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07-AFC-6

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December 3, 2008

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VIA HAND DELIVERY

The Honorable James D. Boyd
The Honorable Karen Douglas
Siting Project Committee
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

**Re: Carlsbad Energy Center Project (07-AFC-6)
Applicant's Status Report (December 2008)**

Dear Commissioners:

The Committee's November 12, 2008 Revised Scheduling Order requires all parties to submit Status Reports if the California Energy Commission's Staff had not completed and published its Preliminary Staff Assessment ("PSA") for the proposed Carlsbad Energy Center Project ("CECP") as of December 3, 2008. As such, Carlsbad Energy Center LLC ("Applicant") timely submits this Status Report.

1. Background: November 3, 2008 Status Report

On November 3, 2008, Applicant submitted a comprehensive status report detailing issues and activities that have occurred related to the proposed CECP since the filing of the application for certification ("AFC"). This Status Report only addresses information that has arisen since the November 3 filing.

2. Air Quality

The San Diego County Air Pollution Control District ("SDAPCD") published its Preliminary Determination of Compliance ("PDOC") for CECP. A copy of the PDOC was docketed on November 21, 2008 and Applicant mailed a copy of SDAPCD's *Notice of Preliminary Decision to Approve a Source of Air Pollution* to all identifiable residential addresses within two miles of CECP on November 26, 2008, in compliance with SDAPCD public notice requirements. Public comments on the PDOC are due to the SDAPCD on or before December 24, 2008.

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3. Data Request Dispute

On November 10, 2008, Center for Biological Diversity (“CBD”) filed a Petition for Order Directing Response to Data Requests by Applicant (“Petition”). Subsequently, Hearing Officer Kramer issued a directive to all parties requiring all responses to CBD’s Petition be filed on or before November 21, 2008. Applicant submitted its response to CBD’s Petition on November 20, 2008.

4. Preliminary Staff Assessment

As identified in its November 3, 2008 status report, Applicant has timely responded to all of Staff’s data requests and timely objected to Intervenor’s requests. In addition, Applicant has responded to all of the City of Carlsbad’s requests for information or data.

Pursuant to the Committee’s November 12, 2008 Revised Scheduling Order, Staff was to have issued its Preliminary Staff Assessment (“PSA”) by November 21, 2008. Applicant believes Staff is diligently working to complete the PSA as soon as possible.

Applicant remains committed to providing, to the extent feasible, information that may assist CEC Staff with moving CECP’s AFC proceeding toward a Final Staff Assessment.

Respectfully submitted,

Stoel Rives LLP

// ORIGINAL SIGNED \\
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John A. McKinsey
Attorneys for Applicant

JAM:kjh

cc: Proof of Service List (see attached)