

Michael J. Carroll
Marc T. Campopiano
LATHAM & WATKINS LLP
650 Town Center Drive, Suite 2000
Costa Mesa, CA 92626
(714) 540-1235

DOCKET	
08-AFC-8	
DATE	<u>MAR 31 2011</u>
RECD.	<u>MAR 31 2011</u>

STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

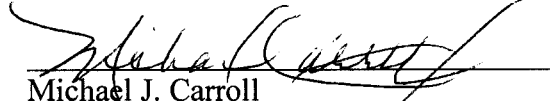
In the Matter of:)	Docket No. 08-AFC-8
)	
REVISED APPLICATION FOR)	OBJECTION TO DATA REQUEST FROM
CERTIFICATION FOR THE HYDROGEN)	THE ASSOCIATION OF IRRITATED
ENERGY CALIFORNIA POWER PLANT)	RESIDENTS
PROJECT BY HYDROGEN ENERGY)	
CALIFORNIA, LLC)	
)	

On March 11, 2011, the Association of Irrigated Residents (“AIR”) issued a data request to the Applicant renewing AIR’s previous request that the Applicant re-do significant portions of the air quality modeling completed for the project using background data from the Arvin-Bear Mountain Boulevard air monitoring station instead of data from the Shafter-Walker Street Station. Applicant has previously explained why the Shafter-Walker Street Station was selected as having the most representative air quality data, and why the Arvin-Bear Mountain Boulevard Station was rejected as not representative. In fact, portions of Applicant’s previous response are contained in the most recent data request. Applicant stands by its previous explanation, and notes that both the CEC and U.S. EPA staff have agreed with the use of the Shafter-Walker Street Station data.

Therefore, pursuant to Title 20, California Code of Regulations, Section 1716(f), Applicant objects to AIR's March 11, 2011 data request. AIR requests information that would be onerous for Applicant to produce, and which would provide no commensurate benefit to the environmental review process.

DATED: March 31, 2011

Respectfully submitted,


Michael J. Carroll
LATHAM & WATKINS LLP
Counsel to Applicant

**STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

In the Matter of:)	Docket No. 08-AFC-08
)	
APPLICATION FOR CERTIFICATION, FOR THE HYDROGEN ENERGY CALIFORNIA PROJECT BY HYDROGEN ENERGY INTERNATIONAL, LLC)	PROOF OF SERVICE
)	(March 9, 2011)
)	
)	
)	

APPLICANT

Abe Udobot

Hydrogen Energy California LLC
1500 Hughes Way, Pod B/ 2nd Floor
Long Beach, CA 90810
aniekan.udobot@hydrogenenergy.com

Pete Kefalas

HSSE Manager
Hydrogen Energy California LLC
1500 Hughes Way, B-300
Long Beach, CA 90801
Pete.Kefalas@hydrogenenergy.com

Tiffany Rau

Rick Harrison

Hydrogen Energy International LLC
One World Trade Center, Suite 1600
Long Beach, CA 90831
tiffany.rau@hydrogenenergy.com
rick.harrison@hydrogenenergy.com

Asteghik Khajetoorians

Senior BP Legal Attorney
BP America, Inc.
6 Centerpointe Drive, LPR 6-550
La Palma, CA 90623
Asteghik.Khajetoorians@bp.com

HYDROGEN ENERGY CALIFORNIA PROJECT
CEC Docket No. 08-AFC-08

APPLICANT'S CONSULTANT

Dale Shileikis

Vice President
Energy Services Manager
Major Environmental Programs
URS Corporation
One Montgomery Street, Suite 900
San Francisco, CA 94104-4538
dale_shileikis@urscorp.com

INTERESTED AGENCIES

California ISO

e-recipient@caiso.com
e-mail preferred

Marni Weber

Department of Conservation
Office of Governmental and Environmental Relations
(Department of Oil, Gas & Geothermal Resources)
801 K Street MS 2402
Sacramento, CA 95814-3530
Marni.Weber@conservation.ca.gov

