

DOCKETED

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Project Title:	Carlsbad Energy Center - Compliance
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Document Title:	Order Denying Staff Motion to Expedite Decision Regarding Separation or Consolidation of Amendment Petitions
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**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
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***PETITIONS TO AMEND THE
CARLSBAD ENERGY CENTER
PROJECT***

Docket No. 07-AFC-06C

**ORDER DENYING STAFF MOTION TO EXPEDITE DECISION REGARDING
SEPARATION OR CONSOLIDATION OF AMENDMENT PETITIONS**

In the June 27, 2014 notice of the August 7 Site Visit and Committee Conference (“Notice,” TN 202623), the Carlsbad Amendment Committee stated its intention to decide whether to process the two amendment petitions¹ filed by the Carlsbad Energy Center Project (CECP) together or separately following the Committee Conference. The Petitioner filed its brief supporting separation on July 11 (TN 202683). Responsive briefs from the parties and other interested persons are due on July 31, and time to discuss the question is set aside on the Committee Conference agenda.

On July 10, 2014, Commission staff (“Staff”) filed a Motion to Consolidate Proceedings arguing in favor of considering the petitions together and asking the Committee to expedite its decision. CECP filed a response to Staff’s motion on July 25 (TN 202819).

Staff asserts that the delay in deciding whether to separate or combine the petitions for review is creating confusion among the parties and public. Further, it is said to complicate Staff’s “duties regarding data requests and noticing of workshops.” In its response, CECP, focusing on the merits of separately processing the two amendments, asserts that “Staff confusion and public uncertainty are not inevitable outcomes of a parallel review procedure,” and expresses its confidence in Staff’s ability to conduct parallel reviews.

Regarding the request to expedite our decision, we do not find Staff’s concerns compelling. Whether considered separately or together, the impacts and legal compliance of each amendment must be analyzed. The case is presently in its data gathering stage, not at the point of putting analysis and conclusions to paper. We see

¹ Please see the Notice for summaries of each of the petitions and further information about the August 7, 2014 Committee Conference.

no reason why Staff cannot determine what, if any, additional data it requires from CECP and other agencies and go about gathering that data, whether by data request or informal inquiry. Whether that data will be used in one or two processes can be decided later.

In anticipation of this very concern, we included the following statement in the Notice:

Parties to Begin Review and Discovery

Staff, the other parties, and the public are encouraged to begin their review of the petitions, formulate and issue data requests, conduct workshops, and take other actions that will facilitate the timely conclusion of these proceedings. There is no need to wait until the Committee Conferences conclude.

That portion of Staff's motion requesting that we **EXPEDITE** our decision is therefore **DENIED**. The portion requesting **CONSOLIDATION** of the petitions will be considered according to the schedule set forth in the Notice described above.

Dated: July 29, 2014, at Sacramento, California.

Original Signed By:

KAREN DOUGLAS
Commissioner and Presiding Member
Carlsbad Amendments Committee

Original Signed By:

ANDREW McALLISTER
Commissioner and Associate Member
Carlsbad Amendments Committee