

# Memorandum

Date: October 15, 2012

Telephone: (916) 651-0966

California Energy Commission

**DOCKETED****11-AFC-3**

TN # 67715

OCT. 15 2012

To: Commissioner Karen Douglas, Presiding Member  
Commissioner Andrew McAllister, Associate Member

From: California Energy Commission -  
1516 Ninth Street  
Sacramento, CA 95814-5512

Eric Solorio  
Siting Project Manager



Subject: **QUAIL BRUSH GENERATION PROJECT (11-AFC-3), STAFF'S STATUS REPORT #6**

Per the Committee's Revised Scheduling Order dated October 2, 2012, staff hereby submits its Status Report #6 regarding the proposed Quail Brush Generation Project (QBGP).

### Ongoing Discovery

Staff is continuing to review the Application for Certification (AFC) and subsequent filings, including Supplement 3 to the AFC. Staff is also continuing to conduct discovery to further its analysis of the proposed QBGP. Since staff filed its last status report on August 15, 2012, staff has issued additional data requests, held one workshop and will hold an additional workshop on Friday, October 19, 2012.

The applicant has continued to file responses to staff's data requests. The applicant is expected to file additional data responses during the next 30-days. The applicant has advised staff that the applicant will likely file, by October 31, 2012, a proposed mitigation package related to air quality, an updated Biological Survey Report; and information regarding fire protection needs.

### City of San Diego's Recent Action

On September 24, 2012, San Diego's City Council denied the applicant's request for the city to accept and review the QBGP's application to amend the East Elliot Community Plan. The result of that action is the community plan designation and zoning for the project site will be inconsistent with the proposed power plant unless the city were to change its position and consider the plan amendment.

Inconsistency with the community plan and zoning means the Energy Commission could approve the proposed QBGP only if it made the findings to override the inconsistency as described in the Committee's October 2 order.

Staff continues to coordinate its review of the AFC with the City of San Diego's staff. This coordination is intended to ensure that all aspects of the proposed project are evaluated by Energy Commission staff for compliance with laws, ordinances, regulations and standards (LORS), and to obtain any analysis, comments, and

recommendations the City may have regarding the QBGP (Cal. Code Regs., tit. 20, §§ 1714, subd. (c), and 1744).

### **Future Staff Workshops**

Staff is planning to hold its next workshop on Friday, October 19<sup>th</sup>, 2012, in the city of El Cajon which is adjacent to the city of Santee. The workshop will include discussions on biological resources, fire protection, noise, soil & water resources, and visual resources. Staff expects the discussions on each topic will focus on potential impacts and proposed mitigation measures. Staff will hold additional workshops, as necessary.

### **Schedule**

Staff has no objections to the Committee's Revised Schedule. As staff gathers more information from other agencies, staff will inform the Committee of tentative dates for the review and possible permitting by those respective agencies<sup>1</sup>. At this time, staff doesn't expect the timing of the review by other agencies to affect the Committee's revised schedule.

Cc: Proof of Service list

---

<sup>1</sup> US Fish and Wildlife Service will consult with US EPA under Section 7 of the federal Endangered Species Act as part of USEPA's decision whether to issue a PSD permit. SDAPCD will issue PDOC and FDOC (dates could change with recent submission of updated modeling).



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  
QUAIL BRUSH GENERATION PROJECT**

DOCKET NO. 11-AFC-03  
PROOF OF SERVICE  
(Revised 10/08/2012)

**APPLICANT**

Cogentrix Energy, LLC  
C. Richard "Rick" Neff, Vice President  
Environmental, Health & Safety  
9405 Arrowpoint Boulevard  
Charlotte, NC 28273  
[rickneff@kogentrix.com](mailto:rickneff@kogentrix.com)

Cogentrix Energy, LLC  
John Collins, VP Development  
Lori Ziebart, Project Manager  
Quail Brush Generation Project  
9405 Arrowpoint Blvd.  
Charlotte, NC 28273  
[johncollins@kogentrix.com](mailto:johncollins@kogentrix.com)  
[loriziebart@kogentrix.com](mailto:loriziebart@kogentrix.com)

**APPLICANT'S CONSULTANTS**

Tetra Tech EC, Inc.  
Connie Farmer  
Sr. Environmental Project Manager  
143 Union Boulevard, Suite 1010  
Lakewood, CO 80228  
[connie.farmer@tetrattech.com](mailto:connie.farmer@tetrattech.com)

Tetra Tech EC, Inc.  
Barry McDonald  
VP Solar Energy Development  
17885 Von Karmen Avenue, Ste. 500  
Irvine, CA 92614-6213  
[barry.mcdonald@tetrattech.com](mailto:barry.mcdonald@tetrattech.com)

Tetra Tech EC, Inc.  
Sarah McCall  
Sr. Environmental Planner  
143 Union Boulevard, Suite 1010  
Lakewood, CO 80228  
[sarah.mccall@tetrattech.com](mailto:sarah.mccall@tetrattech.com)

**COUNSEL FOR APPLICANT**

Bingham McCutchen LLP  
Ella Foley Gannon  
Camarin Madigan  
Three Embarcadero Center  
San Francisco, CA 94111-4067  
[ella.gannon@bingham.com](mailto:ella.gannon@bingham.com)  
[camarin.madigan@bingham.com](mailto:camarin.madigan@bingham.com)

**INTERVENORS**

Roslind Varghese  
9360 Leticia Drive  
Santee, CA 92071  
[roslindv@gmail.com](mailto:roslindv@gmail.com)

Rudy Reyes  
8527 Graves Avenue, #120  
Santee, CA 92071  
[rreyes2777@hotmail.com](mailto:rreyes2777@hotmail.com)

