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March 1, 2007

File No. 037484-0006

VIA FEDEX

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 06-AFC-4
1516 Ninth Street, MS-4
Sacramento, California 95814-5512

Re: Vernon Power Plant Project: Docket No. 06-AFC-4

Dear Sir/Madam:

Pursuant to California Code of Regulations, title 20, sections 1209, 1209.5, and 1210, enclosed herewith for filing please find Applicant's Revised Objections to Intervenor CBE's First Set of Data Requests. Applicant has modified the list of data requests for which Applicant will require additional time to respond. Some data requests in the original list were the subject of objections stated earlier in the document, and were inadvertently included in the original list (Data Requests 2, 11 and 12). In one case, Applicant has concluded that it will be able to respond by the deadline (Data Request 13). Modifications are indicated in redline/strike-through text in the attached document.

Please note that the enclosed submittal was filed today via electronic mail to your attention and to all parties on the CEC's current electronic proof of service list.

Very truly yours,

Paul E. Kihm
Senior Paralegal

Enclosure

cc: CEC 06-AFC-4 Proof of Service List (w/ encl.)
Michael J. Carroll, Esq. (w/ encl.)

OC\876471.1

STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of: Application for Certification, for the VERNON POWER PLANT PROJECT by The City of Vernon	)))))))	Docket No. 06-AFC-4 APPLICANT'S OBJECTIONS TO INTERVENOR CBE'S FIRST SET OF DATA REQUESTS **[REVISED]**

Intervenor Communities for a Better Environment ("CBE") filed and served its First Set of Data Requests on February 16, 2007. Pursuant to California Code of Regulations Title 20, Section 1716(f), Applicant hereby objects to certain of the subject data requests, as more specifically set forth below.

Data Request 2: Please provide documentation that the fraction of stationary PM2.5 in PM10 offsets from the Priority Reserve is reflective of total stationary source emissions, specifically, by presenting (in a table or other suitable format) an inventory of the PM10 and PM2.5 in the Priority Reserve.

Applicant objects to this data request on the basis that the requested information is not reasonably available to Applicant, and it would be extremely burdensome for Applicant to collect the requested information.

Data Request 6: Please provide (in a table or other suitable format) a list, with addresses, of all currently operating stationary combustion sources of PMl0 within a six-mile radius of the proposed site which emit at least 1,000 pounds of PMl0 per year. Please include the actual PMl0 and PM2.5 emissions for the most recent year for which information is available.

Applicant objects to this data request on the basis that the requested information is not reasonably available to Applicant, and it would be extremely burdensome for Applicant to

collect the requested information. Furthermore, the requested information is already reflected in the background ambient concentration data used in the Application for Certification ("AFC") to conduct the air quality modeling analysis for the project. Since Applicant has already provided analysis incorporating the requested information, the relevancy and value of the requested information is extremely limited.

Data Request 7: Please provide (in a table or other suitable format) a list, with addresses, of all currently operating stationary sources of PM10 from fugitive dust within a six mile radius of the proposed site which emit at least 1,000 pounds of PMl0 per year. Please include the actual PMl0 and PM2.5 emissions for the most recent year for which information is available.

Applicant objects to this data request for the same reasons set forth above with respect to Data Request 6.

Data Request 7 [CBE's data requests contain two requests numbered 7]: Please provide in table form the estimated annual emissions of PMl0, VOCs, CO, NOx, SO_2, and HAPS for each facility located in whole or in part within the City of Vernon, including emissions from Malburg Generating Station.

Applicant objects to this data request for the same reasons set forth above with respect to Data Request 6.

Data Request 10: Please provide information identifying the sources for PM credits in the Priority Reserve, and indicate the proportion of credits from facilities that operated within the six-mile radius of the proposed plant.

Applicant objects to this data request on the basis that the requested information is not reasonably available to Applicant, and it would be extremely burdensome for Applicant to collect the requested information.

Data Request 11: Please state whether any PM credits from facilities located in, or owned by, the City of Vernon are available, or are otherwise not in use.

