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Sempra Energy

February 24, 2009

| DOCKET | |
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| 07-AFC-6 | |
| DATE | FEB 24 2009 |
| RECD. | FEB 24 2009 |

William Rostov, Esq.
Earthjustice
426 17th Street, 5th Floor
Oakland, CA 94612-2807

Re: Data Requests on Carlsbad Energy Center Project's Use of SDG&E Supplied Natural Gas, Docket No. 07-AFC-6

Dear Mr. Rostov:

This concerns the above referenced data requests dated February 2, 2009 that I received on or about February 4, 2009.

Your letter states that the requests are made pursuant to 20 Cal. Code Regs. Sec. 1716(h). That subsection states that the Committee shall have the authority to require from any electric utility information which is specific to the subject notice or application and reasonably necessary to make any decision on the notice or application. A party to a power plant siting case does not itself have the authority to propound data requests to electric utilities. Therefore, the Committee rather than Earthjustice would need to issue data requests to SDG&E to be within Section 1716(h). In addition, the deadlines for objections and responses set forth in section 1716(f) only apply to a "party" to a licensing proceeding and SDG&E is not a party. However, we are aware of the procedural history of some of your requests that were first made to the applicant. The Applicant objected to the requests on the ground that it did not possess the information. The Committee Order dated December 26, 2008 agreed with the Applicant and states that the information is "best requested of SDG&E". This falls well short of a Committee order and in any event SDG&E had no previous opportunity to respond to a request for such an order. Further, we note that data request numbers 4, 6, and 7 to SDG&E were not contained in your prior requests to the Applicant that were the subject to review in the course of your appeal to the Committee.

For these reasons, SDG&E objects to the requests on the ground that they are not properly made in accordance with the California Energy Commission's Siting Regulations, sections 1716(h) and (f). Without waiving these objections, SDG&E will nevertheless endeavor to respond to the requests to the extent feasible in order to avoid the need for procedural steps that would require additional time and involvement by the Commission Siting Committee. SDG&E will respond to your requests as though made informally to SDG&E by letter. We intend to respond to the extent feasible by March 6, 2009.

Sincerely yours,

Taylor Miller

Taylor O. Miller