

**LATHAM & WATKINS** LLP

July 7, 2010

**VIA FEDEX**

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

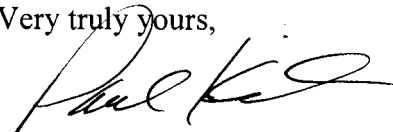
Re: CPV Sentinel Energy Project: Docket No. 07-AFC-3

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.)

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**DOCKET**  
**07-AFC-3**

DATE JUL 07 2010

RECD. JUL 07 2010

File No. 030137-0012

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

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

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INTERESTED AGENCIES

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CPV SENTINEL ENERGY PROJECT  
CEC Docket No. 07-AFC-3

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CPV SENTINEL ENERGY PROJECT  
CEC Docket No. 07-AFC-3

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**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](mailto: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

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Joshua T. Bledsoe  
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(714) 540-1235

STATE OF CALIFORNIA  
ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of:	)	Docket No. 07-AFC-3
	)	
APPLICATION FOR CERTIFICATION	)	OBJECTION TO INTERVENOR CBE'S
FOR THE CPV SENTINEL ENERGY	)	UPDATED EXPERT DECLARATION OF
PROJECT	)	JULIA MAY REGARDING EMISSION
	)	REDUCTION CREDITS
	)	DOCUMENTATION OFFERED BY SOUTH
	)	COAST AIR QUALITY MANAGEMENT
	)	DISTRICT

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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 Intervenor's 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.<sup>1</sup> The schedule was re-confirmed at the second Prehearing Conference on the Limited Issue

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<sup>1</sup> Available at [http://www.energy.ca.gov/sitingcases/sentinel/documents/2010-05-19\\_Transcript.pdf](http://www.energy.ca.gov/sitingcases/sentinel/documents/2010-05-19_Transcript.pdf) (last visited 7/2/2010).

of Air Quality, held on June 1, 2010. *See* Transcript of June 1, 2010 Prehearing Conference.<sup>2</sup> 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 unequitable 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,

  
Michael J. Carroll  
LATHAM & WATKINS LLP  
Counsel to Applicant

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<sup>2</sup> Available at [http://www.energy.ca.gov/sitingcases/sentinel/documents/2010-06-01\\_Transcript\\_PHC\\_Limited\\_AQ.PDF](http://www.energy.ca.gov/sitingcases/sentinel/documents/2010-06-01_Transcript_PHC_Limited_AQ.PDF) (last visited 7/2/2010).