

DOCKETED

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Project Title:	Carlsbad Energy Center - Compliance
TN #:	204461
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STATE OF CALIFORNIA

Energy Resources Conservation and
Development Commission

In the Matter of:)	
Petitions to Amend the)	Docket No. 07-AFC-06C
Carlsbad Energy Center Project)	
_____)	

Response of the City of Carlsbad to
Sarvey Motion to Strike

On April 29, 2015 Robert Sarvey filed a document entitled "Motion to Strike City of Carlsbad Brief". The City strongly opposes the motion. The City submitted responses in two of the three areas suggested for briefing by the Committee: Coastal dependency (compliance with local coastal plan), and, along with project owner and Caltrans, the creation of acceptable visual screening of the power plant and associated facilities. The City participated in the hearings and has special expertise on these issues.

We note that there is no rule or regulation that restricts briefs solely to parties. In fact 20 CCR1717(a) provides "Any party or agency who submits . . . briefs . . . shall file its documents in accordance with section 1210 (emphasis added)." This is logical as the architects of the Warren-Alquist Act undoubtedly wanted to make all relevant proceeding information available to the Assigned Committee, and recognized that local, state, and federal agencies had special knowledge and expertise. Obviously, the Committee has broad discretion on management of the proceeding and is free to consider the City's filing either as a brief or as a comment.

Respectfully Submitted:

Dated: April 30, 2015



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