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Please respond to: Inland Empire Office

BLC File(s): 1725.01

7 December 2012

Docket Unit
California Energy Commission
1516 Ninth Street, MS 4
Sacramento, CA 95815



Re: Quail Brush Generation Project, Docket No. 11-AFC-03; Intervenor Sunset Greens Homeowners Association's Initial Response to Applicant Quail Brush Genco, LLC's Data Requests 1-18 (Set One).

Dear Docket Unit:

Enclosed is Intervenor Sunset Greens Homeowners Association's Initial Response to Applicant Quail Brush Genco, LLC's Data Requests 1-18 (Set One), provided pursuant to stipulation between Intervenor and Applicant filed on November 16, 2012.

Section 1716(d) of Title 20 of the California Code of Regulations provides that "any party may request from a party other than the applicant information which is reasonably available to the responding party and cannot otherwise be readily obtained, and which is relevant to the proceeding or reasonably necessary to make any decision on the notice of application. All such requests shall state the reasons for the request." As the enclosed Initial Response indicates, Intervenor objects to Data Requests 1-18 on the grounds that Applicant seeks information that is not reasonably available to Intervenor, that can otherwise be readily obtained by Applicant, that is irrelevant to the proceeding or not reasonably necessary to make any decision on the notice or application, that does not sufficiently state the reasons for the request or describe the data being sought, and/or that is premature insofar as Intervenor has not completed its investigation and studies. Without waiving these objections, Intevenor provides the enclosed response to Applicant's data requests.

Should you have any questions, please do not hesitate to give me a call.

Sincerely,

BRIGGS LAW CORPORATION

Cory J. Briggs



1 BRIGGS LAW CORPORATION [FILE: 1725.01]
2 Cory J. Briggs (State Bar no. 176284)
3 Isabel E. O'Donnell (State Bar no. 268132)
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7
8 Attorneys for Intervenor Sunset Greens Homeowners Association

9
10 STATE OF CALIFORNIA

11 State Energy Resources

12 Conservation and Development Commission

13 In the Matter of) DOCKET NO. 11-AFC-03
14 QUAIL BRUSH GENERATION PROJECT)
15) INTERVENOR SUNSET GREENS
16) HOMEOWNERS ASSOCIATION'S
17) INITIAL RESPONSE TO APPLICANT
18) QUAIL BRUSH GENCO, LLC'S DATA
19) REQUESTS 1-18 (SET ONE)

20 Intervenor Sunset Greens Homeowners Association responds to Applicant Quail Brush Genco,
21 LLC's Data Requests 1-18 as follows:

22 1. Objection: Applicant seeks information that is not reasonably available to Intervenor,
23 that can otherwise be readily obtained by Applicant, that is irrelevant to the proceeding or not
24 reasonably necessary to make any decision on the notice or application, that does not sufficiently state
25 the reasons for the request or describe the data being sought, and/or that is premature insofar as
26 Intervenor has not completed its investigation and studies. Without waiving these objections: This data
request assumes that Applicant's studies are accurate, which Intervenor has not yet determined to be
true. The request for additional "detail" is therefore based on a not-yet-proven premise and would
therefore call for speculation.

27 2. Objection: Applicant seeks information that is not reasonably available to Intervenor,
28 that can otherwise be readily obtained by Applicant, that is irrelevant to the proceeding or not

1 reasonably necessary to make any decision on the notice or application, that does not sufficiently state
2 the reasons for the request or describe the data being sought, and/or that is premature insofar as
3 Intervenor has not completed its investigation and studies. Without waiving these objections: No
4 response to this request is required in light of Intervenor's response to request 1.

5 3. Objection: Applicant seeks information that is not reasonably available to Intervenor,
6 that can otherwise be readily obtained by Applicant, that is irrelevant to the proceeding or not
7 reasonably necessary to make any decision on the notice or application, that does not sufficiently state
8 the reasons for the request or describe the data being sought, and/or that is premature insofar as
9 Intervenor has not completed its investigation and studies. Without waiving these objections: No
10 response to this request is required in light of Intervenor's response to request 1.

11 4. Objection: Applicant seeks information that is not reasonably available to Intervenor,
12 that can otherwise be readily obtained by Applicant, that is irrelevant to the proceeding or not
13 reasonably necessary to make any decision on the notice or application, that does not sufficiently state
14 the reasons for the request or describe the data being sought, and/or that is premature insofar as
15 Intervenor has not completed its investigation and studies. Without waiving these objections: No
16 response to this request is required in light of Intervenor's response to request 1.

