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (***preferred method***);

**OR**

☐ depositing in the mail an original and 12 paper copies, as follows:

**CALIFORNIA ENERGY COMMISSION**  
Attn: Docket No. **08-AFC-10**  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
**docket@energy.state.ca.us**

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

  
Ashley Y. Garner