

## DOCKETED

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<b>Project Title:</b>	Carlsbad Energy Center - Compliance
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**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814**

*IN THE MATTER OF:  
PETITION TO AMEND THE  
CARLSBAD ENERGY CENTER PROJECT*

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

**STAFF RESPONSE TO COMMITTEE'S  
NOTICE OF HEARING AND STATUS  
CONFERENCE**

On October 10, 2014, the Energy Commission Committee (Committee) on the Petitions to Amend the Carlsbad Energy Center Project (CECP) Commission Decision issued a Notice of Hearing on Pending Motions and Committee Status Conference, requesting parties respond to the pending motions and petitions, and provide the status of Staff's analysis.

**A. Pending Motions and Petitions**

1. Robert Simpson's "1712(b) Objection to Committee Prejudice of My Petition to Intervene, etc."

On September 23, 2014, the Committee partially granted Mr. Simpson's Petition to Intervene, limiting his participation to the topics of Air Quality, Greenhouse Gas emissions and Public Health, subject to a "specific showing of a compelling interest in the other topic areas considered in this proceeding." (Committee Order Partially Approving Rob Simpson's Petition to Intervene, p. 2.) On October 6, 2014, Rob Simpson filed a motion objecting to the "Committee Order Partially Approving Rob Simpson's Petition to Intervene," "Appealing to Full Commission of Denial of Leave to Fully Intervene", and requests changes to various regulations.

The Energy Commission will consider Mr. Simpson's "Appeal of the Committee Order Partially Approving Rob Simpson's Petition to Intervene in the Carlsbad Energy

Center Project” on October 29, 2014. Although Staff supports the Committee’s use of discretion to regulate as it believes appropriate the participation of intervenors in power plant siting case under Title 20, California Code of Regulations, sections 1203(c) and 1712, Staff takes no position on Mr. Simpson’s appeal.

2. Robert Sarvey’s “Petition to Intervene”

On October 6, 2014, Robert Sarvey filed a “Petition to Intervene” in the Carlsbad Amendment Proceeding. Staff has no position on Mr. Sarvey’s Petition.

3. Power of Vision’s “Request to Commissioners re Discovery Cutoff”

On October 7, 2014, Power of Vision filed a Proposed Modification to the Committee Schedule, requesting the discovery cut-off date be extended to at least 30 days after the Preliminary Determination of Compliance (PDOC) is published and 30 days after the California Coastal Commission provides its comments. Staff has no objection to the first request, but has concerns with the second request. Staff understands that the San Diego Air Pollution Control District (District) expects to file its PDOC on October 24, 2014; however, Staff has no expectation of when the Coastal Commission may file comments, and believes that discovery should not be extended for such comments absent a request from the Coastal Commission.

**B. Status Report**

Staff sent Petitioner Data Requests Set 1 (Nos. 1-30), on July 16, 2014, Set 2 (Nos. 1-58), on August 27, 2014, Set 2A (Nos. 59-66), on August 29, 2014, Set 3 (Nos. 67-85), on October 2, 2014, and a fourth set of Data Requests will be sent prior to the close of discovery on October 29, 2014. Petitioner has responded to Data Requests Sets 1 and 2A. Petitioner requested a time extension to respond to Data Request Set 2, Nos. 31-33, 38, 39, (received on October 17, 2014), an additional extension for No. 58, due by October 24, 2014, and objected to Data Requests Nos. 34-37. Data Requests Set 3 responses from Petitioner are due October 31, 2014.

Staff anticipates receiving the PDOC from the District by October 24, 2014. Steve Moore from the District will be present at the Hearing/Status Conference on October 23, 2014 by WebEx, to answer any questions on the PDOC/FDOC from the Committee.

Staff will publish its Preliminary Staff Assessment 45 days following the issuance of the PDOC. Public workshops will be scheduled following the PSA publication.

DATED: October 21, 2014

Respectfully submitted,

          /s/ Original Signed by            
KERRY A. WILLIS  
Senior Staff Counsel