Dorian S. Houser  
7951 Shantung Drive  
Santee, CA 92071  
[dhouser@cox.net](mailto:dhouser@cox.net)

Kevin Brewster  
8502 Mesa Heights Road  
Santee, CA 92071  
[lzpup@yahoo.com](mailto:lzpup@yahoo.com)

Phillip M. Connor  
Sunset Greens Home Owners  
Association  
8752 Wahl Street  
Santee, CA 92071  
[connorphil48@yahoo.com](mailto:connorphil48@yahoo.com)

HomeFed Fanita Rancho, LLC  
Jeffrey A. Chine  
Heather S. Riley  
Allen Matkins Leck Gamble  
Mallory & Natsis LLP  
501 West Broadway, 15<sup>th</sup> Floor  
San Diego, CA 92101  
[jchine@allenmatkins.com](mailto:jchine@allenmatkins.com)  
[hriley@allenmatkins.com](mailto:hriley@allenmatkins.com)  
[jkaup@allenmatkins.com](mailto:jkaup@allenmatkins.com)

Preserve Wild Santee  
Van Collinsworth  
9222 Lake Canyon Road  
Santee, CA 92071  
[savefanita@cox.net](mailto:savefanita@cox.net)

Center for Biological Diversity  
John Buse  
Aruna Prabhala  
351 California Street, Suite 600  
San Francisco, CA 94104  
[jbuse@biologicaldiversity.org](mailto:jbuse@biologicaldiversity.org)  
[aprabhala@biologicaldiversity.org](mailto:aprabhala@biologicaldiversity.org)

**INTERESTED AGENCIES**

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

City of Santee  
Department of Development Services  
Melanie Kush  
Director of Planning  
10601 Magnolia Avenue, Bldg. 4  
Santee, CA 92071  
[mkush@ci.santee.ca.us](mailto:mkush@ci.santee.ca.us)

Morris E. Dye  
Development Services Dept.  
City of San Diego  
1222 First Avenue, MS 501  
San Diego, CA 92101  
[mdye@sandiego.gov](mailto:mdye@sandiego.gov)



**INTERESTED AGENCIES (cont.)**

Mindy Fogg  
Land Use Environmental Planner  
Advance Planning  
County of San Diego  
Department of Planning & Land Use  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123  
[mindy.fogg@sdcounty.ca.gov](mailto:mindy.fogg@sdcounty.ca.gov)

**ENERGY COMMISSION –  
DECISIONMAKERS**

KAREN DOUGLAS  
Commissioner and  
Presiding Member  
[karen.douglas@energy.ca.gov](mailto:karen.douglas@energy.ca.gov)

ANDREW McALLISTER  
Commissioner and  
Associate Member  
[andrew.mcallister@energy.ca.gov](mailto:andrew.mcallister@energy.ca.gov)

Raoul Renaud  
Hearing Adviser  
[raoul.renaud@energy.ca.gov](mailto:raoul.renaud@energy.ca.gov)

Eileen Allen  
Commissioners' Technical  
Adviser for Facility Siting  
[eileen.allen@energy.ca.gov](mailto:eileen.allen@energy.ca.gov)

Galen Lemei  
Advisor to Commissioner Douglas  
[galen.lemei@energy.ca.gov](mailto:galen.lemei@energy.ca.gov)

Jennifer Nelson  
Advisor to Commissioner Douglas  
[jennifer.nelson@energy.ca.gov](mailto:jennifer.nelson@energy.ca.gov)

David Hungerford  
Advisor to Commissioner McAllister  
[david.hungerford@energy.ca.gov](mailto:david.hungerford@energy.ca.gov)

\*Pat Saxton  
Advisor to Commissioner McAllister  
[patrick.saxton@energy.ca.gov](mailto:patrick.saxton@energy.ca.gov)

**ENERGY COMMISSION STAFF**

Eric Solorio  
Project Manager  
[eric.solorio@energy.ca.gov](mailto:eric.solorio@energy.ca.gov)

Stephen Adams  
Staff Counsel  
[stephen.adams@energy.ca.gov](mailto:stephen.adams@energy.ca.gov)

**ENERGY COMMISSION –  
PUBLIC ADVISER**

Jennifer Jennings  
Public Adviser's Office  
[publicadviser@energy.ca.gov](mailto:publicadviser@energy.ca.gov)

DECLARATION OF SERVICE

I, Diane L. Scott, declare that on October 15, 2012, I served and filed copies of the attached **QUAIL BRUSH GENERATION PROJECT (11-AFC-3), STAFF'S STATUS REPORT #6**, dated October 15, 2012. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at: <http://www.energy.ca.gov/sitingcases/quailbrush/index.html>.

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit or Chief Counsel, as appropriate, in the following manner:

*(Check all that Apply)*

For service to all other parties:

- Served electronically to all e-mail addresses on the Proof of Service list;
- Served by delivering on this date, either personally, or for mailing with the U.S. Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses marked **"hard copy required"** or where no e-mail address is provided.

**AND**

For filing with the Docket Unit at the Energy Commission:

- by sending an electronic copy to the e-mail address below (preferred method); **OR**
- by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT  
Attn: Docket No. 11-AFC-03  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.ca.gov](mailto:docket@energy.ca.gov)

**OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:**

- Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission  
Michael J. Levy, Chief Counsel  
1516 Ninth Street MS-14  
Sacramento, CA 95814  
[michael.levy@energy.ca.gov](mailto:michael.levy@energy.ca.gov)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

**Originally Signed By:**

Diane L. Scott  
Siting, Transmission and Environmental Protection Division