

California Energy Commission  
**DOCKETED**  
**11-AFC-3**  
TN # 69014  
JAN. 03 2013

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January 3, 2013

Siting Committee  
Raoul Renaud, Hearing Officer  
Eric Solorio, Project Manager  
California Energy Commission  
Docket No. 11-AFC-03  
1516 9th Street  
Sacramento, CA 95814

**Re: Cogentrix Quail Brush Generation Project - Docket Number 11-AFC-03,  
Response to Sierra Club, San Diego Chapter Intervenor Data Requests, 1  
through 5**

Docket Clerk:

Pursuant to the provisions of Title 20, California Code of Regulations, and on behalf of Quail Brush Genco, LLC, a wholly owned subsidiary of Carlyle Infrastructure Partners, L.P., Bingham McCutchen LLP hereby submits *Response to Sierra Club, San Diego Chapter Intervenor Data Requests, 1 through 5*. The Quail Brush Generation Project is a 100 megawatt natural gas fired electric generation peaking facility to be located in the City of San Diego, California.

If you have any questions regarding this submittal, please contact Rick Neff at (704) 525-3800 or me at (415) 393-2572.

Sincerely yours,



Ella Foley Gannon

cc: Lori Ziebart, Cogentrix  
John Collins, Cogentrix  
Rick Neff, Cogentrix  
Proof of Service List

- Beijing
- Boston
- Frankfurt
- Hartford
- Hong Kong
- London
- Los Angeles
- New York
- Orange County
- San Francisco
- Santa Monica
- Silicon Valley
- Tokyo
- Washington

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# Quail Brush Genco, LLC

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A Project Company of Cogentrix Power Holdings, LLC

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(704) 525-3800  
(704) 525-9934 – Fax

January 3, 2013

Siting Committee  
Raoul Renaud, Hearing Officer  
Eric Solorio, Project Manager  
California Energy Commission  
1516 Ninth Street, MS-15  
Sacramento, CA 95814

Re: **Quail Brush Generation Project (11-AFC-03)  
Response to Sierra Club, San Diego Chapter Intervenor Data Requests, 1  
through 5**

Dear Members of the Siting Committee, Hearing Officer Renaud, and Mr. Solorio:

Sierra Club, San Diego Chapter (Intervenor) Data Requests, 1 through 5, dated December 14, 2012, Quail Brush Generation Project (Quail Brush) objects to the following data requests pursuant to Section 1716(f) of the Commission's regulations: Requests 1, 2 (in part), 3 (in part), 4 (in part), and 5. Each of these Data Requests is itemized below along with a description of the grounds for the objection or the reasons for the inability to provide the information at this time, as applicable. Quail Brush responds to Requests 2 (in part), 3 (in part), and 4 (in part) below.

### ***General Objections to Data Requests***

Section 1716 of the Commission's regulations permits any party to request "information reasonably available to Quail Brush which is relevant to the notice or application proceeding or reasonably necessary to make any decision on the notice or application." Quail Brush objects to the data requests below because they seek information that is not relevant to this proceeding, and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Quail Brush further objects to these data requests to the extent they request information that is not reasonably available to it.

***Specific Data Requests and Responses Thereto, Objections Thereto, or Reasons for Inability to Provide Responses***

1. If you do not agree with the proposed decisions of the CPUC administrative law judge and Commissioner Ferron with respect to local capacity requirement, please explain how their decisions are flawed. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. The referenced proposed decisions have no bearing on the proceeding before this Commission. Further, the CPUC has not yet acted upon the proposed decisions, and they lack any legal authority. Quail Brush directs Sierra Club's attention to the CPUC proceeding docket, in which Quail Brush has made several filings.

2. With respect to your statement about the "anticipated shut down" of the Encina Power Station, what is your evidence that this will most certainly happen? Quail Brush objects to this data request because it mischaracterizes Quail Brush's statement regarding the Encina Power Station. Quail Brush has neither stated nor implied that the shutdown "will most certainly happen."

Nevertheless, Quail Brush anticipates that the Encina Power Station will likely shut down. The retirement or retrofit of aging, inefficient Once-Through-Cooling ("OTC") generation units is slated under State policy in order to comply with federal law. See *Statewide Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling*, at [http://www.swrcb.ca.gov/water\\_issues/programs/ocean/cwa316/docs/otc\\_clean.pdf](http://www.swrcb.ca.gov/water_issues/programs/ocean/cwa316/docs/otc_clean.pdf). Quail Brush is aware of no indication in any public forum that the Encina Power Station will be retrofitted prior to the OTC policy deadlines.

