

DOCKETED

Docket Number:	07-AFC-06C
Project Title:	Carlsbad Energy Center - Compliance
TN #:	205230
Document Title:	Notice of Hearing on Robert Sarvey Motions and Committee Conference (Closed Session)
Description:	July 13, 2015 Hearing on Robert Sarvey Motions & Committee Conference
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**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**

**PETITIONS TO AMEND THE
CARLSBAD ENERGY CENTER
PROJECT**

Docket No. 07-AFC-06C

**NOTICE OF HEARING ON ROBERT SARVEY MOTIONS AND COMMITTEE
CONFERENCE (CLOSED SESSION)**

PLEASE TAKE NOTICE that the Energy Commission Committee (Committee) assigned to conduct proceedings on the Petitions to Amend the Carlsbad Energy Center Project (CECP) has scheduled a Hearing on Robert Sarvey's Motions to Allow Testimony and Briefing on D. 15-05-05 (Motion 1)¹ and to Require the Applicant to Pay the Amendment Fee Authorized by SB 83 (Motion 2)² and a Committee Conference on:

**Monday, July 13, 2015
Beginning at 2:30 p.m.
Art Rosenfeld Room (Hearing Room A)
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814
(Map Attached)**



TELECONFERENCE OPTION: Parties and the Public may attend the meetings in person at the above location or by telephone and/or by computer via our "WebEx" web conferencing system. For details on how to participate by WebEx, please see the "Participation through WebEx" directions attached to this Notice.

Background

The CECP was approved by the Energy Commission on May 31, 2012, as a 540-megawatt (MW) natural-gas combined-cycle power generator. It would consist of two power blocks, each having one rapid-response combustion turbine generator (CTG), one heat recovery steam generator (HRSG), one condensing steam turbine generator (STG), an air-cooled fin-fan cooler, and associated support equipment.

¹ TN 205208, filed July 1, 2015

² TN 205213, filed July 1, 2015

Two amendment petitions are pending. The first petition (Petition to Remove Obsolete Facilities to Support Construction of the Carlsbad Energy Center Project, TN 202267), seeks permission to demolish three above-ground storage tanks - tanks 1 and 2 to the west of the rail corridor, and tank 4 to the south of the approved project boundary. Those tanks would be demolished in addition to tanks 5 – 7 on the approved project site; tanks 5 – 7 were approved for demolition in the 2012 Commission Decision. The second petition (Petition to Amend Carlsbad Energy Center Project, TNs 202287-1, 202287-2, and 202287-3) would change the project to consist of six simple-cycle turbine generators producing approximately 632 MW. The project site would be expanded to include the storage tank (tank 4) area to the south of the presently approved area, adding seven acres to the approved 23 acre facility. A new administration and control building and a warehouse would be added on the site.

The Committee ordered on September 23, 2014 that both amendments be considered and processed together (TN 203092).

The engineering and environmental details of the proposed amendments may be viewed at: <http://www.energy.ca.gov/sitingcases/carlsbad/>.

Evidentiary hearings were held in Carlsbad, California on April 1 - 2, 2015. The Presiding Member's Proposed Decision (PMPD) was filed on June 9, 2015 ([TN 204953](#)). A Committee Conference on the PMPD was held on June 29, 2015. The 30-day comment period for the PMPD ends on July 9, 2015. Following the close of the comment period, the Committee will prepare an errata or revisions to the PMPD, as appropriate. The errata or revisions and the PMPD will be considered for adoption by the full Energy Commission at a business meeting on July 30, 2015.³

Purpose of the Hearing on Robert Sarvey Motions

The Hearing on Mr. Sarvey's Motion 1 will consider argument and comment from the parties regarding whether the evidentiary record should be reopened to receive evidence regarding the California Public Utility Commission's recent decision D. 15-05-05 approving a 500 Megawatt Power Purchase Tolling Agreement between the project owner and San Diego Gas and Electric. The PMPD took official notice of decision D. 15-05-05 and cited to it in several places.

Parties: Please take notice that, if the Committee determines that it is appropriate to reopen the evidentiary record to consider the evidence proposed by Mr. Sarvey, it may reopen the record during this hearing on the motions rather than on a subsequent date.

The Hearing will also consider argument and comment from the parties regarding Mr. Sarvey's Motion 2, which seeks to apply Senate Bill 83 (SB 83), enacted in June 2015, to this project. Mr. Sarvey asserts that application of SB 83 to the project would require the payment of an initial fee of \$5,000 plus the Energy Commission's actual costs of processing this amendment.

³ Notice of availability of the PMPD, instructions for commenting on the PMPD, and Notice of the July 30, 2015 Energy Commission may be found at <https://efiling.energy.ca.gov/getdocument.aspx?tn=204955>

Committee Orders

In preparation for the Hearing, Mr. Sarvey is **ORDERED** to file an offer of proof in which he describes with specificity the evidence he proposes to offer regarding decision D. 15-05-05 and its relevance to matters raised by the taking of official notice of that decision. Commission Staff is **ORDERED** to file an analysis of the applicability of SB 83 to this proceeding and a report of its assessment of any fees that may be due as a result. Those documents shall be filed no later than **4:30 p.m. on Thursday, July 9, 2015**. Other parties may address these issues in written filings as they desire.

