

**DOCKET**

**09-AFC-3**

DATE APR 02 2010

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STATE OF CALIFORNIA

Energy Resources Conservation  
and Development Commission

Application for Certification for the )  
MARIPOSA ENERGY PROJECT (MEP) )  
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Docket No. 09-AFC-3

**APPLICANT'S OBJECTIONS  
TO ROBERT SARVEY DATA REQUEST SET 2**

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STATE OF CALIFORNIA

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and Development Commission

Application for Certification for the Mariposa Energy )  
Project ) Docket No. 09-AFC-3  
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**APPLICANT'S OBJECTIONS  
TO ROBERT SARVEY DATA REQUEST SET 2**

Mariposa Energy LLC ("Applicant"), hereby files the following *Objections to Robert Sarvey Data Request Set 2* ("Set 2"). Set 2 was filed on March 15, 2010.

Section 1716(e) of the Commission's regulations (Cal. Code Regs., tit. 20 § 1716) provides: "All requests for information shall be submitted no later than 180 days from the date the commission determines an application is complete, unless the committee allows requests for information at a later time for good cause shown." (§ 1716(e).) The Commission determined the Mariposa Energy Project application to be complete on August 26, 2009. Therefore, the deadline for submitting requests for information was 180 days thereafter, or by February 22, 2010. Set 2 was filed after the expiration of the 180 day deadline for submitting requests for information. Mr. Sarvey has not filed a request with the Committee to submit requests for information after the deadline, nor has Mr. Sarvey made a showing of good cause for the delay in submitting Set 2. Moreover, the Committee Order granting Mr. Sarvey's Petition to Intervene expressly advised that there is a deadline for discovery: "The deadlines for conducting discovery and other matters shall not be extended by the granting of this Petition."

Therefore, and pursuant to § 1716(e), Applicant objects to Robert Sarvey's Data Request Set 2 on the grounds that these requests were submitted after the deadline set by § 1716(e).

Although Set 2 is an untimely request for information, Applicant will respond to those specific requests which are relevant and for which information is reasonably available. Without waiving Applicant's right to object to the untimely requests, the Applicant will respond to the requests in Set 2 except for five requests that are not relevant or for which information is not reasonably available: Requests 10, 11, 42, 44 and an un-numbered request between requests 13 and 14.

April 2, 2010

Respectfully submitted,

ELLISON, SCHNEIDER & HARRIS L.L.P.

By  \_\_\_\_\_

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**PROOF OF SERVICE**

I, Karen A. Mitchell, declare that on April 2, 2010, I served the attached *APPLICANT'S OBJECTIONS TO ROBERT SARVEY DATA REQUEST SET 2* 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**  
**09-AFC-3**

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