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STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

In the Matter of:

Application for Certification for the Alamitos
Energy Center

Docket No. 13-AFC-01

**NOTICE OF OBJECTION TO
CALIFORNIA ENERGY COMMISSION STAFF'S
DATA REQUEST SET 2**

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July 15, 2014

STATE OF CALIFORNIA
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Energy Center

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**NOTICE OF OBJECTION TO CALIFORNIA ENERGY COMMISSION STAFF'S
DATA REQUEST SET 2**

Pursuant to Section 1716(f) of the California Energy Commission's ("Commission") regulations,¹ AES Southland Development, LLC (the "Applicant"), provides this notice of need for additional time and objection to certain data requests issued by Commission Staff on June 25, 2014. The Applicant will provide responses to Data Request 64 and portions of Data Request 65 within the time provided for in Section 1716(f).

The Applicant objects to Staff's Data Requests 65-66, as these requests are neither relevant nor reasonably necessary for a Commission decision in this proceeding.

I. SPECIFIC OBJECTIONS

Section 1716 of the Commission's regulations provides that 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."² The Applicant objects to the following data requests as not meeting the requirements of Section 1716.

A. DATA REQUEST 65.

Data Request 65 requests that the Applicant provide "a discussion and map of planned construction parking and laydown areas, their locations, uses, duration of use, alternative routes to and from these areas, and alternative routes through the entire site." The Applicant has provided a map of planned construction parking and laydown areas in the Application for Certification ("AFC") for the Alamos Energy Center project ("AEC" or "project"); (*see*, AFC Figure 2.1-1), and will provide the requested discussion regarding the planned construction parking and laydown areas. However, the Applicant objects to the portion of Data Request 65

¹ As set forth in Title 20 of the California Code of Regulations ("C.C.R.").

² 20 C.C.R. § 1716(b).

that asks for the provision of “alternative routes to and from [the construction parking and laydown areas]” and “alternative routes through the entire site.” The Staff’s Request does not explain the relevance of alternative routes. The routes proposed in the AFC do not pose significant impacts. Therefore, in the absence of a showing of significant impacts, a discussion of alternative routes is not required. (For example, see 14 C.C.R. § 15002(a)(3).)

B. DATA REQUEST 66.

Data Request 66 requests that the Applicant “identify potential alternative routes for any deliveries to the designated laydown area south of the AEC. . . which avoids the main AEC entrance on Studebaker Road and discuss their feasibility.” The Applicant objects to Data Request 66 on the same grounds that we object to the request for alternative routes in Data Request 65.


Oversized loads will be delivered to the site from 10pm to 4am, hours when there will be no construction occurring or classes in session at Rosie the Riveter School. Furthermore, the main entrance on Studebaker Road is already used for deliveries for the Alamos Generating Station. Deliveries for AEC will continue the existing practice developed for the Alamos Generating Station. There are no potentially significant impacts or LORS non-compliance issues that require consideration of alternative routes. Thus, the requested information is neither relevant nor reasonably necessary for a Commission decision in this proceeding.

Dated: July 15, 2014

Respectfully submitted,

ELLISON, SCHNEIDER & HARRIS L.L.P.

By


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