

DOCKETED

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BEFORE THE ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION OF
THE STATE OF CALIFORNIA
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In the Matter of:

The Carlsbad Energy Center Project

DOCKET NO. 07-AFC-6C

STAFF MOTION TO CONSOLIDATE PROCEEDINGS

On April 29, and May 2, 2014, Carlsbad Energy Center LLC (Petitioner) filed two petitions to amend its license for the Carlsbad Energy Center Project (CECP). The first petition, characterized as a “petition to remove,” requests an amendment allowing the removal of three additional oil storage tanks (tanks 1, 2, and 4) that were not included in the original license. The second petition, characterized as a “petition to amend,” seeks modifications of its existing license to use simple-cycle generation technology, and the subsequent demolition of existing generating units 1-5, along with various attendant changes.

In response to an objection to the “petition to remove” from intervenor Power of Vision, Petitioner has clarified that it desires that these two petitions to amend be processed separately. The rationale for keeping them separate is that the “petition to remove” is an amendment that petitioner would seek even if it did not otherwise intend to amend its license, and that granting the petition to remove on a separate, more expeditious track, will allow it proceed more quickly with the demolition of all oil storage tanks that must be removed before project construction can begin. This presumably might result in a more rapid mobilization for the project.

Staff urges the Carlsbad Siting Committee (Committee) to consolidate the two petitions pursuant to its authority under sections 1203 and 1719 of the Energy Commission regulations. (Cal. Code Regs. tit. 20, §§ 1203, 1719.) The internal logistics of attempting to process two amendments to the same license simultaneously is creating internal staff confusion and uncertainty that is likely to complicate and delay the processing of what should be a single integrated amendment. Staff should not be issuing two sets of data requests, one for each amendment proposal, or holding any separate workshops or proceedings that try to distinguish these two amendment petitions. Nor should the interested public and interested agencies be required to observe the distinction. Consolidation of the two amendments will reduce needless confusion for the parties, the public, the Committee, and for Petitioner itself.

Although it appears that the Committee has deferred the decision on consolidation to some date in the future, apparently following the informational hearing, there is good reason not to delay consolidation. The confusion has already complicated Staff's duties regarding data requests and noticing of workshops, and is likely to create uncertainty with the broader public. Establishing one consolidated proceeding, with a single docket, will simplify the changes to the CECP and the proceeding that must consider them. Staff believes that the asserted schedule advantages of considering the "petition to remove" the storage tanks is unlikely to result in that advantage, and that any amendments of the CECP should be considered as one "project" under the California Environmental Quality Act.

Accordingly, Staff requests that the Committee issue an order consolidating the two amendments, and that it do so now to remove uncertainty about how the amendments will be processed.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Gabriel Vivas', with a large, sweeping initial 'G'.

Gabriel Vivas
Attorney III

Richard Ratliff
Attorney IV