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STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission

In the Matter of:

**Petitions to Amend The
CARLSBAD ENERGY CENTER PROJECT**

DOCKET NO. 07-AFC-06C

**Project Owner’s Procedural Objection to Sierra Club’s
“Comments” on Petition for Reconsideration**

On August 3, 2015, the California Energy Commission (“CEC”) docketed its Final Decision approving Carlsbad Energy Center LLC’s (“Project Owner”) Petition to Amend and Petition to Remove (collectively referred to hereafter as the “Petition to Amend” or “PTA”) the Carlsbad Energy Center Project (“CECP”). On September 2, 2015, the last day to file a petition for reconsideration under the CEC’s regulations, intervenors Robert Sarvey and Robert Simpson (collectively, “Petitioners”) timely filed separate petitions asking the CEC to reconsider its decision to approve the project. The CEC scheduled a hearing on the petitions at the Energy Commission Business Meeting on September 22, 2015, and offered parties to the amendment proceeding the opportunity to respond to the petitions.


On September 16, 2015, three “responses” to the petitions were filed. Project Owner and Energy Commission Staff objected to the petitions on the grounds that they failed to set forth proper grounds for reconsideration. Sierra Club, however, filed a document which purports to be “comments” on the petitions but actually exceeds the scope of a permitted response by setting forth new arguments for reconsideration not raised in the timely petitions. Under the guise of providing “comments,” Sierra Club raises legal issues on two new topics, the project description and the greenhouse gas baseline, neither of which was raised in the petitions. Further, the Sierra Club does not respond substantively to any points raised in the petitions. The Sierra Club “comments” therefore appear to present an attempt to circumvent the Petition for

Reconsideration process by untimely filing a petition under circumstances where the other interested parties would not be able to respond to the arguments raised.

For these reasons, Project Owner respectfully recommends that the Commission note the scope of arguments raised in the two timely Petitions for Reconsideration, and recognize that only those arguments in the timely Petitions are properly before the Commission for consideration.

Dated: September 18, 2015

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By: 

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