Purpose of the Committee Conference

The Committee will conduct the Committee Conference for the primary purpose of deliberating in closed session on the preparation of errata or revisions to the PMPD in response to comments made during the comment period. It may also address any other then-pending motions, petitions, and other requests that are ripe for consideration. This is not a continuation of the Evidentiary Hearings or extension of the PMPD comment period; parties and the public are advised not to travel to Sacramento as the public portion of the agenda will be brief—use the WebEx system instead.

As allowed by California Code of Regulations, title 20, section 1208, the public portion of the Committee Conference may be conducted by the Hearing Adviser without either member of the Committee being present.

Closed Sessions

The Committee may temporarily adjourn into closed session to deliberate pursuant to Government Code section 11126.

Public Participation and Public Adviser

Members of the public are welcome to attend and offer comments at the Committee Conference. It is not necessary to be an intervenor to participate in the public process. Comments may also be submitted in writing. Simply visit the website at <http://www.energy.ca.gov/sitingcases/carlsbad/> and click on the “Submit e-Comment” link in the “Compliance & Amendment Proceeding” box. Otherwise, written comments may be submitted by e-mailing them to docket@energy.ca.gov, or by U.S. Mail to: California Energy Commission - Docket Unit, 07-AFC-06C, 1516 Ninth Street, MS-4, Sacramento, CA 95814.

PLEASE NOTE: Your written and oral comments, attachments, and associated contact information (e.g. your address, phone, e-mail, etc.) become part of the viewable public record. Additionally, this information may become available via Google, Yahoo, and other search engines.

The Energy Commission’s Public Adviser’s Office is available to provide the public with an understanding of the proceedings and to make recommendations for meaningful participation. For assistance, contact Alana Mathews, Public Adviser, at (916) 654-4489 or 800-822-6228, or by e-mail at: publicadviser@energy.ca.gov.

If you have a disability and need assistance to participate in this event, contact Lourdes Quiroz no less than five days prior to the hearing at (916) 654-5146, or by e-mail at: lou.quiroz@energy.ca.gov.

Information

Questions of a legal or procedural nature should be directed to Paul Kramer, Hearing Adviser, at (916) 654-5103, or by e-mail at: paul.kramer@energy.ca.gov.

Technical questions about the project should be addressed to Jon Hilliard, Staff Project Manager, at (916) 654-3936, or by e-mail at jon.hilliard@energy.ca.gov.

Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989 or by e-mail at: mediaoffice@energy.ca.gov.

Information regarding the status of the project, as well as notices and other relevant documents pertaining to this proceeding, may be viewed on the Energy Commission's Internet web page at: <http://www.energy.ca.gov/sitingcases/carlsbad/>.

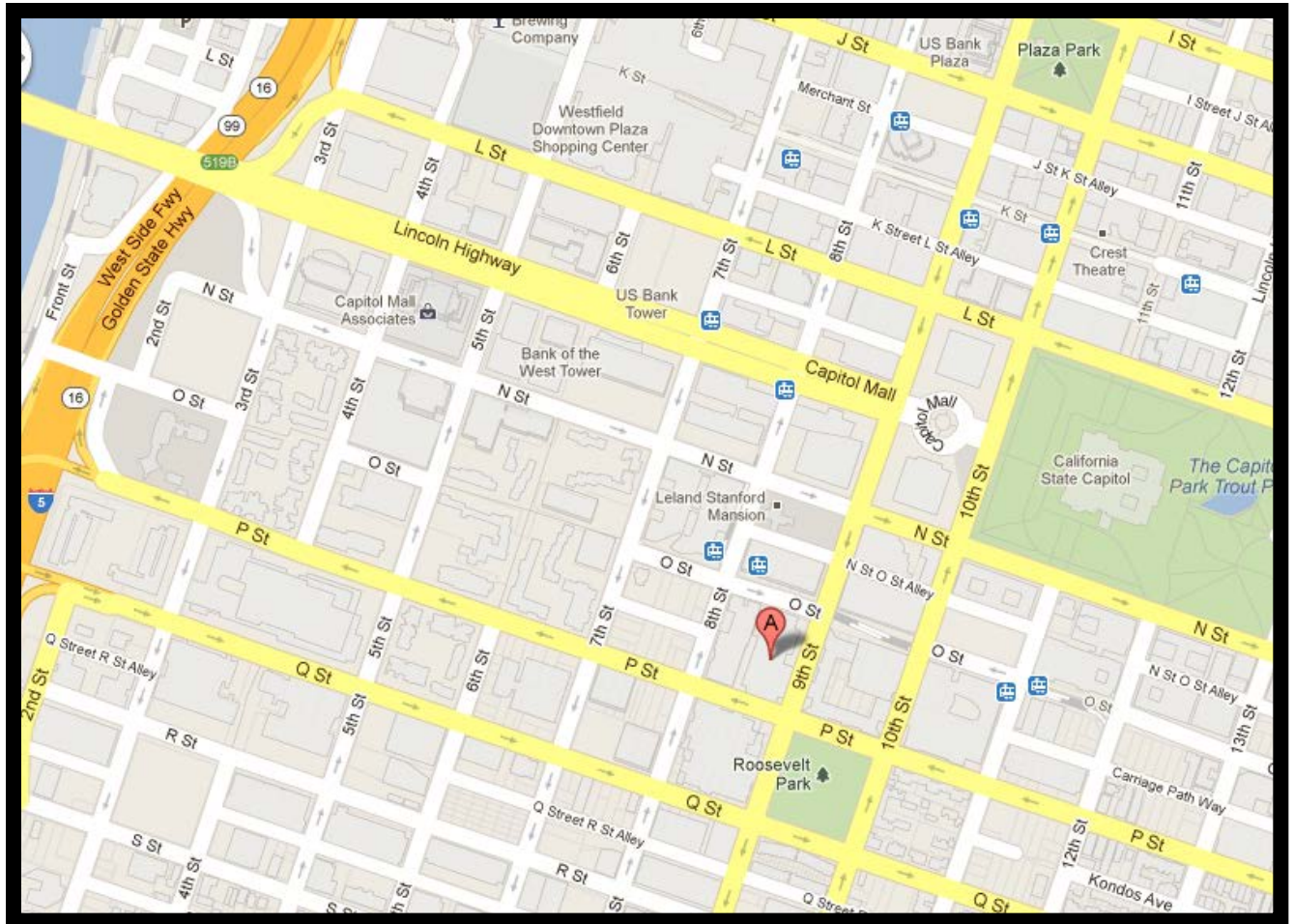
Dated: July 2, 2015, at Sacramento, California.

