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California Energy Commission <b>DOCKETED</b> <b>11-AFC-3</b>
TN # 69071 JAN 09 2013

STATE OF CALIFORNIA  
State Energy Resources  
Conservation and Development Commission

In the Matter of: ) 11-AFC-03  
)  
QUAIL BRUSH GENERATION ) **STATUS REPORT OF INTERVENOR**  
PROJECT ) **HOMEFED FANITA RANCHO, LLC**  
\_\_\_\_\_ )

**INTRODUCTION**

Intervenor, HomeFed Fanita Rancho, LLC, ("HomeFed") hereby submits its Status Report pursuant to the December 14, 2012 Revised Committee Scheduling Order. In this Status Report, HomeFed will (1) update the Committee on the status of discovery; (2) update the Committee on matters pending before the California Public Utilities Commission ("CPUC"); and (3) generally update the Committee on HomeFed's ongoing participation as a party opposing the proposed project.

**STATUS OF DISCOVERY**

On October 31, 2012 HomeFed submitted 84 data requests to the applicant. On November 19, 2012, the applicant docketed initial responses to most of HomeFed's data requests. On November 30, 2012, the applicant docketed responses to the balance of HomeFed's data requests.

On November 19, 2012, the Committee extended the Discovery Period to December 14, 2012. On December 14, HomeFed propounded follow-up data requests 85-106. On January 3, 2013, the applicant docketed initial responses to many of HomeFed's follow-up data requests which included many objections. Absent any extension, the applicant has until January 14, 2013 to complete its responses to the follow-up data requests.

Overall, the applicant's responses to HomeFed's data requests have contained many objections. HomeFed is evaluating the adequacy of the responses; however, a cursory review indicates that the applicant has not sufficiently responded to the requests and a motion to compel may be necessary.

On November 21, 2012 HomeFed responded to six data requests propounded by CEC Staff on HomeFed. HomeFed's response included relevant excerpts of the Administrative Record for *Preserve Wild Santee v. City of Santee* (San Diego Superior Court Case No. 37-2008-00075168-CU-TT-CTL).

**UPDATE ON THE STATUS OF THE CPUC PROCEEDING**

Relevant to this matter is the CPUC's proceeding concerning the Application of San Diego Gas & Electric Company ("SDG&E") for Authority to Enter into Purchase Power Tolling Agreements with Escondido Energy Center, Pio Pico Energy Center and Quail Brush Power (Application No. 11-05-023). HomeFed attached copies of both the November 20, 2012 proposed decision ("PD") from Administrative Law Judge Yacknin and the alternate decision ("AD") from Commissioner Ferron to its previous Status Report and won't burden the Committee by attaching and summarizing them again, except to again state that both the PD and the AD demonstrate that the public convenience and necessity requirement for a LORS override is not likely to be satisfied in this case. Since the CPUC issued the PD and the AD, comments have been submitted and motions have been filed, including a motion by Quail Brush to reconsider its application to intervene at the CPUC. A final decision by the CPUC is anticipated to be filed in the near future.

**UPDATE ON HOMEFED'S PARTICIPATION AS A PARTY OPPOSING THE PROPOSED PROJECT**

HomeFed intends on commenting on the Preliminary Staff Assessment, participating at future workshops, and will be compiling evidence, developing reports, and designating both percipient and expert witnesses in anticipation of the Commission's evidentiary hearings.

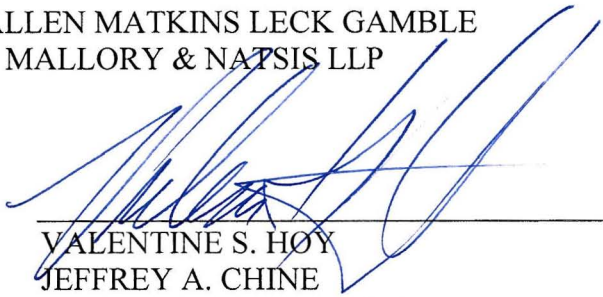
**CONCLUSION**

HomeFed appreciates the Committee's consideration of its Status Report.

Dated: January 9, 2013

ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP

By:



VALENTINE S. HOY  
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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 12/28/2012)**

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*After docketing, the Docket Unit  
will provide a copy to the persons  
listed below. **Do not** send copies  
of documents to these persons  
unless specifically directed to do  
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, JOHN T. KAUP, declare that on January 9, 2013, I served and filed copies of the attached STATUS REPORT OF INTERVENOR HOMEFED FANITA RANCHO, LLC, dated January 9, 2013. This document is accompanied by the most recent Proof of Service, 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) 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 9, 2013

*John T. Kaup*  
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John T. Kaup