

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA**

**APPLICATION FOR CERTIFICATION  
FOR THE CARRIZO ENERGY SOLAR  
FARM BY CARRIZO ENERGY, LLC**

DOCKET NO. 07-AFC-8

**CARRIZO ENERGY, LLC'S OBJECTION TO CALIFORNIA UNIONS FOR  
RELIABLE ENERGY'S DATA REQUESTS SET FOUR**

**DOCKET  
07-AFC-8**

DATE MAR 11 2009

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Jane E. Luckhardt  
DOWNEY BRAND LLP  
621 Capitol Mall, 18th Floor  
Sacramento, California 95814  
Telephone: (916) 444-1000  
FAX: (916) 444-2100  
E-mail: [jluckhardt@downeybrand.com](mailto:jluckhardt@downeybrand.com)  
**Attorneys for Carrizo Energy, LLC**

March 11, 2009

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Carrizo Energy, LLC ("Carrizo") objects to California Unions for Reliable Energy's (CURE) Data Requests Set Four regarding the Carrizo Energy Solar Farm (CESF) (07-AFC-8) Application for Certification (AFC). CURE served its Data Requests Set Four on Carrizo on February 19, 2009. Carrizo objects to CURE's Data Requests Set Four as it is untimely and lacks good cause to overcome their late submission. Consistent with the requirements of Title 20, California Code of Regulations 1716, this objection is being filed within 20 days of receiving the data requests.

**I. CURE's Data Requests Set Four is Untimely and Lacks Good Cause to Overcome its Late Submission**

Carrizo objects to CURE's Data Requests Set Four on the grounds that they are untimely and lack sufficient good cause to warrant late submission. California Code of Regulations, Title 20, Section 1716(e) states: "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 Commission determined the CESF AFC to be complete on December 19, 2007. CURE's most recent request for information was submitted on February 19, 2009, well past the 180 day time limit. CURE was granted intervenor status by the Commission on February 4, 2008 and therefore, has had ample time to request this information. As noted in our letter to the Committee and CURE of January 8, 2009, the 180 day discovery period has ended and Carrizo is not willing to answer any additional data requests from CURE. Our January 8<sup>th</sup> letter responded to CURE data requests filed on December 19, 2008. In December the requests were already filed

a complete year after the Commission deemed the AFC complete. These additional requests are a full two months after the last request, 14 months after the Commission found the AFC data adequate, and are clearly out of time.

Furthermore, CURE has made no effort to show good cause to support its late request for visual data input and output files beyond a desire to compare images from the CESF AFC with those available on Carrizo's parent company's website. If CURE wanted the input and output files for the visual analysis there is no reason why CURE could not have requested these files earlier in this proceeding. Visual simulations are required of every project for data adequacy and are therefore, included in every AFC. Thus, there is no reason for this Committee to allow this late request.

Endless requests for additional information this late in the certification process are simply efforts to create additional costs to Carrizo and attempts to fabricate additional issues. The Committee needs to end the discovery period.

## II. Conclusion

Carrizo bases its objection to CURE's Data Requests Set Four on the fact that they have been submitted without good cause well outside of the timeframe set forth in the Commission's regulations. In the interest of preventing any further delay in this proceeding and moving the project forward, Carrizo object to CURE's Data Requests Set Four in its entirety.

DATED: March 11, 2009

DOWNEY BRAND LLP

By:   
Jane E. Luckhardt

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**PROOF OF SERVICE  
(Revised 2/18/2009)**

