

DOCKETED

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October 31, 2014

VIA E-FILING

Carlsbad Energy Center Project (07-AFC-06C)
Karen Douglas, Commissioner and Presiding Member
Andrew McAllister, Commissioner and Associate Member
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

Re: Carlsbad Energy Center Project Petition to Amend (07-AFC-06C)
Status Report 2

Dear Committee Members:

On September 26, 2014, the California Energy Commission's ("**CEC**") Carlsbad Amendments Committee docketed its Committee Scheduling Order (the "**Scheduling Order**") for the Petition to Amend (the "**PTA**") the Carlsbad Energy Center Project (07-AFC-06C) ("**CECP**"). Accordingly, Carlsbad Energy Center LLC ("**Project Owner**") submits this Status Report 2.

Discovery Status

In October, Project Owner has received several new data request sets from various parties and has also submitted data requests responses as well as several objections to some of the new data requests. Project Owner is completing its revised renderings and site plans that show the project with current background photographs and also that show the generator-tie transmission pole movement concessions agreed to by Project Owner in September. Project Owner will complete responses to the data request sets it has not objected to or does not object to by early November.

Project Owner has objected to certain CEC staff data requests related to visual resources for the reasons it outlined in its objection.

On Tuesday, October 28, 2014 Project Owner received a fourth set of data requests from CEC staff. Though it has just reviewed those data requests, Project Owner believes it will have to partially object to two data requests that relate to Transmission System Engineering because they appear to seek information that has either already been provided, cannot be produced, and/or that is not reasonably necessary to reach a decision on the PTA.

On Thursday, October 30, 2014, representatives of the Project Owner and CEC staff held a productive electronic meeting and conference call regarding cultural resources. Project Owner

believes this has helped CEC cultural resources staff better understand specific aspects of the project and how they could or could not have impacts on historical and cultural resources.

Simpson Data Requests

This week, Project Owner also received a set of 59 data requests from intervenor Rob Simpson. Actually, the data requests were filed by both Mr. Simpson and by his attorney. The data request submittals also made inconsistent references to an organization referred to using the words "Helping Hands" which Project Owner does not recognize as being an intervenor. The filing by Mr. Simpson also appears to make the data requests very confusing and also appears to make the data requests directed at CEC staff as well as the Project Owner.

Mr. Simpson's data requests appear to greatly exceed the limited scope of his intervention and also seem to have been made without regard to the regulation guiding the requirements for data requests. Many of his data requests appear to be simply designed to force other parties to do research for him on topics that he is interested in.

Project Owner respectfully requests that the Committee evaluate the Simpson Data requests, both as filed by his counsel as well as the version filed directly by him and make a determination of whether these data requests need be responded to at all.

Schedule

Project Owner will submit any final objections to the newest data requests either concurrently with this status report or early next week. If the Committee is able to include a discussion of data request and discovery issues at the Committee Conference scheduled for November 3rd, this would help enable resolution of any remaining discovery to support a timely Preliminary Staff Assessment. Project Owner thanks the Committee for ordering a specific schedule.

Locke Lord LLP

By: 

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