INTERVENORS

California Unions for Reliable Energy

Thomas A. Enslow

Marc D. Joseph

Adams Broadwell Joseph & Cardozo
520 Capitol Mall, Suite 350
Sacramento, CA 95814
tenslow@adamsbroadwell.com

Tom Frantz

Association of Irrigated Residents
30100 Orange Street
Shafter, CA 93263
tfrantz@bak.rr.com

Babak Naficy

Law Offices of Babak Naficy
Kern-Kaweah Chapter of the Sierra Club
1504 Marsh Street
San Luis Obispo, California 93401
babaknaficy@sbcglobal.net

HYDROGEN ENERGY CALIFORNIA PROJECT
CEC Docket No. 08-AFC-08

Timothy O'Connor, Esq.
Environmental Defense Fund (EDF)
1107 Ninth St., Suite 540
Sacramento, CA 95814
toconnor@edf.org

George Peridas
Natural Resources Defense Council
111 Sutter Street, 20th Fl.
San Francisco, CA 94104
gperidas@nrdc.org

ENERGY COMMISSION

James D. Boyd, Commissioner
Vice Chairman and Presiding Member
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, CA 95814-5512
jboyd@energy.state.ca.us

Raoul Renaud
Hearing Officer
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
rrenaud@energy.state.ca.us

Alan Solomon
Project Manager
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
asolomon@energy.state.ca.us

Lisa De Carlo
Staff Counsel
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
ldecarlo@energy.state.ca.us

Jennifer Jennings
Public Adviser's Office
CALIFORNIA ENERGY COMMISSION
E-mail preferred
Publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Paul Kihm, declare that on March 31, 2011, I served and filed copies of the attached:

OBJECTION TO DATA REQUEST FROM THE ASSOCIATION OF IRRITATED RESIDENTS

to all parties identified on the Proof of Service List above in the following manner:

California Energy Commission Docket Unit

- Transmission via electronic mail and by depositing one copy with FedEx overnight mail delivery service at Costa Mesa, California, with delivery fees thereon fully prepaid and addressed to the following:

CALIFORNIA ENERGY COMMISSION

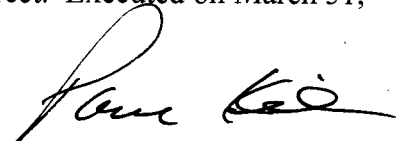
Attn: DOCKET NO. 08-AFC-08
1516 Ninth Street, MS-4
Sacramento, California 95814-5512
docket@energy.state.ca.us

For Service to All Other Parties

- Transmission via electronic mail to all email addresses on the Proof of Service list; and
- by depositing one paper copy with the United States Postal Service via first-class mail at Costa Mesa, California, with postage fees thereon fully prepaid and addressed as provided on the Proof of Service list to those addresses **NOT** marked "email preferred."

I further declare that transmission via electronic mail and U.S. Mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 31, 2011, at Costa Mesa, California.



Paul Kihm

LATHAM & WATKINS LLP

650 Town Center Drive, 20th Floor
Costa Mesa, California 92626-1925
Tel: +1.714.540.1235 Fax: +1.714.755.8290
www.lw.com

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March 31, 2011

VIA FEDEX

File No. 045049-0001

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 08-AFC-08
1516 Ninth Street, MS-4
Sacramento, California 95814-5512

Re: Hydrogen Energy California Project: Docket No. 08-AFC-08

Dear Sir/Madam:

Pursuant to California Code of Regulations, Title 20, Sections 1209, 1209.5, and 1210, enclosed herewith for filing please find a copy of Applicant's Objection to Data Request from the Association of Irrigated Residents.

Please note that the enclosed submittal was filed today via electronic mail to your attention and served on all parties to the above-referenced project.

Very truly yours,



Paul E. Kihm
Senior Paralegal

Enclosure

cc: 08-AFC-08 Proof of Service List (w/encl., via e-mail and U.S. Mail)
Michael J. Carroll, Esq. (w/encl.)
Marc T. Campopiano, Esq. (w/encl.)