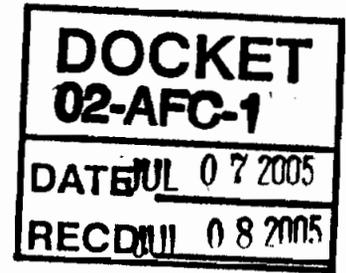


Scott A. Galati
GALATI & BLEK, LLP
555 Capitol Mall Avenue
Suite 600
Sacramento, CA 95814
(916) 441-6575



STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

Application for Certification for the
BLYTHE ENERGY PROJECT II

DOCKET NO. 02-AFC-1

CAITHNESS BLYTHE II, LLC'S
NOTICE OF OBJECTION AND
INABILITY TO RESPOND TO
INTERVENOR GARNICA'S DATA
REQUESTS

Caithness Blythe II, LLC (CB II), in accordance with 20 CCR §1716 (f), hereby files the following Objections and Notice of Inability to Respond to Intervenor Carmela Garnica's First Set of Data Requests dated June 22, 2005. The Committee should note that the first time CB II was aware of this set of data requests was at the Prehearing Conference on June 29, 2005 when it was provided by the Hearing Officer. A copy was received in the mail by this office on July 6, 2005.

→ **GENERAL OBJECTIONS**

CB II objects to the entire set of data requests on the grounds that it is untimely. 20 CCR §1716 (e) requires "All requests for information shall be submitted no later than 180 days from the date the commission determines an application is complete, unless the committee allows requests for information at a later time for good cause shown."

The BEP II Application For Certification was accepted as data adequate on July 7, 2002. The Final Staff Assessment (FSA) was issued on April 29, 2005. At this time, CB II is working diligently to prepare its testimony, which is due on July 15, 2005 and prepare for hearings on August 1 and 2, 2005. 20 CCR §1716 (i) provides that "The presiding member may set reasonable limits on the use of, or compliance with, information requests in order to avoid interference with any party's preparation for hearings or imposing undue burdens on a party." Providing responses to data requests at this late stage while CB II is preparing for evidentiary hearing is burdensome. Ms. Garnica was an Intervenor in BEP and has been an Intervenor in BEP II since June 10, 2003. She has had sufficient time to file data requests and no good cause exists for requiring CB II to respond to this set of data requests at this time.

SPECIFIC OBJECTIONS

Data Request 1

In addition to the General Objection above, CB II also objects to Data Request 1 on the grounds that it seeks information outside the control of CB II. The data request seeks information about the effects of the Blythe Energy Project (BEP) on farm workers. Notwithstanding the objection, CB II is unaware of a single acre of prime agricultural land that was taken out of production as a result of BEP.

Data Request 2

Notwithstanding the General Objection above, CB II believes that the project will not result in any displacement of farm workers that would require mitigation.

Data Request 3

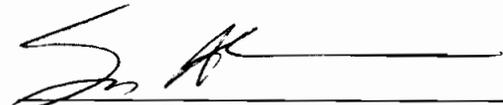
In addition to the General Objection above, CB II objects to Data Request 3 on the ground that it seeks information that is not in control of CB II. CB II does not have any information about the amount of groundwater use of BEP or Metropolitan Water District (MWD). However, we note that the BEP Decision, Finding 5 states, "BEP water use will range from approximately 2.4 million gallons per day (mgd) to 3.0 mgd."

Notwithstanding its objections, CB II's projected water use has been described in its AFC Sections 2 and 7.13.

Data Request 4

In addition to the General Objection, CB II objects to Data Request 4 on the grounds that it seeks information outside the control of CB II. Notwithstanding the objection, CB II has proposed a condition of certification limiting the lands to be selected to participate in the Water Conservation Offset Program. For a more detailed discussion, please see CB II's Prehearing Conference Statement, dated June 24, 2005.

Dated, July 7, 2005



Scott A. Galati
Counsel to Caithness Blythe II, LLC

STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission

In the Matter of:

Docket No. 02-AFC-1

Application for Certification for the
BLYTHE ENERGY PROJECT PHASE II

PROOF OF SERVICE

I, Valerie J Decker, declare that on July 7, 2005, I deposited copies of **Caithness Blythe II, LLC's Notice Of Objection and Inability to Respond to Intervenor Garnica's Data Requests (02-AFC-1)** in the United States mail at Sacramento, California with first class postage thereon fully prepaid and addressed to the following:

Original plus 12 copies delivered to:

DOCKET UNIT

California Energy Commission
Docket Unit, MS-4
Attn: Docket No. 02-AFC-1
1516 Ninth Street
Sacramento, CA 95814-5512

Copies also sent to:

APPLICANT

Caithness Blythe II, LLC.
Attn: Robert Looper
565 Fifth Avenue, 28th and 29th Floors
New York, NY 10017

Greystone Environmental Consultants
Attn: Peter Boucher
10470 Old Placerville Rd, Suite 110
Sacramento, CA 95827

Tom Cameron
c/o Power Engineers Collaborative
6682 W. Greenfield Ave, Suite 109
West Allis, WI 53214

COUNSEL FOR APPLICANT:

Galati & Blek LLP
Attn: Scott Galati, Esq.
555 Capitol Mall, Suite 600
Sacramento, CA 95814

INTERVENORS

Mary Garcia
Salvador Garcia
14035 Orange Drive
Blythe, CA 92225

Socorro Machado P.
Mario Rivera
17825 Blythe Way
Blythe, CA 92225

Carmela F. Garnica
12601 Ward Street
Blythe, CA 92225

Efigenia Perez
17819 Blythe Way
Blythe, CA 92225

Erasmio V. Rubio
18800 Blythe Way
Blythe, CA 92225

California Unions for Reliable Energy
C/o Marc D. Joseph
Adams, Broadwell, Joseph & Cardozo
601 Gateway Blvd., Ste. 1000
South San Francisco, CA 94080

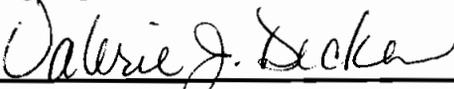
Floyd P. Wolfe
17240 West Hobson Way
Blythe, CA 92225

INTERESTED PARTIES

City of Blythe
Attn: Les Nelson, City Manager
Charles Hull, Assistant Manager
235 N. Broadway
Blythe, CA 92225

CAL ISO
Attn: Jeff Miller
151 Blue Ravine Road
Folsom, CA 95630

I declare under penalty of perjury that the
foregoing is true and correct.



Valerie J. Decker