

## DOCKETED

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| <b>Docket Number:</b>   | 07-AFC-06C  |
| <b>Project Title:</b>   | Carlsbad Energy Center - Compliance   |
| <b>TN #:</b>            | 203526  |
| <b>Document Title:</b>  | COMMITTEE ORDER DENYING TERRAMARâ€™S MOTION TO POSTPONE THE STAFF PSA WORKSHOP AND PARTIALLY EXTENDING THE PSA COMMENT DEADLINE |
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| <b>Filer:</b>           | Maggie Read   |
| <b>Organization:</b>    | Energy Commission Hearing Office  |
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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
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**PETITIONS TO AMEND THE  
CARLSBAD ENERGY CENTER PROJECT**

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

**COMMITTEE ORDER DENYING TERRAMAR'S MOTION TO POSTPONE  
THE STAFF PSA WORKSHOP AND PARTIALLY EXTENDING THE PSA  
COMMENT DEADLINE**

Upon consideration of the Motion to Delay the Preliminary Staff Assessment (PSA) Workshop and Extend the PSA Comment Period (Motion)<sup>1</sup> filed by Terramar Association (Terramar or Petitioner), and the written and oral arguments of the parties and public, the Committee designated to conduct proceedings in this matter makes the following findings:

1. On December 15, 2014, Commission staff published its Preliminary Staff Analysis (PSA) for the Carlsbad Energy Center Amendments.<sup>2</sup> Staff noticed a PSA workshop in Carlsbad on January 12 and 13, 2015, and set a deadline for written comments on the PSA on January 21, 2015.<sup>3</sup>
2. Three days earlier, on December 12, 2014, the San Diego Air Pollution Control District filed its Preliminary Determination of Compliance (PDOC) regarding the conformance of the proposed amended project with federal, state, and local air quality regulations.<sup>4</sup> The PDOC was expected, according to the schedule published by the Committee on October 30, 2014,<sup>5</sup> to be filed by November 10, 2014.
3. Intervenors Robert Sarvey, Power of Vision, and Rob Simpson filed responses supporting Terramar's Motion.<sup>6</sup> The Project Owner objected to the Motion.<sup>7</sup>
4. On January 7, 2015, during a Committee Conference held in Sacramento, the parties and Committee discussed the state of progress in the proceeding and the merits of the Motion.
5. At the conclusion of the discussion of the Motion, the Committee orally ruled that the staff PSA workshop would not be postponed. The purpose of such a workshop is to exchange and obtain information to inform a party's review of the PSA and prepare for

<sup>1</sup> TN 203479, filed December 24, 2014

<sup>2</sup> TN 203457

<sup>3</sup> TN 203462

<sup>4</sup> TN 203441

<sup>5</sup> TN 203285

<sup>6</sup> TNs 203485, 203486, 203492

<sup>7</sup> TN 203491

later evidentiary hearings, not to litigate the ultimate issues in the proceeding or to change the minds of other parties. For those purposes, no prejudice has been shown.

6. Petitioner asserts that more time is necessary for it to review and respond to both the PSA and the PDOC and that the later than expected filing of the PDOC days before the PSA's release creates an unreasonable burden on the intervenors and the public given the intervening holidays.
7. The January 21, 2015, deadline for PSA comments is reasonable. It does not place an unreasonable burden on the parties or public. This is an amendment proceeding whose focus is on the proposed changes to the approved project and their effect, if any, on the original project decision's analysis and conclusions. The intervenors are free to coordinate their efforts to focus on the areas of particular interest to them, dividing up the work as appropriate.
8. During the January 7, 2015, Committee Conference, staff offered that the deadline for comments on two topics—Air Quality and Public Health—could be extended until February 2, 2015, without affecting staff's ability to publish its Final Staff Assessment on schedule on February 17, 2015. We will take advantage of staff's offer and extend the deadline for comments in those two topic areas to 9:00 a.m. on Monday, February 2, 2015. Comments must be received by upload to the e-commenting system, e-mail to Dockets, e-filing (in the case of parties), or physical delivery to Dockets prior to that date and time. This extension affords the parties and public eleven additional days to prepare their comments for those topics, including a final weekend.

**THEREFORE, THE COMMITTEE ORDERS** that the Motion to postpone the PSA Workshop is **DENIED**. The Motion to extend the PSA comment period is **GRANTED ONLY for the topics of Air Quality and Public Health, for which comments shall be due by 9:00 a.m. on February 2, 2015**. Comments on the remaining topics shall be due on the previously established deadline, January 21, 2015.

Dated: January 15, 2015, at Sacramento, California.

*Original signed by*

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KAREN DOUGLAS  
Commissioner and Presiding Member  
Carlsbad Amendment Committee

*Original signed by*

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ANDREW McALLISTER  
Commissioner and Associate Member  
Carlsbad Amendment Committee