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STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

In the Matter of:

Application for Certification for the
ALMOND 2 POWER PLANT PROJECT

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Docket No. 09-AFC-2

**OBJECTIONS TO DATA REQUESTS
OF
CALIFORNIA UNIONS FOR RELIABLE ENERGY,
SET 1**

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STATE OF CALIFORNIA
Energy Resources Conservation
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OBJECTIONS TO DATA REQUESTS
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CALIFORNIA UNIONS FOR RELIABLE ENERGY,
SET 1

Turlock Irrigation District (the “District”) hereby files the following *Objections to CURE Data Requests, Set 1*. The Data Requests were filed on October 14, 2009.

Section 1716 of the California Energy Commission's (“Commission”) regulations (Cal. Code Regs., tit. 20 § 1716) contains the basic framework for information exchanges (i.e., Data Requests and Responses) for licensing proceedings: “A party may request from an Applicant ... information which is reasonably available to the Applicant which is relevant to the application proceedings or reasonably necessary to make any decision on the ...application.” [§ 1716(b).] The Applicant may then answer or object to the request. If the Applicant objects, the requesting party may then forego the request, seek alternative means of obtaining the desired information, or petition for an Order directing the Applicant to provide the information. In considering the reasonableness of a Data Request, the Commission evaluates whether the information sought appears to be reasonably available, relevant and reasonably necessary for the Commission to

reach a decision in the proceeding. The District hereby objects to those requests that do not meet this standard.

The District objects to those data requests that ask the District to prepare or revise analyses based on specifications, assumptions or speculations provided by CURE. The District believes that the analyses it has prepared are sufficient for the Energy Commission to make an informed decision about the Application, and for the Application to comply with applicable laws, ordinances, standards and regulations (“LORS”). An intervenor may disagree with analyses and prepare its own calculations or estimates regarding any relevant issue. However, the discovery phase must be differentiated from the evidentiary phase of this proceeding. As noted in a recent ruling by the Committee in the Carlsbad Energy Center proceeding, "The provision of 'information' by the Applicant or any other party includes data and other objective information available to it. *The answering party is not, however, required to perform research or analysis on behalf of the requesting party.*"¹

Except as noted below, the District will respond to CURE’s Data Requests on or before November 16, 2009.

Further, notwithstanding these objections and without waiving any of its rights related to these objections, the District also reserves the right, in its sole and absolute discretion, to respond to any of CURE’s Data Requests to which the District objects. This reservation of right will allow the District to meet and confer with CURE for the purpose of possibly more narrowly tailoring some of CURE’s requests to focus on information reasonably available, relevant and reasonably necessary for the Commission to reach a decision in the proceeding.

¹ Committee Ruling On Intervenor Center For Biological Diversity’s Petition To Compel Data Responses, Application For Certification For The Carlsbad Energy Center, Docket No, 07-AFC-6, December 26, 2008; emphasis added.

The District's specific objections are set forth below.

SPECIFIC OBJECTIONS

Data Request 1, subparts (b) through (e)

Please provide the following data regarding GHG emissions after A2PP begins commercial operation:

- b. The change in GHG emissions from TID-dispatched facilities due to the addition of A2PP to the TID system.*
- c. The change in GHG emissions from non-TID generators (if any) due to the addition of A2PP to the TID system.*
- d. Please explain how TID dispatches its system (e.g., cost-minimization, emissions minimization, fuel-use minimization, other) and how TID decides between operation of TID-controlled facilities and purchases from non-TID sources.*
- e. Please provide the expected quantity (in gwh/year) of annual purchases and sales of energy by TID from non-TID sources, with and without A2PP.*

Objection:

The District objects to Data Requests 1.b. and 1.c. on the grounds that the requested information is not reasonably available to the District and is therefore burdensome. The District objects to Data Request 1.d and 1.e. on the grounds that the requested information is confidential and not relevant or reasonably necessary to any decision the Commission must make on this Application. The District further objects to Data Request 1.e. on the grounds that it calls for speculation, and thus the information is not reasonably available to the District.