Applicant objects to this data request to the extent that it seeks information related to facilities located in, but not owned by, the City of Vernon. The requested information is not reasonably available to Applicant, and it would be extremely burdensome for Applicant to collect the requested information.

Data Request 12: For any PM credits held by Vernon located or owned facilities, please provide a description for such credits, including their source and amount.

Applicant objects to this data request to the extent that it seeks information related to facilities located in, but not owned by, the City of Vernon. The requested information is not reasonably available to Applicant, and it would be extremely burdensome for Applicant to collect the requested information.

Data Request 14: Please provide a cumulative analysis of projected PM and other criteria pollutant emissions from proposed EGFs that were enabled by the September 2006 amendment to the Priority Reserve regime.

Applicant objects to this data request on the basis that it is vague and ambiguous, and requests information that is not reasonably available to Applicant, speculative and of limited value. Specifically, Applicant does not understand the phrase "proposed EGFs that were enabled by the September 2006 amendment to the Priority Reserve regime." Furthermore, to the extent that this phrase refers to all projects that might seek to obtain emission offsets from the Priority Reserve as amended in September 2006, Applicant has no way of identifying this group of projects, and it would be impossible for Applicant to respond to this request except to speculate. Such speculative information would be of little value.

Data Request 19: Please provide a list of all current businesses with facilities in Vernon that have moved from other parts of Los Angeles County, and identify the previous city of residence.

Applicant objects to this data request on the basis that the information requested is not reasonably available to Applicant, and producing the requested information would be extremely burdensome and would be of very limited relevance. Businesses that relocate to the City of Vernon do not share information with the Applicant regarding prior places of business. Gathering such information would be extremely burdensome on the Applicant, as it would likely entail interviews with every business operating within the City. Moreover, the requested information would be of little or no relevance as the prior location of businesses in the City has no bearing on the Vernon Power Project ("VPP") or the AFC.

Data Request 20: Please provide a list of businesses that are located on the border between Huntington Park (or other city) and Vernon, with their addresses and amount of tax revenue generated for the host city.

Applicant objects to this data request on the basis that the information requested is not reasonably available to Applicant, and producing the requested information would be extremely burdensome and would be of very limited relevance. The AFC provides information on the impacts that the VPP would have on the fiscal resources of the area (including tax revenues). Economic information regarding the particular businesses on the City of Vernon's borders is irrelevant to the AFC proceeding.

Data Request 21: Please provide information on transportation systems usage, including: a) number of employees, b) number of daily vehicle trips for commute, c) mean distances/time from home to work, and d) number of daily truck trips.

Applicant objects to this data request on the basis that the request is vague, that certain information is not reasonably available to the Applicant, that certain information has already been provided in the AFC, and that information requested is irrelevant to the AFC. The request is vague in that it is not specific as to the persons regarding whose information the request pertains. Information regarding the commuting patterns (e.g., distance of commute) of various persons working in and around the VPP is not available to the Applicant. Information related to vehicle trips in the vicinity of the VPP has already been provided in the AFC in the section discussing traffic and transportation issues. As the AFC already analyzed the traffic impacts that would result from construction and operation of the VPP, the additional information requested by CBE would be of little value.

Data Request 40: Please provide in table form a summary of updated revenue and expenditures collected through the Public Benefit surcharge, and how revenue was spent on programs for a) demand-side management and efficiency, b) renewable energy, c) research & development, and d) low-income assistance.

Applicant objects to this data request on the basis that it is outside the scope of the AFC. The information requested pertains to the existing operations of the City of Vernon Department of Light and Power. The Applicant is not proposing through the AFC to modify the management of Public Benefit surcharges collected by the Department of Light and Power. Thus, any analysis of the use of such revenues by the City's Department of Light and Power are not relevant to the pending proceedings.

Data Request 41: Please provide separately, in table form, a list of all AB 1890 programs along with their description and expenditures initiated since fiscal year 2003.

