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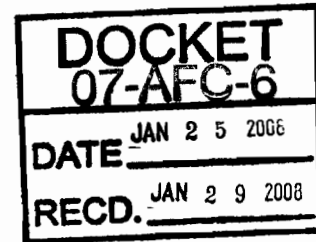
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January 25, 2008

Mike Monasmith, Project Manager  
California Energy Commission  
1516 Ninth St  
Sacramento CA 95814-5512



RE: CARLSBAD ENERGY CENTER PROJECT (07-AFC-6) DATA REQUESTS

Dear Mr. Monasmith:

Thank you for your thorough follow-up to the data requests that had been sent and responded to at the public meeting held on Thursday January 24, 2008 in the Schulman Auditorium of the Dove Library in Carlsbad. We appreciate the opportunity to participate in and receive and exchange information on certain aspects of the proposed project. We will be following up on these items as we discussed during the meeting in order to assist and facilitate with the flow of information. As you will recall, when we discussed data requests in the area of air quality, one of the members of the public inquired whether or not the plant could exceed the allowable emission standards at any particular moment in time since they were based on an annual average. As I understand it, the answer was "yes" but only under narrow circumstances, for example if the Governor for the State of California declared an emergency. I suggested that your staff could draft a self-executing condition on the license to operate in that event in addition to what ever emission standards are proposed by the Air Quality Control District. For example:

"If the proposed plant is operated for whatever reason in a manner which exceeds the quantitative air emission standards set forth in other conditions of this license, then, the licensee shall cease and desist operations for an equivalent (or multiple) time(s) as soon as practicable following the expiration of the condition that caused the exceedence as determined by the project manager."

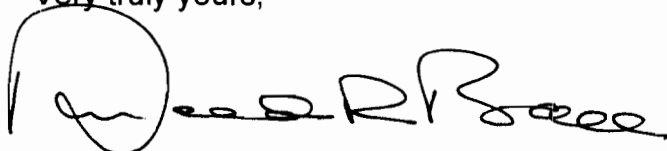
This condition would be on the license to operate rather than on the air emissions standards themselves and in addition to any monetary penalties imposed by another agency or by a court.



I would appreciate your consideration of this condition if and when it is appropriate to recommend conditions to certification.

I appreciate your cooperation and courtesy in this regard.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Ronald R. Ball'. The signature is fluid and cursive, with a large initial 'R' and 'B'.

RONALD R. BALL  
City Attorney

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c: Dick Ratcliff, Esq, California Energy Commission  
John Mckinsey, Esq, for NRG  
Joe Garuba, Senior Analyst, City of Carlsbad  
Allan Thompson, Esq.