Data Request 2

Please provide the status of the air basin (attainment or nonattainment for NOx and VOC) at the time that the NOx, and VOC ERCs were generated.

Objection:

The District objects to this Data Request on the grounds that the requested information is burdensome, publicly available, irrelevant and not reasonably necessary to any decision the Commission must make on this Application.

Data Request 3

Please explain how offsets that were generated up to 200 miles away from the Project site and/or are nearly 20 years old can be used to mitigate impacts for the A2PP.

Objection:

The District objects to this request on the grounds that the requested information is burdensome, publicly available, irrelevant, and not reasonably necessary to any decision the Commission must make on this Application. In addition, the Data Request is argumentative and suggests an answer to the question. The District objects to this Data Request because this request does not seek *information*, contrary to the requirements of Section 1716 of the Commission’s regulations, and, rather than seeking relevant information that is reasonably available to the District or reasonably necessary to make a decision in this proceeding, this Data Request instead seeks to argue with the District’s relevant information and to argue the relative weight that should be accorded to existing, publicly available information (hereinafter “Argumentative”).

Data Request 4

Please explain why the project’s proposed ammonia slip emissions limit does not comply with the CARBs Guidance for Power Plant Siting.

Objection:

The District objects to this Data Request on the grounds that the Data Request is argumentative and suggests an answer to the question. The District also objects to the Data Request because the question is irrelevant since the District will comply with CARB's Guidance for Power Plant Siting.

Data Request 5(a-c)

What is the maximum number of mw of spinning reserves that each of the three proposed units of A2PP could provide?

- a. *Please identify the basis used by TID to identify its spinning reserve requirements in order to comply with applicable reliability requirements (e.g., % of thermal generation plus 5% of hydro generation, or, largest single generator).*
- b. *Please provide, in Excel format if possible, for each hour of calendar 2008, in MW:*
 - i. *TID's load plus losses.*
 - ii. *TID's hydro generation.*
 - iii. *TID's generation from TID-dispatched "less efficient peaking capacity."*
 - iv. *TID's generation from the Walnut Energy Center.*
 - v. *Other TID-owned generation.*
 - vi. *Purchased generation.*
 - vii. *Any component of TID's load plus losses (subpart (i) not identified in the responses to subparts (ii) through (vi)).*
 - viii. *Spinning reserve available from TID's hydro generation.*
 - ix. *Spinning reserve available from TID's Walnut Energy Center.*
 - x. *Spinning reserve available from TID's "less efficient peaking capacity."*
 - xi. *Spinning reserve (if any) available from purchases.*

- xii. *TID's spinning reserve requirement to comply with applicable reliability requirements.*
- c. *Please identify and describe in detail any reserve-sharing or emergency support agreements TID has with any other utilities or balancing areas, including but not limited to SMUD and the CAISO.*

Objection:

The District objects to this Data Request and all its subparts on the grounds that the requested information is irrelevant and not reasonably necessary to any decision the Commission must make on this Application. The District also objects to this Data Request because the information is not reasonably available to the District because the information is confidential.

Data Request 6

Please confirm that 8550 gwh/year corresponds to an annual capacity factor for the A2PP powerplant of about 0.56%, or about one half of one percent.

Objection:

The District objects to this Data Request because the information is not reasonably available to the District. The District does not understand where CURE obtained the figures in this Data Request, and thus the Data Request is vague and difficult to understand.

Data Request 7

Please provide the annual capacity factors for the Almond 1 plant in 2007 and 2008 which resulted from operating in 1/4 to 1/3 of all the hours in those years.

Objection:

The Data Request is vague and difficult to understand. The District objects to this Data Request because the Data Request calls for speculation and the information is not reasonably available to the District.

Data Request 10

To quantify your response to the previous question, please provide your best estimate of (i) how many hours A2PP would have run in each of the years 2007 and 2008 if it had been in service in those years, and (ii) the A2PP capacity factor in each of the years 2007 and 2008 if it had been in service in those years.

Objection:

The District objects to this Data Request on the grounds that the requested information calls for speculation and the information is not reasonably available to the District. The District also objects to this Data Request because it is irrelevant and not reasonably necessary to any decision the Commission must make on this Application.