Applicant objects to this data request for the same reasons set forth above with respect to Data Request 40.

Data Request 42: Please provide documentation detailing the use of $6.7 million in unspent public benefit funds.

Applicant objects to this data request for the same reasons set forth above with respect to Data Request 40.

Data Request 43: Please confirm the respective RPS targets and dates.

Applicant objects to this data request on the basis that it is outside the scope of the AFC. The information requested pertains to the existing operations of the City of Vernon Department of Light and Power. The City Department of Light and Power's management of its renewable energy portfolio is not at issue in the AFC, nor is the Applicant proposing through the AFC to modify the management of this program. Therefore, any analysis of the City Department of Light and Power's renewable energy portfolio is not relevant to the pending proceedings.

Data Request 44: Please provide documentation of the applicant's plans and strategies to increase Vernon's renewable energy portfolio to meet its legal target in 2009, 2010 (estimated year of project operation), and 2017.

Applicant objects to this data request for the same reasons set forth above with respect to Data Request 43.

Data Request 45: Please provide information on Vernon's current renewable energy portfolio.

Applicant objects to this data request for the same reasons set forth above with respect to Data Request 43.

Data Request 46: Please describe implementation of any solar energy programs or infrastructure both for existing and future buildings in Vernon.

This data request relates to the City of Vernon Department of Light and Power's management of its renewable energy portfolio, and thus, the Applicant objects to the request for the same reasons set forth above with respect to Data Request 43.

Data Request 47: Please describe any city fiscal or regulatory policies designed to encourage consumer conservation, including the portion of power sales revenues allocated to conservation programs.

Applicant objects to this data request on the basis that it is outside the scope of the AFC. The information requested pertains to the existing operations of the City of Vernon Department of Light and Power, specifically the Department's management of energy conservation within its jurisdiction. The City Department of Light and Power's management of energy conservation programs is not at issue in the AFC, nor is the Applicant proposing through the AFC to modify the management of the Department on this issue. Therefore, any analysis of the City Department of Light and Power's management of energy conservation issues is not relevant to the pending proceedings.

Data Request 48: Please provide an analysis of electricity conservation strategies as an alternative to local generation capacity, given the near-future RPS targets and the currently unspent public benefit surplus.

Applicant objects to this data request for the same reasons set forth above with respect to Data Request 40 and Data Request 47.

Data Request 49: Please provide information on any conservation incentive program currently run by Vernon.

Applicant objects to this data request for the same reasons set forth above with respect to Data Request 47.

Data Request 50: Please confirm whether the 5% credit was, or is, an energy credit compared to a monetary discount.

Applicant objects to this data request for the same reasons set forth above with respect to Data Request 47.

Data Request 51: Please confirm that Marathon Tri-Gas uses 30 MW at its Vernon facility.

Applicant objects to this data request on the basis that it is irrelevant to the pending proceedings. The power demand of any particular business entity within the City of Vernon is not at issue for the VPP AFC, thus the data request for information related to Marathon Tri-Gas, or any other specific business, is irrelevant to the current proceedings.

Data Request 52: Please identify the 30 largest consumers in Vernon in terms of energy consumption.

Applicant objects to this data request on the same basis as its objections to Data Request 51.

Data Request 53: Please provide information comparing the rates of Vernon customers with customers of IOUs and other POUs.

Applicant objects to this data request on the basis that it is irrelevant to the processing of the ACF. Furthermore, the data request is extremely broad in that it seeks information on all customers of IOUs and other POUs, without limitation. Furthermore, the requested information is not reasonably available to Applicant.

Data Request 58: Please provide, in table, form a list of other Priority Reserve-enabled EGF projects with their MEIR and MEIW estimated added lifetime cancer risk, added hazard index, existing lifetime cancer risk, and existing hazard index.