17 5. Objection: Applicant seeks information that is not reasonably available to Intervenor,
18 that can otherwise be readily obtained by Applicant, that is irrelevant to the proceeding or not
19 reasonably necessary to make any decision on the notice or application, that does not sufficiently state
20 the reasons for the request or describe the data being sought, and/or that is premature insofar as
21 Intervenor has not completed its investigation and studies.

22 6. Objection: Applicant seeks information that is not reasonably available to Intervenor,
23 that can otherwise be readily obtained by Applicant, that is irrelevant to the proceeding or not
24 reasonably necessary to make any decision on the notice or application, that does not sufficiently state
25 the reasons for the request or describe the data being sought, and/or that is premature insofar as
26 Intervenor has not completed its investigation and studies.

27 7. Objection: Applicant seeks information that is not reasonably available to Intervenor,
28 that can otherwise be readily obtained by Applicant, that is irrelevant to the proceeding or not

1 reasonably necessary to make any decision on the notice or application, that does not sufficiently state
2 the reasons for the request or describe the data being sought, and/or that is premature insofar as
3 Intervenor has not completed its investigation and studies.

4 8. Objection: Applicant seeks information that is not reasonably available to Intervenor,
5 that can otherwise be readily obtained by Applicant, that is irrelevant to the proceeding or not
6 reasonably necessary to make any decision on the notice or application, that does not sufficiently state
7 the reasons for the request or describe the data being sought, and/or that is premature insofar as
8 Intervenor has not completed its investigation and studies. Without waiving these objections:
9 Intervenor is relying on information generally available from or produced in the course of proceedings
10 before the California Energy Commission and/or the California Public Utilities Commission and/or
11 otherwise presented publicly by Bill Powers, P.E., or others, all of which is equally and just as easily
12 available to Applicant. Requiring Intervenor to compile that information for Applicant would be unduly
13 burdensome.

14 9. Objection: Applicant seeks information that is not reasonably available to Intervenor,
15 that can otherwise be readily obtained by Applicant, that is irrelevant to the proceeding or not
16 reasonably necessary to make any decision on the notice or application, that does not sufficiently state
17 the reasons for the request or describe the data being sought, and/or that is premature insofar as
18 Intervenor has not completed its investigation and studies. Without waiving these objections:
19 Intervenor is relying on information generally available from or produced in the course of proceedings
20 before the California Energy Commission and/or the California Public Utilities Commission and/or
21 otherwise presented publicly by Bill Powers, P.E., or others, all of which is equally and just as easily
22 available to Applicant. Requiring Intervenor to compile that information for Applicant would be unduly
23 burdensome.

24 10. Objection: Applicant seeks information that is not reasonably available to Intervenor,
25 that can otherwise be readily obtained by Applicant, that is irrelevant to the proceeding or not
26 reasonably necessary to make any decision on the notice or application, that does not sufficiently state
27 the reasons for the request or describe the data being sought, and/or that is premature insofar as
28 Intervenor has not completed its investigation and studies. Without waiving these objections:

1 Intervenor is relying on information generally available from or produced in the course of proceedings
2 before the California Energy Commission and/or the California Public Utilities Commission and/or
3 otherwise presented publicly by Bill Powers, P.E., or others, all of which is equally and just as easily
4 available to Applicant. Requiring Intervenor to compile that information for Applicant would be unduly
5 burdensome.

6 11. Objection: Applicant seeks information that is not reasonably available to Intervenor,
7 that can otherwise be readily obtained by Applicant, that is irrelevant to the proceeding or not
8 reasonably necessary to make any decision on the notice or application, that does not sufficiently state
9 the reasons for the request or describe the data being sought, and/or that is premature insofar as
10 Intervenor has not completed its investigation and studies. Without waiving these objections: The
11 requested “detail” is readily available to anyone using one of a variety of publicly accessible sources,
12 including Google Earth and the City of San Diego, and to anyone who visits Intervenor’s property and
13 looks or drives around. Requiring Intervenor to compile that information for Applicant would be
14 unduly burdensome.

15 12. Objection: Applicant seeks information that is not reasonably available to Intervenor,
16 that can otherwise be readily obtained by Applicant, that is irrelevant to the proceeding or not
17 reasonably necessary to make any decision on the notice or application, that does not sufficiently state
18 the reasons for the request or describe the data being sought, and/or that is premature insofar as
19 Intervenor has not completed its investigation and studies. Without waiving these objections: The
20 requested “detail” is readily available to anyone using one of a variety of publicly accessible sources,
21 including Google Earth and the City of San Diego, and to anyone who visits Intervenor’s property and
22 looks or drives around. Requiring Intervenor to compile that information for Applicant would be
23 unduly burdensome.