Data Request 14

To quantify your response to the previous question, please provide your best estimate, for the first year that Almond 1 and A2PP will both be in service, of their respective number of operating hours and capacity factors.

Objection:

The District objects to this Data Request on the grounds that the requested information calls for speculation, is burdensome, and is irrelevant and not reasonably necessary to any decision the Commission must make on this Application. An accurate response would depend on how much the District utilizes its hydro-powered resources, which are a significant proportion of the District's generation mix. The use of the District's hydro-powered resources is speculative because the amount of rain and run-off during the year is unknown.

Data Request 15

If any of your answers to the preceding questions have suggested that Almond 1 would operate more than A2PP, please explain in detail why that would occur.

Objection:

The District objects to this Data Request on the grounds that the information requested calls for speculation and the information requested is not reasonably available to the District. The District also objects because the Data Request is burdensome, and the information is not relevant or reasonably necessary to any decision the Commission must make on this Application.

Data Request 17

Please identify, for each year from 2010 through 2020, in MW, for each renewable energy project TID intends to have in service that year:

- a. The installed capacity of the project.*
- b. The firm capacity that TID believes it can count on from that project at the time of TID's peak demand.*
- c. If available, the firm capacity of the project as it would be calculated using the CAISO's methodology for determining NQC, or (net qualifying capacity), for Resource Adequacy purposes.*

Objection:

The District objects to this Data Request and its subparts on the grounds that the requested information is confidential, calls for speculation, is burdensome, and is not relevant or reasonably necessary to any decision the Commission must make on this Application.

Data Request 18

Please describe how TID determines the firm capacity for reliability purposes that is associated with renewable energy projects.

Objection:

The District objects to this Data Request on the grounds that it is not relevant or reasonably necessary to any decision the Commission must make on this Application.

Data Request 19

Please identify any differences between TID's methodology for determining the countable firm capacity from renewable energy projects and the CAISO's NQC methodology.

Objection:

The District objects to this Data Request on the grounds that it is not relevant or reasonably necessary to any decision the Commission must make on this Application. The District is its own balancing authority and is therefore not subject to the CPUC or the CAISO's resource adequacy requirements or rules for net qualifying capacity.

Data Request 20

Please provide any loads and resources data or loads and resource balance for TID which already exists which TID believes shows how A2PP (or a comparable source of 174 Mw of firm capacity) would help to firm TID's intermittent resources and meet load growth. Relevant loads and resources data which should be provided, if available, include the following items (from 2010-2020, in Mw) plus any others TID considers relevant to demonstrating how A2PP would help to firm TID's intermittent resources and meet load growth:

- a. TID's annual peak demand under 1-in-10 weather conditions.*
- b. Losses associated with the peak demand given in response to the previous subpart, if not already included.*
- c. Reserve requirements associated with the peak loads identified in subparts (a) and (b).*
- d. Mw of TID-controlled hydro resources available to meet peak loads.*

- e. *Each TID-controlled thermal project (e.g., Almond 1, A2PP, Walnut Energy Center) available to meet peak loads.*
- f. *Firm capacity from renewable projects available to TID to meet peak loads (this number should equal the total of the individual project firm capacities given in response to Data Request 17(b)).*
- g. *Firm capacity from load management or other demand-side measures available to TID.*
- h. *Firm imports available to TID from non-TID sources.*
- i. *Firm reserves available to TID from non-TID sources.*
- j. *Firm export obligations (if any) of TID.*
- k. *Other loads and resources not included in the above subparts.*
- l. *The net surplus or deficit of capacity at the time of one-in-ten-year system peak demand (which should equal the sum of the loads and resources given in response to the preceding subparts of this question). Please provide the status of the WWTF annexation application to the Fresno LAFCo.*

Objection:

The District objects to this Data Request and all its subparts on the grounds that the information calls for speculation and is irrelevant and not reasonably necessary to any decision the Commission must make on this Application.