<u>APPLICANT</u>	<u>INTERVENORS</u>	<u>ENERGY COMMISSION</u>
Perry H. Fontana Vice President – Projects Ausra, Inc. 2585 East Bayshore Road Palo Alto, CA 94303 <a href="mailto:perry@ausra.com">perry@ausra.com</a>	Mr. John A. Ruskovich 13084 Soda Lake Road Santa Margarita, CA 93453 <a href="mailto:agarnett@tesn.com">agarnett@tesn.com</a>	Jeffrey D. Byron Commissioner and Associate Member <a href="mailto:jbyron@energy.state.ca.us">jbyron@energy.state.ca.us</a>
<u>APPLICANT CONSULTANT</u>  Angela Leiba, GISP Senior Project Manager GIS Manager/Visual Resources Spec. URS Corporation 1615 Murray Canyon Rd., Suite 1000 San Diego, CA 92108 <a href="mailto:Angela_leiba@urscorp.com">Angela_leiba@urscorp.com</a>	Mr. Michael Strobridge 9450 Pronghorn Plains Road Santa Margarita, CA 93453 <a href="mailto:Mike_76@live.com">Mike_76@live.com</a>	Gary Fay Hearing Officer <a href="mailto:Gfay@energy.state.ca.us">Gfay@energy.state.ca.us</a>  John Kessler Project Manager <a href="mailto:jkessler@energy.state.ca.us">jkessler@energy.state.ca.us</a>
Kristen Walker URS Corporation 1615 Murray Canyon Rd., Suite 1000 San Diego, CA 92108 <a href="mailto:Kristen_e_walker@urscorp.com">Kristen_e_walker@urscorp.com</a>	California Unions for Reliable Energy (CURE) c/o Tanya Gulesserian Adams Broadwell Joseph & Cardozo 601 Gateway Blvd., Suite 1000 South San Francisco, CA 94080 <a href="mailto:Tgulesserian@adamsbroadwell.com">Tgulesserian@adamsbroadwell.com</a>	Caryn Holmes Staff Counsel <a href="mailto:cholmes@energy.state.ca.us">cholmes@energy.state.ca.us</a>  Michael Doughton Staff Counsel <a href="mailto:mdoughto@energy.state.ca.us">mdoughto@energy.state.ca.us</a>
<u>COUNSEL FOR APPLICANT</u>  Jane F. Luckhardt Downey Brand LLP 621 Capitol Mall, 18 <sup>th</sup> Floor Sacramento, CA 95814 <a href="mailto:jluckhardt@downeybrand.com">jluckhardt@downeybrand.com</a>	John Burch Traditional Council Lead Salinan Tribe 8315 Morro Road, #202 Atascadero, CA 93422 <a href="mailto:salinantribe@aol.com">salinantribe@aol.com</a>	Elena Miller Public Adviser <a href="mailto:publicadviser@energy.state.ca.us">publicadviser@energy.state.ca.us</a>
<u>INTERESTED AGENCIES</u>  California ISO <a href="mailto:e-recipient@caiso.com">e-recipient@caiso.com</a>	Environmental Center of San Luis Obispo (ECOSLO) c/o Babak Naficy P.O. Box 13728 San Luis Obispo, CA 93406 <a href="mailto:babaknaficy@sbcglobal.net">babaknaficy@sbcglobal.net</a>	

**Declaration of Service**

I, Lois Navarrot, declare that on March 11, 2009, I served and filed copies of the attached **Carrizo Energy LLC's Objection to California Unions for Reliable Energy's Data Request Set Four**. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [www.energy.ca.gov/sitingcases/carrizo/index.html](http://www.energy.ca.gov/sitingcases/carrizo/index.html). The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service List) and to the Commission's Docket Unit, in the following manner:

**(check all that apply)**

**For Service to All Other Parties**

- sent electronically to all email addresses on the Proof of Service list;
- by personal delivery or by depositing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service List above to those addresses **NOT** marked "email preferred."

**AND**

**For Filing with the Energy Commission**

- sending an original paper copy and one electronic copy, mailed and e-mailed respectively, to the address below (preferred method);

**OR**

- depositing in the mail an original and 12 paper copies as follow:

California Energy Commission  
Attn: Docket No. 07-AFC-8  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512

[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

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

  
\_\_\_\_\_  
Lois Navarrot