

## DOCKETED

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**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
1-800-822-6228 – WWW.ENERGY.CA.GOV**

**PETITIONS TO AMEND THE  
CARLSBAD ENERGY CENTER  
PROJECT**

**Docket No. 07-AFC-06C**

**ORDER CONSOLIDATING AMENDMENT PETITIONS**

On April 29 and May 2, 2014, Carlsbad Energy Center LLC (the Petitioner), an indirect wholly owned subsidiary of NRG Energy, Inc., submitted two petitions to amend the May 31, 2012, Energy Commission Decision approving the Carlsbad Energy Center Project (CECP). The April 29 petition<sup>1</sup> seeks permission to demolish three oil storage tanks in addition to the two tanks approved for demolition in the Commission Decision. The May 2 petition<sup>2</sup> seeks approval of an expansion of the project site to the south and substitution of simple cycle generating units for the approved combined cycle generators. Prior to and during its August 7 Committee Conference, the Committee received briefs,<sup>3</sup> argument and comment from the parties and the public regarding whether to process the two amendments separately, as Petitioner requests, or together.

Petitioner argues that the tank removal amendment is much simpler in scope than the generator substitution amendment and requires little additional analysis, as removal of other tanks on the site was approved as part of the 2012 Commission Decision. It believes that the same conditions imposed in that decision could apply equally to the additional tanks' removal. Allowing the tank removal to begin while processing of the generator amendment continues will facilitate the clearing of the site, including portions that would ultimately be redeveloped for non-power generation uses, at the earliest possible opportunity. The City of Carlsbad favors beginning the tank removals as early as possible and reconvened separate proceedings following a combined workshop and discovery period.

Staff asserts that separating the two amendments will result in the duplication of staff efforts and confusion for staff, the parties and the public as they try to follow two

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<sup>1</sup> TN 202267

<sup>2</sup> TNs 202287-2, 202287-3

<sup>3</sup> TNs, 202300, 202390, 202450, 202676, 202683, 202819, 202868, 202870, 202995

concurrent processes. Staff also questions any schedule advantages that may result from separate proceedings. Intervenor Power of Vision also favors consolidating the amendment requests.

While separation is possible, it increases the workload for the staff, parties, Committee, Commission, and the public, and could result in some duplication of efforts. Taking into consideration the Commission's resources, we conclude that the amendments can be processed most effectively if they are considered together.

For the reasons described above, we therefore **ORDER** that the two amendment petitions be considered and processed together.

Dated: September 23, 2014, at Sacramento, California.

***Original Signed By:***

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KAREN DOUGLAS  
Commissioner and Presiding Member  
Carlsbad Amendments Committee

***Original Signed By:***

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ANDREW McALLISTER  
Commissioner and Associate Member  
Carlsbad Amendments Committee