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November 2, 2012

Eric Solorio, Project Manager
California Energy Commission
Siting, Transmission and Environmental
Protection Division
1516 9th Street, MS-15
Sacramento, CA 95814



**Re: Quail Brush Generation Project (11-AFC-03), Staff's Data Request Nos. FR 1
- FR 6 to Intervenor HomeFed Fanita Rancho, LLC**

Dear Eric:

I am replying to your enclosed email. We calendared HomeFed's response date as November 21. Please let me know if that is not correct. If we are able to send the response earlier, we will endeavor to do so. If we need more time to respond we will request it by November 12.

You left me a voice message asking whether HomeFed intends to abandon the development of Fanita Ranch in light of a ruling in the CEQA litigation. The short answer is that HomeFed intends to develop the Fanita Ranch project. CEQA litigation is an ordinary part of the land development process for a master planned community. We are confident that any deficiencies in the CEQA analysis performed by the prior owner can be remedied.

Sincerely,


Valentine S. Hoy

Enclosure

cc: Proof of Service List
California Energy Commission – Docket Unit

Hoy, Val

From: Solorio, Eric@Energy [Eric.Solorio@energy.ca.gov]
Sent: Thursday, November 01, 2012 9:05 AM
To: Hoy, Val
Cc: Adams, Stephen@Energy; Kaup, John
Subject: FW: QBGP_Data Request

Importance: High

Val,
Can you please tell me if HomeFed plans to reply to our information requests below? And if so when? Thank you.

Respectfully,
Eric Solorio, *Project Manager*

California Energy Commission
Siting, Transmission and Environmental Protection Division
1516 9th Street, MS-15
Sacramento, CA 95814

(916) 651-0966

From: Solorio, Eric@Energy
Sent: Thursday, October 25, 2012 12:15 PM
To: Hoy, Val
Cc: Kaup, John; Adams, Stephen@Energy
Subject: RE: QBGP_Data Request

Thanks for your understanding, Val.

To avoid any confusion, staff's data requests to HomeFed were made to fill in data gaps regarding HomeFed's Fanita Ranch project, only. The scope of our data requests do not extend beyond the Fanita Ranch project. To the extent that we had previously requested information from the applicant, regarding HomeFed's proposed Fanita Ranch project then yes, HomeFed's response will "fill in some data gaps".

Also, its important to reiterate staff's concern with relying on the city of Santee's "decertified EIR" which you recommended we obtain the data from. Our strong preference is not to rely on that document but rather review the underlying technical reports and obtain the most current data from the project owner then decide which data, if any, is reliable.

Regarding your questions below, HomeFed is the only intervener (so far) who has a proposed project that falls within staff's cumulative impacts analysis. It is this intervener status that subjects HomeFed to the "rights and responsibilities of a party". As you may know, we only issue data requests to parties. It follows that since there is no other party with a proposed project within our cumulative impacts area, we will not be issuing data requests to any additional parties to fill in any potential, remaining data gaps relevant to our cumulative impacts analysis.

Staff does plan to issue additional data requests to further the balance of our CEQA analysis and will be able to complete our discovery by October 31, 2012.

On that note, will you please advise us of HomeFed's intention to move forward with the proposed Fanita Ranch project, in light of the Appellate Court's decision on October 19, 2012? We would like to know if HomeFed is considering alternative project designs, other changes and or terminating the application with the city of Santee. Again, it is relevant to our cumulative impacts analysis and HomeFed is the best source for this information. If you are willing to provide a written response then please let me know when that will be forthcoming so staff can avoid having to issue another formal data request.

Feel free to call me with any questions if you would like to discuss. Thank you again for your understanding and cooperation.

Respectfully,
Eric Solorio, *Project Manager*

California Energy Commission
Siting, Transmission and Environmental Protection Division
1516 9th Street, MS-15
Sacramento, CA 95814

(916) 651-0966

From: Hoy, Val [<mailto:vhoy@allenmatkins.com>]
Sent: Thursday, October 25, 2012 11:22 AM
To: Solorio, Eric@Energy
Cc: Kaup, John; Adams, Stephen@Energy
Subject: RE: QBGP_Data Request

Dear Mr. Solorio:

Thank you for speaking with me yesterday on the telephone about staff's data requests recently served on HomeFed.. You assured me that staff's data requests were not intended to harass HomeFed as retribution for intervening, but are narrow follow up to earlier data requests directed to the applicant seeking the same information about all projects within a 6 mile radius. I believe your words were that the data requests to HomeFed were needed to fill in gaps left by the applicants responses. I will relay that information to HomeFed and we will work diligently to respond to the data requests as soon as we can.

As I mentioned to the Committee on October 15, we are preparing a motion to extend the discovery period. We would like to know whether staff plans to (1) send data requests to gather similar gap-filling information about other surrounding properties and (2) send any further data requests for any purpose? We appreciate any information you are willing to provide.

Thank you.

Val Hoy

Valentine S. Hoy
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Allen Matkins

From: Solorio, Eric@Energy [<mailto:Eric.Solorio@energy.ca.gov>]
Sent: Monday, October 22, 2012 2:34 PM
To: Hoy, Val
Cc: Kaup, John
Subject: QBGP_Data Request

Val,
Can you give me a call when you have time? I'd like to briefly discuss the data request we issued this afternoon. I'm generally available from 7:00a.m. - 3:30pm, M-F. Thanks.

Respectfully,
Eric Solorio, *Project Manager*

California Energy Commission
Siting, Transmission and Environmental Protection Division
1516 9th Street, MS-15
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**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 10/29/2012)**

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DECLARATION OF SERVICE

I, John T. Kaup, declare that on November 2, 2012, I served and filed copies of the attached Letter to Eric Solorio re Quail Brush Generation Project (11-AFC-03), Staff's Data Request Nos. FR 1 - FR 6 to Intervenor HomeFed Fanita Rancho, LLC, dated November 2, 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

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

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.

John T. Kaup

John T. Kaup