

## DOCKETED

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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 5**

Dear Committee Members:

On October 30, 2014, the California Energy Commission's Carlsbad Amendments Committee (the "**Committee**") docketed its Revised Committee Scheduling Order (the "**Revised Scheduling Order**") for the Petition to Amend (the "**PTA**") the Carlsbad Energy Center Project (07-AFC-06C) ("**CECP**"). Pursuant to the Revised Scheduling Order, Carlsbad Energy Center LLC ("**Project Owner**") submits this Status Report 5.

The Project Owner continues to be very appreciative of the effort of CEC Staff to resolve issues and thoroughly analyze the PTA and the proposed Amended CECP. The Staff workshop in Carlsbad on January 12-13, 2015 allowed Staff, the Project Owner, the City of Carlsbad and the intervening parties to identify and discuss issues. The result of this effort was tailored and focused comments from the Project Owner in particular that were responsive to various issues of all parties.

**Schedule**

Project Owner looks forward to the publication of the Final Staff Assessment ("**FSA**") on February 17, 2015. The Chief Hearing Adviser has informed the parties that the tentative evidentiary hearing dates in the Revised Scheduling Order cannot be met due to scheduling conflicts. However, the Committee has placed tentative holds on April 1 and April 2, 2015. The Project Owner believes that those dates will suffice and can support them. Project Owner respectfully requests that the Committee schedule the evidentiary hearings for April 1 and April

2, 2015. Project Owner further requests that non-contingent deadlines remain the same while contingent deadlines be adjusted accordingly.

### **Issues of Likely Concern**

The Committee has asked parties to identify issues of likely concern based upon the information available to date. Project Owner expects that, with the publication of the FSA, that the Project Owner will have no major issues or concerns with the proposed Conditions of Certification.

There does appear to be a likely set of issues to be raised by intervenors associated with views from I-5 of transmission lines and the land use and visual implications of possible future realignment and widening of I-5. While Project Owner does not have any issues or concerns with the proposed Conditions of Certification and analysis by CEC Staff, the Project Owner may wish to offer testimony should this issue be raised by intervenors. Similarly, Project Owner may desire to cross examine any witnesses offered by any parties. The Project Owner suggests that 15 minutes of Visual Resources and 15 minutes of Land Use direct testimony be reserved for those topics and an identical amount of time for cross examination, if any witnesses are presented by intervenors. Nevertheless, Project Owner remains certain that the analysis and Conditions of Certification offered by CEC Staff resolve any possible issues and that, as to I-5 widening, the matter is an issue that has not changed since the issuance of the original decision approving CECP.

### **Power of Vision's Fire Access Roads Request**

On December 29, 2014, intervenor Power of Vision filed correspondence requesting that Project Owner provide a fire access drawing for the Amended CECP's six generating units. On January 9, 2015, Project Owner responded by filing two revised figures denoting fire lanes (construction and operations) and construction access.

### **Generator-Tie Transmission Lines Information**

On December 18, 2014, the Committee directed Project Owner to "articulate specific standards regarding the necessary heights of poles and constraints. . . against placing the poles within the bermed area and reducing the heights of poles that cannot be placed in the bermed area." In compliance with the Committee's order, Project Owner filed a supplemental response to Data Request Set 3 on January 12, 2015. Project Owner's supplemental response specifically addressed the standards dictating the necessary pole heights for the project's generator-tie transmission lines and also discussed the constraints against placing the poles in the bermed area and reducing the height of poles that cannot be so placed. Project Owner also responded to the questions of Staff and intervenors on this issue during the second day of the Preliminary Staff Assessment workshop in Carlsbad on January 13, 2015.

### **City of Carlsbad's Will-Serve Letter Demonstrates an Ability to Serve the CECP's Needs for Potable Water, Recycled Water, and Sewer Service**

On January 8, 2015, the City of Carlsbad filed a letter which expresses its willingness and ability, and the willingness and ability of the Carlsbad Municipal Water District, to serve the CECP's needs for potable water, recycled water, and sewer service. Project Owner believes

this letter demonstrates that reliable and safe long-term supplies of these services are available and will assist the Staff in preparing the Final Staff Assessment for publication on February 17, 2015.

### **Preliminary Staff Assessment Workshop**

On January 12 and January 13, 2015, Staff held a workshop in Carlsbad on the Preliminary Staff Assessment. Project Owner feels that the resulting dialogue was productive and informative for all parties.

### **City of Carlsbad's Conclusion that the CECP does not Require a Water Supply Assessment**

On January 12, 2015, the City of Carlsbad filed supplemental information to support its conclusion that the CECP is not a project under California Water Code Section 10912 and therefore does not require a Water Supply Assessment. Project Owner concurs in that conclusion.

### **Comments on the SDAPCD's Preliminary Determination of Compliance**

On January 16, 2015, Project Owner filed its comments on the San Diego Air Pollution Control District's Preliminary Determination of Compliance.

### **Comments on the Preliminary Staff Assessment**

On January 21, 2015, Project Owner filed its comments on the Preliminary Staff Assessment. Project Owner looks forward to Staff's response to those comments in an appendix to the Final Staff Assessment.

### **Information on Demineralization Trailers for Industrial Process Water**

At the January 7, 2015 Status Conference, the Committee indicated that, in the Final Staff Assessment, Staff should discuss the impacts of the demineralization trailers that will be used to ensure that the recycled water supplied by the Carlsbad Municipal Water District is suitable for use as industrial process water. At the Preliminary Staff Assessment workshop, Staff requested additional information from Project Owner regarding these trailers. On January 28, 2015, Project Owner filed supplemental information that addresses the materials used, transportation, the regeneration process for reuse of the filters, and the waste stream associated with regeneration of the filters. Project Owner believes that this information will assist Staff in preparing the Final Staff Assessment for publication on February 17, 2015.

### **Cultural Resources Assessment**

As indicated at the January 7, 2015 Status Conference, Project Owner has worked with the Staff's cultural resources specialists to arrange the on-site field work necessary for timely completion of the Final Staff Assessment. Field work began and was completed in January 2015.

**Conclusion**

Project Owner recognizes, and appreciates, the hard work and diligence of CEC staff during their assessment of this PTA. Project Owner will continue cooperating with all parties while looking towards the timely completion of the CEC review of the PTA.

Locke Lord LLP

By:  \_\_\_\_\_

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