July 7, 2010

VIA FEDEX

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 07-AFC-3
1516 Ninth Street, MS-4
Sacramento, California 95814-5512

Re: CPV Sentinel Energy Project: Docket No. 07-AFC-3

Dear Sir/Madam:

Pursuant to California Code of Regulations, title 20, sections 1209, 1209.5, and 1210, enclosed herewith for filing please find Applicant’s Objection to Intervenor CBE’s Updated Expert Declaration of Julia May regarding Emission Reduction Credits Documentation Offered by South Coast Air Quality Management District.

Please note that the enclosed submittal was filed today via electronic mail to your attention and served on all parties to the above-referenced project.

Very truly yours,

Paul E. Kihm
Senior Paralegal

Enclosure

cc: CEC 07-AFC-3 Proof of Service List (via email and U.S. Mail)
    Michael J. Carroll, Esq. (w/encl.)
    Joshua Bledsoe, Esq. (w/encl.)
In the Matter of: Docket No. 07-AFC-3
Application for Certification, PROOF OF SERVICE
for the CPV SENTINEL ENERGY PROJECT (July 1, 2010)

APPLICANT

Mark Turner
Project Manager
CPV Sentinel, LLC
55 Second Street, Suite 525
San Francisco, California 94105
mturner@cpv.com

Dale Shileikis
Vice President
URS Corporation
Post Montgomery Center
One Montgomery Street, Suite 900
San Francisco, CA, 94104-4538
dale_shileikis@urscorp.com

INTERESTED AGENCIES

California ISO
E-mail preferred
e-recipient@caiso.com

Mohsen Nazemi
South Coast Air Quality Management District
21865 E. Copley Drive
Diamond Bar, California 91765-4178
mnazemi@aqmd.gov
INTERVENORS

Angela Johnson Meszaros  
CA Communities Against Toxics  
1107 Fair Oaks Avenue, #246  
South Pasadena, CA 91030  
Angela@CleanAirMatters.net

Shana Lazerow  
Communities for a Better Environment  
1904 Franklin Street, Suite 600  
Oakland, California 94612  
slazerow@cbecal.org

ENERGY COMMISSION

James D. Boyd  
Vice Chair and Presiding Member  
CALIFORNIA ENERGY COMMISSION  
1516 Ninth Street  
Sacramento, California 95814-5512  
jboyd@energy.state.ca.us

Kenneth Celli  
Hearing Officer  
CALIFORNIA ENERGY COMMISSION  
1516 Ninth Street  
Sacramento, California 95814-5512  
kcelli@energy.state.ca.us

John Kessler  
Project Manager  
CALIFORNIA ENERGY COMMISSION  
1516 Ninth Street  
Sacramento, California 95814-5512  
jkessler@energy.state.ca.us
Tim Olson
Advisor to Commissioner Boyd
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
tolson@energy.state.ca.us

Caryn Holmes
Staff Counsel
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
cholmes@energy.state.ca.us

Dick Ratliff
Staff Counsel
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
dratliff@energy.state.ca.us

Jennifer Jennings
Public Adviser
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
Publicadviser@energy.state.ca.us
DECLARATION OF SERVICE

I, Paul Kihm, declare that on July 7, 2010, I served and filed copies of the attached:

Applicant's Objection to Intervenor CBE's Updated Expert Declaration of Julia May regarding Emission Reduction Credits Documentation Offered by South Coast Air Quality Management District

to all parties identified on the Proof of Service List above in the following manner:

California Energy Commission Docket Unit

☒ Transmission by depositing one original paper copy with FedEx overnight mail delivery service at Costa Mesa, California, with delivery fees thereon fully prepaid and addressed to the following:

CALIFORNIA ENERGY COMMISSION
Attn: DOCKET NO. 07-AFC-3
1516 Ninth Street, MS-4
Sacramento, California 95814-5512
docket@energy.state.ca.us

For Service to All Other Parties

☒ Transmission via electronic mail to all email addresses on the Proof of Service list; and

☒ by depositing one paper copy with the United States Postal Service via first-class mail at Costa Mesa, California, with postage fees thereon fully prepaid and addressed as provided on the Proof of Service list to all parties.

I further declare that transmission via U.S. Mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 7, 2010, at Costa Mesa, California.

Paul Kihm
STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of: Docket No. 07-AFC-3
APPLICATION FOR CERTIFICATION
FOR THE CPV SENTINEL ENERGY PROJECT

CPV Sentinel, LLC ("Applicant") objects to Intervenor Communities for a Better Environment's ("CBE") Updated Expert Declaration of Julia May regarding Emission Reduction Credits Documentation Offered by South Coast Air Quality Management District, filed with the California Energy Commission ("CEC") on June 30, 2010, and respectfully requests that the updated declaration be deemed untimely and denied admission into evidence.

Pursuant to the evidentiary hearing schedule established by the CEC and distributed in the Second Revised Notice of Prehearing Conference and Evidentiary Hearing on the Limited Issue of Air Quality, dated May 20, 2010 (the "schedule"), the deadline for Intervenors to file Air Quality Testimony and Exhibit Lists was June 15, 2010, prior to 3:00 p.m. The updated declaration at issue was filed more than two weeks late, and, therefore, is untimely and inadmissible.

The aforementioned schedule was agreed upon after lengthy discussion at the Prehearing Conference on the Limited Issue of Air Quality held on May 19, 2010. CBE participated in the May 19, 2010 Prehearing Conference and confirmed that a June 15, 2010 deadline for filing air quality testimony was acceptable. See Transcript of May 19, 2010 Prehearing Conference, at p. 34.\(^1\) The schedule was re-confirmed at the second Prehearing Conference on the Limited Issue

of Air Quality, held on June 1, 2010. See Transcript of June 1, 2010 Prehearing Conference. CBE also participated in the June 1, 2010 Prehearing Conference and did not object to the schedule.

Further, given the late filing of the updated declaration, other parties have been denied the opportunity to file rebuttal testimony, which was due on June 30, 2010 prior to 3:00 p.m. It would be improper and inequitable to accept the late-filed updated declaration under such circumstances. Accordingly, we respectfully request that the updated declaration be deemed untimely and denied admission into evidence.

DATED: July 7, 2010

Respectfully submitted,

[Signature]
Michael J. Carroll
LATHAM & WATKINS LLP
Counsel to Applicant

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