



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
 COMMISSION OF THE STATE OF CALIFORNIA
 1516 NINTH STREET, SACRAMENTO, CA 95814
 1-800-822-6228 – WWW.ENERGY.CA.GOV

APPLICATION FOR CERTIFICATION (AFC) FOR THE
CARLSBAD ENERGY CENTER PROJECT

DOCKET No. 07-AFC-6

**COMMITTEE RULING ON INTERVENOR POWER OF VISION'S
 REQUEST TO DELAY STAFF WORKSHOP**

On December 9, 2008, Intervenor Power of Vision (POV) filed a *Request for Delay* (Petition) of the Energy Commission Staff Preliminary Staff Assessment Workshops set for January 7 and 8, 2009. The Petition was discussed at a Hearing on Intervenor Center for Biological Diversity's petition to compel data responses held on December 15, 2009, after which the parties were invited to file additional written arguments if they so desired. No additional arguments were filed.

Commission Staff released its Preliminary Staff Assessment (PSA) on December 12, 2008. The workshop in question is a Commission staff workshop to be held on January 7 and 8 to discuss the PSA with the parties and to take public comment and questions. Written public comments will be accepted until January 30, 2009. The staff will then consider the comments and other information and prepare its Final Staff Assessment (FSA) for release in late March 2009.

POV's argues that, due in part to the intervening holidays, additional time is necessary for the public to adequately prepare for the workshops. The other parties who offered opinions on the matter agree that the public would be better served by having the opportunity to attend the workshops in early January as staff proposes, observe and ask questions to educate themselves about the project and the issues it presents, and then file better informed written comments by January 2009.

We do not participate in Staff workshops such as this and are not generally disposed to micromanage their scheduling and other details. The proposed approach is reasonable¹. Further opportunities for public comment exist if staff conducts a similar

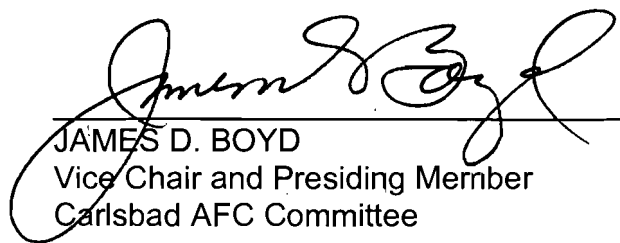
¹ POV's concerns may have been heightened, reasonably so, by Staff's most recent status report, issued before the PSA's release. In an attached schedule, Staff suggested that the FSA would be released on January 21, 2009, 13 days after the PSA workshops concluded. Staff's having changed its FSA publication target to late March and extended the PSA public comment deadline to January 30, mitigates that concern.

DOCKET	
07-AFC-6	
DATE	DEC 26 2008
RECD.	DEC 26 2008

workshop following release of the FSA as its counsel suggested and, in any event, at our evidentiary hearings that will also follow the FSA's release.

For the above reasons, the Petition is DENIED.

Dated December 26, 2008, at Sacramento, California.



JAMES D. BOYD
Vice Chair and Presiding Member
Carlsbad AFC Committee



KAREN DOUGLAS
Commissioner and Associate Member
Carlsbad AFC Committee