Data Request 21

Please indicate how the generation needed to serve this purpose differs (if it does) from the generation needed to provide what is usually called “regulation.”

Objection:

The District objects to this Data Request on the grounds that the information is not relevant or reasonably necessary to any decision the Commission must make on this Application.

Data Request 22

For each hour of the year 2008, please indicate the hourly Mw of changes in generation schedules that TID needed to “maintain TID’s Balancing Authority tie line schedules” with SMUD and the CAISO.

Objection:

The District objects to this Data Request on the grounds that the information is irrelevant and not reasonably necessary to any decision the Commission must make on this Application. In addition, the District objects to this Data Request because the requested information is not reasonably available and is burdensome to produce.

Data Request 23

For the year 2008, please indicate the maximum hourly Mw of changes in generation schedules that TID needed to “maintain TID’s Balancing Authority tie line schedules” with SMUD and the CAISO.

Objection:

The District objects to this Data Request on the grounds that the information is irrelevant and not reasonably necessary to any decision the Commission must make on this Application. In addition, the District objects to this Data Request because the requested information is not reasonably available and is burdensome to produce.

Data Request 24

For each hour of the year 2008, please indicate the hourly Mw of hydro generation available to TID to “maintain TID’s Balancing Authority tie line schedules” with SMUD and the CAISO.

Objection:

The District objects to this Data Request on the grounds that the information is irrelevant and not reasonably necessary to any decision the Commission must make on this Application. In addition, the District objects to this Data Request because the requested information is not reasonably available and burdensome to produce.

Data Request 25

For each hour of the year 2008, please indicate the hourly Mw of thermal generation available to TID to “maintain TID’s Balancing Authority tie line schedules” with SMUD and the CAISO.

Objection:

The District objects to this Data Request on the grounds that the information is irrelevant and not reasonably necessary to any decision the Commission must make on this Application. In addition, the District objects to this Data Request because the requested information is not reasonably available and is burdensome to produce.

Data Request 26

For each hour of the year 2008, please indicate the hourly Mw of hydro generation used by TID to “maintain TID’s Balancing Authority tie line schedules” with SMUD and the CAISO.

Objection:

The District objects to this Data Request on the grounds that the information is irrelevant and not reasonably necessary to any decision the Commission must make on this Application. In addition, the District objects to this Data Request because the requested information is not reasonably available and burdensome to produce.

Data Request 27

For each hour of the year 2008, please indicate the hourly Mw of thermal generation used by TID to “maintain TID’s Balancing Authority tie line schedules” with SMUD and the CAISO.

Objection:

The District objects to this Data Request on the grounds that the information is irrelevant and not reasonably necessary to any decision the Commission must make on this Application. In addition, the District objects to this Data Request because the requested information is not reasonably available and burdensome to produce.

Data Request 28

If the A2PP project is not built, how will TID “maintain TID’s Balancing Authority tie line schedules” with SMUD and the CAISO?

Objection:

The District objects to this request on the grounds that the information is irrelevant and not reasonably necessary to any decision the Commission must make on this Application.

Data Request 29

Please explain in detail how A2PP would be used to “maintain TID’s Balancing Authority tie line schedules” with SMUD and the CAISO, including a quantitative measure of how many Mw and/or Mw/minute of A2PP output would be available for this purpose.

Objection:

The District objects to this Data Request on the grounds that the information is irrelevant and not reasonably necessary to any decision the Commission must make on this Application. In addition, the District objects to this Data Request because the requested information is not reasonably available and burdensome to produce.

Data Request 30

Please reconcile this difference, indicating where the environmental impacts of the Grayson-Taylor (sic) line (if it is going to be built) are being analyzed.

Objection:

The District objects to this Data Request on the grounds that the Data Request is vague, irrelevant and not reasonably necessary to any decision the Commission must make on this Application. While it is difficult to ascertain with certainty given the ambiguity, this Data Request apparently seeks information about transmission facilities that are not part of this Project, and thus the requested information is irrelevant and not reasonably necessary to a decision on this Application.