Original signed by _____
KAREN DOUGLAS
Commissioner and Presiding Member
Carlsbad Amendments Committee

Original signed by _____
ANDREW McALLISTER
Commissioner and Associate Member
Carlsbad Amendments Committee

Mailed to lists: 7260S, 7262S, 7263S

**Carlsbad Energy Center Amendments Committee Conference
will be located at:
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814**





INSTRUCTIONS FOR USING WEBEX TELECONFERENCING USING YOUR COMPUTER AND/OR TELEPHONE



EVENT	DATE AND TIME	MEETING NUMBER	PASSWORD
Committee Conference	Monday, July 13, 2015 2:30 p.m.	926 953 856	pwd#1516

Using Your Computer:

1. Go to <https://energy.webex.com> and enter the above meeting number.
2. When prompted, enter your name, e-mail address, and the meeting password above.
3. After a moment, an Audio Conference Box will offer you a choice of audio connections:
 - a) To have WebEx call you back: Type your area code and phone number into the drop down box and click "Call Me" (Click on "Use Phone" if you do not see the drop down box.)
 - b) To call into the teleconference from your phone (if, for example, your phone is an extension or you are an international caller): Use the drop-down box to select "I will Call in" and follow the on-screen directions. Click "All global call-in numbers" if you need to look up an international call-in number.
 - c) To listen and talk over your computer: If you have the needed equipment and your computer is configured, click the "Call Using Computer" button. (You may need to click "Use Computer for Audio" to make the button visible.)

Telephone Only:

1. Call 1 (866) 469-3239 (toll-free in the U.S. and Canada). International Callers can select a global call-in number at <https://energy.webex.com/energy/globalcallin.php>.
2. When prompted enter the meeting number above.

Please be aware that WebEx audio and on-screen activity may be recorded. WebEx Technical Support is available at 1 (866) 229-3239.

**Carlsbad Energy Center Project Amendments
Committee Conference**

Monday, July 13, 2015

Beginning at 2:30 p.m.

Art Rosenfeld Room (Hearing Room A)

California Energy Commission

1516 Ninth Street

Sacramento, CA 95814

Meeting Agenda

1. Call to Order
2. Hearing on Any Pending Motions
3. Public Comment

Members of the public and other interested persons and entities may speak up to three minutes on a matter appearing on this agenda.

4. Closed Session

Committee closed session consideration of the following items:

Carlsbad Energy Center Project, (07-AFC-06C)--deliberation on matters for decision by the Committee such as the preparation of revisions to the Presiding Member's Proposed Decision, pending motions and scheduling.

The Committee will adjourn to closed session in accordance with Government Code, section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct. The Committee may adjourn to a closed session at any point during the meeting and may conduct multiple closed sessions as necessary.

5. Adjourn

Agency contact: Paul Kramer, Hearing Adviser, (916) 654-5103 or by e-mail at:
paul.kramer@energy.ca.gov.

This agenda was prepared in advance of the committee conference. In the event of a substantial change to the agenda, revised agendas would be filed in the Docket and available in the project's Docket Log at:

<http://www.energy.ca.gov/sitingcases/carlsbad/>.