Applicant objects to this data request on the basis that it is vague and irrelevant. Applicant does not know the meaning of the term "Priority Reserve-enabled EGF." Regardless of the meaning of this phrase, information regarding other projects is irrelevant to the current proceedings unless such other projects are located within a 6-mile radius of the VPP. Applicant is not aware of any other EGF proposed within a six-mile radius of the VPP.

Data Request 59: Please provide documentation supporting the application of a fixed hazard index to a population with higher than average existing hazard index.

Applicant objects to this data request on the basis that it is vague and ambiguous, and it is not clear to Applicant what information is sought.

Data Request 65: Please indicate the frequency of enforcement violations regarding the size and weight of vehicles within the City.

Applicant objects to this data request on the basis that it is vague and ambiguous, and it is not clear to Applicant what information is sought.

Data Request 66: Please provide information on the temporary Hauling Permit, including its duration, the frequency of issue, and the frequency of denying such a permit.

Applicant objects to this data request on the basis that it is vague and ambiguous, and it is not clear to Applicant what information is sought.

Data Request 67: Please estimate the amount of traffic currently flowing into Vernon daily.

Applicant objects to this data request in the basis that it is overly broad, and not likely to produce relevant information. The Applicant has already provided traffic data for those roadways that have the potential to be affected by traffic associated with the Project.

Applicant hereby notifies Intervenor CBE and the CEC that it will be unable to respond to the data requests identified below on or before March 19, 2007. As required by Section 1716(f), the reasons that Applicant will be unable to respond to the identified data requests within the specified timeframe are also set forth below. Applicant requests an additional four-week time period to respond to the specific data requests listed below.

Data Request	**Technical Area**	**Reason for Inability to Provide Response by Requested Date**
~~2~~ **3** through 5	Air Quality	These responses require the Applicant to obtain information from the South Coast Air Quality Management District. Obtaining the information and performing the necessary analysis to respond to CBE's request will take more time than would otherwise be allowed, based upon the date of CBE's service of the data requests.
~~11 through 13~~	~~Air Quality~~	~~Responses to these requests will require extensive additional diligence by the Applicant related to the emission reduction credits available in the immediate area. Analysis necessary to complete these responses requires additional time than would otherwise be allotted.~~
15 through 16	Air Quality	Responses to these requests will require analysis regarding ammonia emission issues and additional data not yet obtained by the Applicant. Applicant requires additional time to obtain the outside information and conduct the necessary analysis.
17 through 18	Air Quality	Responses to these requests will require Applicant to obtain data from outside sources regarding cooling systems and designs for such. Responses to these requests will require additional time to gather the outside data and perform the significant analysis required to respond to the CBE requests.
80	Water Resources	Response to this request related to wastewater disposal system alternatives will require obtaining outside data on such systems prior to conducting the significant analysis required for this CBE data request. Additional time is necessary to allow for these two activities.

DATED: February 28, 2007

Respectfully submitted,

Michael J. Carroll
of LATHAM & WATKINS LLP
Counsel to Applicant

STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of:	)	Docket No. 06-AFC-4
	)	
Application for Certification,	)	**ELECTRONIC PROOF OF SERVICE**
for the VERNON POWER PLANT PROJECT	)	**LIST**
by the City of Vernon	)	
	)	(Revised February 21, 2007]
	)	

☒ Transmission via electronic mail and by depositing one original signed document with FedEx overnight mail delivery service at Costa Mesa, California with delivery fees thereon fully prepaid and addressed to the following:

DOCKET UNIT

CALIFORNIA ENERGY COMMISSION
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☒ Transmission via electronic mail addressed to the following:

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DECLARATION OF SERVICE

I, Paul Kihm, declare that on March 1, 2007, I deposited the required original signed copy of the attached:

APPLICANT'S OBJECTIONS TO INTERVENOR CBE'S FIRST SET OF DATA REQUESTS [REVISED]

with FedEx overnight mail delivery service at Costa Mesa, California with delivery fees thereon fully prepaid and addressed to the California Energy Commission. I further declare that transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service List above.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 1, 2007, at Costa Mesa, California.

Paul Kihm