Data Request 31

Please explain how, if the DEIR is correct, it will be possible to deliver 174 Mw from A2PP if the Grayson-Hughson line is out of service, given the 115/69 kV transformer rating of 167 MVA.

Objection:

The District objects to this Data Request on the grounds that the information is irrelevant and not reasonably necessary to any decision the Commission must make on this Application. The Hughson-Grayson Transmission line is not part of the Application.

Data Request 32

Please provide the source of the information which led CH2MHill (the author of AFC Figure 3.1-3B) to believe a Grayson-Taylor (sic) 115 kV line is planned.

Objection:

The District objects to this Data Request on the grounds that the information is irrelevant and not reasonably necessary to any decision the Commission must make on this Application. The

Hughson-Grayson Transmission line is not part of the Application.

Data Request 33

Please provide the planned rating of the planned Grayson-Westport and Grayson-Gilstrap 69 kV lines (no rating appears to be given for these lines in the DEIR).

Objection:

The District objects to this Data Request on the grounds that the information is irrelevant and not reasonably necessary to any decision the Commission must make on this Application. The Hughson-Grayson Transmission line is not part of the Application.

Data Request 34

Please provide documentation that an outage of the Grayson-Hughson 115 kV line would not lead to an overload of the Grayson-Westport and/or Grayson-Gilstrap 69 kV lines if the Almond powerplants were both operating at full power, due to generation from both A2PP (via the proposed Almond-Grayson double-circuit 115 kV lines) and Almond 1 (via the proposed Almond-Grayson 69 kV line) having to exist the Grayson substation over those lines.

Objection:

The District objects to this Data Request on the grounds that the information is irrelevant and not reasonably necessary to any decision the Commission must make on this Application. The Hughson-Grayson Transmission line is not part of the Application.

Data Request 35

Please provide the rating of the proposed Grayson-Hughson 115 kV line.

Objection:

The District objects to this Data Request on the grounds that the information is irrelevant and not reasonably necessary to any decision the Commission must make on this Application. The Hughson-Grayson Transmission line is not part of the Application.

Data Request 36

Please indicate whether the proposed Grayson-Hughson 115 kV line would be able to deliver the full output of the A2PP powerplant during an outage of the proposed Grayson 115/69 kV transformer.

Objection:

The District objects to this Data Request on the grounds that the information is irrelevant and not reasonably necessary to any decision the Commission must make on this Application. The Hughson-Grayson Transmission line is not part of the Application.

Data Request 37

Please provide any powerflow or other existing studies which form the basis for your responses to the preceding subparts of this question.

Objection:

The District objects to this Data Request on the grounds that the information is irrelevant and not reasonably necessary to any decision the Commission must make on this Application. The Hughson-Grayson Transmission line is not part of the Application.

Data Request 38

Please confirm that, even if the A2PP AFC is denied, TID intends to proceed with construction of the Grayson substation and the associated 69 and 115 kV transmission lines as described in the August 2009 DEIR.

Objection:

The District objects to this Data Request on the grounds that the information is irrelevant and not reasonably necessary to any decision the Commission must make on this Application. The Hughson-Grayson Transmission line and Grayson substation are not part of the Application.

Data Request 39

Please provide the underlying studies which indicate a need for the Grayson substation for reasons unrelated to the proposed A2PP powerplant.

Objection:

The District objects to this Data Request on the grounds that the information is irrelevant and not reasonably necessary to any decision the Commission must make on this Application. The Hughson-Grayson Transmission line and Grayson substation are not part of the Application.

Data Request 40

Please indicate the maximum Mw of load proposed to be served in the first year after construction completion (via 12 kV feeders) from the Grayson substation, and indicate how this load will be served prior to operation of the Grayson substation.

Objection:

The District objects to this Data Request on the grounds that the information is irrelevant and not reasonably necessary to any decision the Commission must make on this Application. The Hughson-Grayson Transmission line and Grayson substation are not part of the Application.

Data Request 41

Please indicate the maximum loading (in both percentage and MVA) expected on the TID 69 kV system west of Highway 99 prior to and after operation of the Grayson substation.