3. Considering the recent history of gas line explosions and the law of entropy, when would the gas lines both on site and within one mile of the plant off-site need replacement? Consistent with the general objection above, Quail Brush objects to this data request to the extent it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Analysis of gas lines located on site or within one mile of the plant off-site that pre-date the proposed Project, have been placed in service for reasons unrelated to the Project, and which will not be altered as a result of the Project, are not relevant to the Commission's analysis of the proposed Project. Quail Brush also objects to this data request because it calls for information not reasonably available to it. Quail Brush does not have access to information regarding replacement of pipelines not under its ownership or control.

With regard to all reference gas lines, including the minor additions of gas pipeline necessitated by the proposed Project, it is Quail Brush's understanding that the lines will be inspected and maintained under all applicable laws, regulations, and best utility practices established by San Diego Gas and Electric and Southern California Gas Company. Future analysis according to these standards would dictate when, if ever, such lines would need replacement.

4. For the same gas pipelines listed above, what is the inspection and maintenance schedule and what specific actions will be scheduled? Please separate the on and offsite estimates. Consistent with the general objection above, Quail Brush objects to this data request to the extent it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the

January 3, 2013

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Commission's regulations. Information regarding the inspection, maintenance schedule, and maintenance actions for gas lines located on site or within one mile of the plant off-site that pre-date the proposed Project, have been placed in service for reasons unrelated to the Project, and which will not be altered as a result of the Project, are not relevant to the Commission's analysis of the proposed Project. Quail Brush also objects to this data request because it calls for information not reasonably available to it. Quail Brush does not have access to information regarding replacement of pipelines not under its ownership or control.

With regard to all reference gas lines, including the minor additions of gas pipeline necessitated by the proposed Project, it is Quail Brush's understanding that the lines will be owned and maintained under all applicable laws, regulations, and best utility practices established by San Diego Gas and Electric and Southern California Gas Company. Future analysis according to these standards would dictate the inspection and maintenance schedule and tasks for the pipelines.

5. For the same gas pipelines listed above, what is the range of estimated costs to maintain and or eventually replace the pipeline system over its lifetime? Please separate the on and offsite estimates. Consistent with the general objection above, Quail Brush objects to this data request because it seeks information that is not relevant to this proceeding and that is not reasonably necessary for the Commission to render a decision as required by Section 1716(b) of the Commission's regulations. Gas pipeline maintenance or replacement costs have no bearing on the Commission's analysis of the proposed Project.

I certify under penalty of perjury that the foregoing is true, correct, and complete to the best of my knowledge.

Regards,

A handwritten signature in black ink, appearing to read 'C. Richard Neff', written in a cursive style.

C. Richard Neff  
Vice President

cc: Docket (11-AFC-03)



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 12/28/2012)

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COMMISSION DOCKET UNIT

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OTHER ENERGY COMMISSION  
PARTICIPANTS (LISTED FOR  
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*After docketing, the Docket Unit  
will provide a copy to the persons  
listed below. **Do not** send copies  
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so.*

KAREN DOUGLAS  
Commissioner and Presiding  
Member

ANDREW McALLISTER  
Commissioner and Associate  
Member

Raoul Renaud  
Hearing Adviser

Eileen Allen  
Commissioners' Technical  
Adviser for Facility Siting

Galen Lemei  
Adviser to Commissioner Douglas

Jennifer Nelson  
Adviser to Commissioner Douglas

David Hungerford  
Adviser to Commissioner McAllister

Patrick Saxton  
Adviser to Commissioner McAllister

Eric Solorio  
Project Manager

Stephen Adams  
Staff Counsel

DECLARATION OF  
SERVICE

I, Margaret Pavao, declare that on January 3, 2013, I served and filed copies of the attached Applicant's Response to Sierra Club, San Diego Chapter Intervenor Data Requests, 1 through 5, dated January 3, 2013. This document is accompanied by the most recent Proof of Service list, which I copied from 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, as appropriate, in the following manner:


(Check one)

For service to all other parties and filing with the Docket Unit at the Energy Commission:

- I e-mailed the document to all e-mail addresses on the Service List above and personally delivered it or deposited it in the US mail with first class postage to those parties noted above as "hard copy required"; OR
- Instead of e-mailing the document, I personally delivered it or deposited it in the US mail with first class postage to all of the persons on the Service List for whom a mailing address is given.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated: January 3, 2013

  
\_\_\_\_\_  
Margaret Pavao