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STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:)	
Petition to Remove Obsolete Facilities)	Docket No. 07-AFC-06C
To Support Construction of the)	
Carlsbad Energy Center)	
)	
And Petition to Amend the Carlsbad)	
Energy Center Project)	
_____)	

**ROBERT SIMPSON’S COMMENTS IN SUPPORT OF TERRAMAR’S MOTION TO
DELAY THE PSA WORKSHOP UNTIL FEBRUARY 2015 AND EXTEND THE PSA
COMMENT PERIOD**

Terramar filed a motion on December 24, 2014 (TN# 203479) to “delay the PSA workshop until February 2015” and request an extension “for the PSA comment period...to a date after the PSA workshop is completed.” Intervenors Power of Vision and Robert Sarvey subsequently submitted comments (respectively, TN# 203486 and TN# 203485) supporting Terramar. Intervenor Simpson joins Power of Vision and Mr. Sarvey in supporting Terramar’s motion for additional time to analyze and comment on the PSA.

The overlapping comment periods for the PSA and the Preliminary Determination of Compliance (PDOC) create a hardship for the intervenors. As Terramar noted, while the PDOC was scheduled to be issued no later than November 10, 2014 according to the Commission’s own schedule (*see* TN# 203285, page 4: “San Diego Air Pollution Control District (SDAPCD) files Preliminary Determination of Compliance (PDOC) – 11-10-14 or earlier”), it was not issued until more than a month later on December 12, 2014 (TN# 203441). The PSA was issued three days later on December 15th (TN# 203457). As a result of the PDOC’s long delay and the nearly simultaneous release of the PSA, their commenting periods now overlap. Given that the PDOC is 107 pages long and the PSA is 890 pages, and both contain substantial and complex

information requiring extensive study, asking all parties to examine them *at the same time* creates an unreasonable hardship that the Commission should endeavor to mitigate.

In its opposition to the motion (TN# 203491), the applicant claims that the “scheduled events for the PSA are reasonable.” Considering that Terramar has submitted a motion stating the time frame is too limited and all other intervenors are *unanimous* in supporting this assertion, the applicant’s claims should be questioned. The applicant has substantially more resources to review and comment on these documents than other parties and therefore stands to have a substantial advantage in arguing its case if this proceeding is allowed to continue on the original schedule. This proceeding is not a rubber stamp – it is intended for public review of the reliability, safety, and environmental impacts of the Carlsbad project. If the parties representing the public interests, i.e. the intervenors, unanimously state that more time is needed to review a dense technical document of 890 pages, the Commission should give that considerable weight.

Additionally, the applicant notes that “[t]here is no statutory or regulatory requirement for a minimum time period for comments on a PSA.” That is exactly the case. Since there is no statutory or regulatory minimum, there is no impediment to the Commission extending the comment period. While the 30 day deadline might be “typical” as the applicant states, that doesn’t necessarily make it appropriate under the particular circumstances of this case. The Commission needs to not only account for the unanimous agreement of the intervenors that an extension of the commenting period is necessary, but to consider that changes in its own schedule – the one-month delay of the PDOC’s release – caused the problem in the first place. While the intervenors recognize the applicant’s desire to “keep the CECP proceeding moving forward at an efficient pace[,]” however an extension into February would represent but a small delay in a schedule that has already been adjusted on previous occasions. A short delay for the sake of fairness seems like a just and sensible trade-off. Under these circumstances, an extension of the commenting period is not only reasonable, but appropriate and fair to all parties.

Under Title 20, California Code of Regulations, section 1741, the purpose of this proceeding is to “ensure that any sites and related facilities certified provide a reliable supply of electrical energy at a level consistent with the need for such energy, and in a manner consistent with public health and safety, promotion of the general welfare, and protection of environmental quality.” Proper reviews of the PSA and PDOC are a significant part of following through on

§1741. By forcing the parties to examine both the PSA and PDOC at the same time, the Commission would essentially be limiting the amount of time parties could spend on each document and thereby reduce the quality of the comments, or even force the parties to choose to comment on one and ignore the other. Moreover, as Mr. Sarvey pointed out in his supporting comments, the intervenors are by and large small organizations and individuals who do not have the resources to hire large staffs to examine these documents, especially with the holiday season falling in the middle of the comment period. By failing to allow adequate time for the parties to review and comment on the PSA (as well as the PDOC), the Commission would undermine §1741 in this proceeding. As such, the Commission should grant Terramar's motion to delay the PSA workshop until, at the earliest, February 2015, and extend the PSA's commenting period until after said workshop.

Respectfully Submitted,

/s/ Robert Simpson

December 31, 2014