Objection:

The District objects to this Data Request on the grounds that the information is irrelevant and not reasonably necessary to any decision the Commission must make on this Application. The Hughson-Grayson Transmission line and Grayson substation are not part of the Application.

Data Request 42

Assuming no A2PP project in service, what would the maximum expected loadings be on each of the following Grayson substation components, in MVA and as a percentage of rated capacity (normal or emergency rating, as appropriate):

- a. 115 kV Grayson-Hughson line under N-0 conditions.*
- b. 115 kV Grayson-Hughson line with the Grayson 115/69 kV transformer out of service.*
- c. Grayson 115/69 kV transformer under N-0 conditions.*
- d. Grayson 115/69 kV transformer with the Grayson-Hughson 115 kV line out of service.*
- e. Grayson-Westport 69 kV line under N-0 conditions.*
- f. Grayson-Westport 69 kV line under N-1 conditions.*
- g. Grayson-Gilstrap 69 kV line under N-0 conditions.*
- h. Grayson-Gilstrap 69 kV line under N-1 conditions.*
- i. Please provide any powerflow or other studies which form the basis for your responses to the preceding subparts of this question.*
- j. If TID asserts that there are no data or studies available of the TID system with the Grayson substation in service but A2PP not operating, please explain:
 - i. how TID can evaluate the Hughson Grayson Project or the A2PP project independently if they have never been studied or analyzed in the absence of the other project.*
 - ii. How TID can be sure that the Grayson substation and interconnected lines will not be subject to overloads in the future, even if A2PP is built, if outages occur at a time when the A2PP generator is not running.**
- k. Are there any transmission contingencies on the TID system for which the proposed solution is to turn on the A2PP generator (if the contingency occurs while A2PP is offline), or to turn off the A2PP generator (if the contingency occurs while A2PP is operating)? If so, please identify them.*

Objection:

The District objects to this Data Request on the grounds that the information is irrelevant and not reasonably necessary to any decision the Commission must make on this Application. The Hughson-Grayson Transmission line and Grayson substation are not part of the Application.

Data Request 63

Please conduct additional soil sampling to include the appropriate number of samples, appropriately spaced and at appropriate depths, consistent with DTSC guidance and with CEC recommendations. Sampling should also be conducted at the area of the retention pond at the existing power plant.

Objection:

The District objects to this Data Request on the grounds that it is burdensome, irrelevant and not reasonably necessary for any decision the Commission must make on this Application.

Data Request 64

Please evaluate the need to collect samples below the depth of the imported fill (e.g. 6.5 feet bgs) to ensure that native soil material is not contaminated with pesticides.

Objection:

The District objects to this Data Request on the grounds that it is burdensome, irrelevant and not reasonably necessary for any decision the Commission must make on this Application.

Data Request 65

Please conduct a Phase II site investigation along the pipeline and electric transmission routes to include sampling for pesticides. Please ensure soil sampling is consistent with DTSC guidance.

Objection:

The District objects to this Data Request on the grounds that it is burdensome, irrelevant and not reasonably necessary for any decision the Commission must make on this Application.

Data Request 66

Please conduct soil sampling in the proposed laydown area to include the appropriate locations and number of samples consistent with DTSC guidance.

Objection:

The District objects to this Data Request on the grounds that it is burdensome and is irrelevant and not reasonably necessary for any decision the Commission must make on this Application.

Data Request 67

Please conduct soil sampling in the proposed construction area that is located on the existing Almond Power Plant. This area is depicted and labeled “Proposed Expansion of Existing Building” in Figure 2.1-1 of the AFC.

Objection:

The District objects to this Data Request on the grounds that it is burdensome and is irrelevant and not reasonably necessary for any decision the Commission must make on this Application.

Data Request 78

Please discuss the potential cumulative noise impacts from the Hughson Grayson project and the A2PP.

Objection:

The District objects to this Data Request on the grounds that it is burdensome and is irrelevant and not reasonably necessary for any decision the Commission must make on this Application.. The Hughson-Grayson project is not part of this Application and the Data Request is therefore irrelevant and not reasonably necessary for any decision the Commission must make on this application.