24 13. Objection: Applicant seeks information that is not reasonably available to Intervenor,
25 that can otherwise be readily obtained by Applicant, that is irrelevant to the proceeding or not
26 reasonably necessary to make any decision on the notice or application, that does not sufficiently state
27 the reasons for the request or describe the data being sought, and/or that is premature insofar as
28 Intervenor has not completed its investigation and studies. Without waiving these objections: The

1 requested “detail” is readily available to anyone using one of a variety of publicly accessible sources,
2 including Google Earth and the City of San Diego, and to anyone who visits Intervenor’s property and
3 looks or drives around. Requiring Intervenor to compile that information for Applicant would be
4 unduly burdensome.

5 14. Objection: Applicant seeks information that is not reasonably available to Intervenor,
6 that can otherwise be readily obtained by Applicant, that is irrelevant to the proceeding or not
7 reasonably necessary to make any decision on the notice or application, that does not sufficiently state
8 the reasons for the request or describe the data being sought, and/or that is premature insofar as
9 Intervenor has not completed its investigation and studies. Without waiving these objections: The
10 requested “detail” is readily available to anyone using one of a variety of publicly accessible sources,
11 including Google Earth and the City of San Diego, and to anyone who visits Intervenor’s property and
12 looks or drives around. Requiring Intervenor to compile that information for Applicant would be
13 unduly burdensome.

14 15. Objection: Applicant seeks information that is not reasonably available to Intervenor,
15 that can otherwise be readily obtained by Applicant, that is irrelevant to the proceeding or not
16 reasonably necessary to make any decision on the notice or application, that does not sufficiently state
17 the reasons for the request or describe the data being sought, and/or that is premature insofar as
18 Intervenor has not completed its investigation and studies. Without waiving these objections:
19 Intervenor is relying on information generally available from or produced in the course of proceedings
20 before the City of San Diego or the City of Santee, all of which is equally and just as easily available
21 to Applicant. Requiring Intervenor to compile that information for Applicant would be unduly
22 burdensome.

23 16. Objection: Applicant seeks information that is not reasonably available to Intervenor,
24 that can otherwise be readily obtained by Applicant, that is irrelevant to the proceeding or not
25 reasonably necessary to make any decision on the notice or application, that does not sufficiently state
26 the reasons for the request or describe the data being sought, and/or that is premature insofar as
27 Intervenor has not completed its investigation and studies. Without waiving these objections:
28 Intervenor is relying on information generally available from or produced in the course of proceedings

1 before the City of San Diego or the City of Santee, all of which is equally and just as easily available
2 to Applicant. Requiring Intervenor to compile that information for Applicant would be unduly
3 burdensome.

4 17. Objection: Applicant seeks information that is not reasonably available to Intervenor,
5 that can otherwise be readily obtained by Applicant, that is irrelevant to the proceeding or not
6 reasonably necessary to make any decision on the notice or application, that does not sufficiently state
7 the reasons for the request or describe the data being sought, and/or that is premature insofar as
8 Intervenor has not completed its investigation and studies. Without waiving these objections:
9 Intervenor is relying on information generally available from or produced in the course of proceedings
10 before the City of San Diego or the City of Santee, all of which is equally and just as easily available
11 to Applicant. Requiring Intervenor to compile that information for Applicant would be unduly
12 burdensome.

13 18. Objection: Applicant seeks information that is not reasonably available to Intervenor,
14 that can otherwise be readily obtained by Applicant, that is irrelevant to the proceeding or not
15 reasonably necessary to make any decision on the notice or application, that does not sufficiently state
16 the reasons for the request or describe the data being sought, and/or that is premature insofar as
17 Intervenor has not completed its investigation and studies. Without waiving these objections:
18 Intervenor is relying on information generally available from or produced in the course of proceedings
19 before the City of San Diego or the City of Santee, all of which is equally and just as easily available
20 to Applicant. Requiring Intervenor to compile that information for Applicant would be unduly
21 burdensome.

Date: December 7, 2012.

Respectfully submitted,

BRIGGS LAW CORPORATION

By: Cory J. Briggs
Cory J. Briggs

Attnorneys for Intervenor Sunset Greens Homeowners Association



**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 11/19/2012)**

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DECLARATION OF SERVICE

I, Isabel O'Donnell, declare that on December 10, 2012 I served and filed copies of the attached Sunset Green's Initial Response to Applicant's Data Requests, dated December 7, 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.

Isabel O'Donnell