

DOCKETED

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**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA**

Petition to Amend
The Carlsbad Energy Center

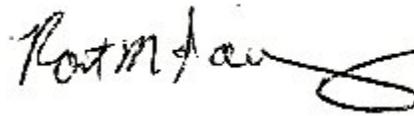
Docket Number 07-AFC-06C

Robert Sarey's Motion to Strike City of Carlsbad's Brief

On April 24, 2015 the City of Carlsbad filed a post hearing brief on land use issues and conformance with the Coastal Act of the Carlsbad Energy Center in the above captioned proceeding. To put it simply the City of Carlsbad is not a party to the proceeding and has no right to file a brief. The City of Carlsbad was a party to the original licensing proceeding 07-AFC-06 and should be aware of the Commission's Rules of Practice and procedure.

Intervenors have rights but they also have duties which the City of Carlsbad has not met. One of those duties is to provide responses to data requests. Power of Vision attempted to file data requests on the city early on in the proceeding.¹ While the city did answer they reminded Power of Vision in their response that, "The City is not a "party", and not subject to data requests."² It would be prejudicial to allow the City of Carlsbad to file a brief as they have not participated as a party in the proceeding. I move that the Committee strike the City of Carlsbad's brief in its entirety.

Respectfully Submitted,



Robert Sarvey

¹ [Data Request To Mayor Pro Tem Mark Packard, City of Carlsbad](#)

² TN 201217 [Letter of Response to Dr. Roe](#) Page 2 of 3