Data Request 88

Please explain how Intersection #1 (Crows Landing Road/Service Road in both peak hours), Intersection #2 (Crows Landing Road/Hackett Road in the AM peak hour), and Intersection #3 (Crows Landing Road/Whitmore Avenue in the AM peak hour) will operate with less delay with project construction traffic added than they do with only existing traffic volumes.

Objection:

The Data Request is argumentative and suggests an answer to the question. The District objects to this Data Request because this request does not seek *information*, contrary to the requirements of Section 1716 of the Commission’s regulations, and, rather than seeking relevant information that is reasonably available to the District or reasonably necessary to make a decision in this proceeding, this Data Request instead seeks to argue with the District’s relevant information and to argue the relative weight that should be accorded to existing, publicly available information. In addition, there will be no potentially significant impact because traffic related to A2PP will be outside of peak hours. Accordingly, the District objects because the Data Request is irrelevant and not reasonably necessary to any decision by the Commission on this application.

Data Request 89

Please explain why the three second increase in delay in the PM peak hour at the Crows Landing Road/Northbound SR 99 Ramps caused by the addition of construction traffic from the A2PP does not constitute a significant project traffic impact.

Objection:

The Data Request is argumentative and suggests an answer to the question. The District objects to this Data Request because this request does not seek *information*, contrary to the requirements of Section 1716 of the Commission’s regulations, and, rather than seeking relevant information that is reasonably available to the District or reasonably necessary to make a decision in this proceeding, this Data Request instead seeks to argue with the District’s relevant information and to argue the relative weight that should be accorded to existing, publicly available information. In addition, there will be no potentially significant impact because traffic related to A2PP will be outside of peak hours. Accordingly, the District objects because the Data Request is irrelevant and not reasonably necessary to any decision by the Commission on this application.

Data Request 90

Please develop measures to mitigate the significant traffic impact in the PM peak hour caused by A2PP construction traffic at the stop-controlled intersection of Crows Landing Road/Northbound SR 99 Ramps.

Objection:

The Data Request is argumentative and suggests an answer to the question. The District objects to this Data Request because this request does not seek *information*, contrary to the requirements of Section 1716 of the Commission’s regulations, and, rather than seeking relevant information that is reasonably available to the District or reasonably necessary to make a decision in this proceeding, this Data Request instead seeks to argue with the District’s relevant information and to argue the relative weight that should be accorded to existing, publicly available information. In addition, there will be no potentially significant impact because traffic related to A2PP will be outside of peak hours. Accordingly, the District objects because the Data Request is irrelevant and not reasonably necessary to any decision by the Commission on this application.

Data Request 91

Is the A2PP willing to pay its fair share of improvements (such as traffic signal installation) at the stop-controlled intersection of Crows Landing Road/Northbound SR 99 Ramps?

Objection:

The Data Request is argumentative and suggests an answer to the question. The District objects to this Data Request because this request does not seek *information*, contrary to the requirements of Section 1716 of the Commission’s regulations, and, rather than seeking relevant information that is reasonably available to the District or reasonably necessary to make a decision in this proceeding, this Data Request instead seeks to argue with the District’s relevant information and to argue the relative weight that should be accorded to existing, publicly available information. In addition, there will be no potentially significant impact because traffic related to A2PP will be

outside of peak hours. Accordingly, the District objects because the Data Request is irrelevant and not reasonably necessary to any decision by the Commission on this application.

Data Request 92

Please provide a figure or a listing showing the left turn, through, and right turn lanes on each approach at each of the study intersections for future conditions in the first quarter of Year 2011 (month 6 of construction).

Objection:

The District objects to this Data Request on the grounds that it is burdensome and is irrelevant and not reasonably necessary for any decision the Commission must make on this Application.

Data Request 93

Please provide a figure or a listing showing left turn, through, and right turn volumes on each approach at each of the study intersections in the AM and PM peak hours for the 30 approved project applications in the City of Ceres.

Objection:

A2PP workers will travel outside of peak construction times. The District objects to this Data Request on the grounds that it is burdensome, irrelevant, and is not reasonably necessary for any decision the Commission must make on this Application.

