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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 MOTION TO DELAY ALL ACTIVITY IN THIS PROCEEDING
UNTIL APRIL 10, 2015**

Intervenor Robert Simpson hereby makes a motion to delay all activity in the Carlsbad proceeding until April 10, 2015, so that all parties will have sufficient time to consider the final versions of the San Diego Air Pollution Control District’s Final Determination of Compliance (“FDOC”) and the California Public Utility Commission’s Proposed Decision Denying Without Prejudice San Diego Gas & Electric Company’s Application for Authority to Enter into Purchase Power Tolling Agreement with Carlsbad Energy Center, LLC (“CPUC Proposed Decision”).¹ The FDOC is not available as of the writing of this motion (on March 9th) and the Proposed Decision was only made available within the last business day (on March 6th). Both documents are highly relevant to this proceeding and could have a substantial impact on the Carlsbad Energy Center Project. As such, the Commission should grant additional time to all parties to review these documents so that they may be discussed with full knowledge in testimony and the evidentiary hearings.

The CPUC Proposed Decision has the potential to change the size of the entire Carlsbad Energy Center Project. As such, the CPUC’s final decision deserves full consideration in the

¹ The CPUC released the Proposed Decision on March 6, 2015. The first Business Meeting at which the CPUC could vote on a final version of the decision is scheduled for April 9, 2015. The Proposed Decision has been filed by Intervenor Robert Sarvey and Terramar Associates as TN # 203786 and TN # 203789 respectively. The Proposed Decision is also available at: <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M148/K259/148259638.PDF>.

testimonies of all parties as well as in the evidentiary hearings. The CPUC Proposed Decision rejects allowing San Diego Gas & Electric Company (“SDG&E”) to enter into a Purchase Power Tolling Agreement (“PPTA”) with the CECP “in the event that [SDG&E’s] request for offers fails to produce more than the minimum required 200 megawatts of preferred resources and/or energy storage, or for approval of an amended [PPTA] agreement with [CECP] for a smaller project in the event that the request for offers produces more than the minimum 200 megawatts of preferred resources and/or energy storage but less than the entirety of [SDG&E’s] procurement authority.”² In other words, if SDG&E’s request for offers produces more than 200 MW of feasible and cost-effective preferred resources and/or energy storage, then the CECP must be smaller than presently contemplated. A reduction in size of the CECP raises many issues of importance, particularly in the subjects of alternatives and air quality impacts, as well as whether the applicant would still consider the entire project viable in the first place. All parties in this proceeding deserve the opportunity to read the CPUC’s *final* decision in this matter in order to have full knowledge of the potential changes to the project and be able to discuss them in testimony and the evidentiary hearings.

According to the cover page of the CPUC Proposed Decision, the earliest time a hearing regarding the *final* decision may be heard is at the CPUC Business Meeting on April 9th.³ Therefore, delaying this proceeding until April 10th, allowing all parties to examine the *final* and definitive version of the CPUC Proposed Decision, would be most appropriate.

As mentioned above, the FDOC from the San Diego Air Pollution Control District is not available to the parties at this time. Its lack of availability and the uncertainty surrounding it similarly necessitate a delay in this proceeding. In TN # 203775, the Commission attempted to allay worries by the parties over the FDOC’s current unavailability by assuring that it would be filed by March 13, 2015 by extending the deadline for air quality FDOC-related testimony to March 24th. While generous, this does not quell the concerns of the intervenors over the availability of the FDOC. Earlier in this proceeding, the Commission asserted that the PDOC would be available for review by all parties by November 10, 2014 (TN # 203285, page 4). That date came and went with no word from the Commission about when the PDOC would be

² CPUC Proposed Decision at p. 2.

³ In the event that the final decision is not heard at the April 9, 2015 meeting, the next possible hearing occurs on May 7, 2015.

released. Ultimately, it came out more than a month later (TN # 203441) and forced the Commission to extend the due dates for air-quality-related comments by several weeks (TN # 203526). As such, Mr. Simpson is not assured by the Commission's assertions that the FDOC will be available on the date claimed and questions whether the FDOC-related comments extension will be sufficient. By delaying the proceeding until April 10th, the Commission would allow more time for the FDOC to arrive and for all parties to review it once it does. This would not prejudice the proceeding and would ensure that all aspects of the FDOC receive full consideration in this proceeding.

In conclusion, for the reasons discussed above, Mr. Simpson requests that the Commission delay all action in this proceeding until April 10, 2015.

Respectfully Submitted,

/s/ Robert Simpson

March 9, 2015