Data Request 94

Please provide a figure or a listing showing left turn, through, and right turn volumes on each approach at each of the study intersections in the AM and PM peak hours for construction traffic in Year 2011 for the Hughson-Grayson 115-kV Transmission Line and Substation Project.

Objection:

The District objects to this Data Request on the grounds that it is irrelevant and not reasonably necessary for any decision the Commission must make on this Application. The Hughson-Grayson Transmission line is not part of the Application.

Data Request 95

Please provide a figure or a listing showing left turn, through, and right turn volumes on each approach at each of the study intersections in the AM and PM peak hours for existing conditions plus trips for the 30 approved project applications in the City of Ceres plus forecast construction trips in 2011 for the Hughson-Grayson Project.

Objection:

Workers will not travel during peak hours. The District objects to this Data Request on the grounds that it is irrelevant and not reasonably necessary for any decision the Commission must make on this Application.

Data Request 96

Please provide delay and LOS calculations for baseline cumulative traffic conditions for AM and PM peak hours in 2011 at all study intersections including existing traffic volumes, trips for the 30 approved projects in the City of Ceres, and construction trips for the Hughson-Grayson Project.

Objection:

Workers will not travel during peak hours. In addition, the Hughson-Grayson Transmission line is not part of the Application. The District objects to this Data Request on the grounds that it is irrelevant and not reasonably necessary for any decision the Commission must make on this Application.

Data Request 97

To properly determine intersection operating conditions in Year 2011 when peak construction activity for the A2PP will occur, please provide LOS and delay calculations for Year 2011 traffic conditions with construction traffic added for the A2PP.

Objection:

The District objects to this Data Request on the grounds that it calls for speculation and the information is not reasonably available to the District. The Data Request is also burdensome, irrelevant and not reasonably necessary for any decision the Commission must make on this Application.

Data Request 98

Please compare delay and LOS at the study intersections under cumulative baseline conditions in Year 2011 to those that will occur with construction traffic added from the A2PP.

Objection:

The District objects to this Data Request on the grounds that it is argumentative, burdensome, irrelevant and not reasonably necessary for any decision the Commission must make on this Application.

Data Request 99

Please develop measures to mitigate the significant traffic impact in the PM peak hour caused by A2PP construction traffic at the stop-controlled intersection of Crows Landing Road/Northbound SR 99 Ramps.

Objection:

The District objects to this Data Request on the grounds that it is argumentative, burdensome, irrelevant and not reasonably necessary for any decision the Commission must make on this Application.

Data Request 100

Is the A2PP willing to pay its fair share of improvements (such as traffic signal installation) at the stop-controlled intersection of Crows Landing Road/Northbound SR 99 Ramps?

Objection:

The District objects to this Data Request on the grounds that it is argumentative, burdensome, irrelevant and not reasonably necessary for any decision the Commission must make on this Application.

Data Request 101

Please describe what mitigation measures will be taken at other intersections if significant traffic impacts are found to reduce the impacts to a level that is less than significant.


Objection:

The District objects to this Data Request on the grounds that it is argumentative, burdensome, irrelevant and not reasonably necessary for any decision the Commission must make on this Application.

Dated: November 3, 2009

Respectfully submitted,

ELLISON, SCHNEIDER & HARRIS L.L.P.

By  _____

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Attorneys for Turlock Irrigation District

STATE OF CALIFORNIA


Energy Resources Conservation
and Development Commission

In the Matter of:)
) Docket No. 09-AFC-2
Application for Certification for the TID)
Almond 2 Power Plant)
)
)
_____)

PROOF OF SERVICE

I, Karen A. Mitchell, declare that on November 3, 2009 I served copies of the attached *Objections to Data Requests of California Unions for Reliable Energy, Set 1* by email and U.S. Mail to each party on the attached service list.

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



Karen A. Mitchell



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 TID ALMOND 2
POWER PLANT PROJECT**

Docket No. 09-AFC-2

**PROOF OF SERVICE
(Revised 9/3/09)**

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