DOCKET
06-AFC-3
DATE FEB 2 1 2007
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STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of: Application For Certification For the South Bay Replacement Project By LSP South Bay, LLC	)))))))	Docket No. 06-AFC-3 STAFF'S REQUEST FOR EXTENSION OF TIME TO SUBMIT FURTHER DATA REQUESTS

On June 30, 2006, the Application for Certification (AFC) for the South Bay Replacement Project was submitted by LSP South Bay, LLC (Applicant) to the California Energy Commission (Energy Commission) for review. On August 28, 2006, the AFC was deemed complete at a regularly scheduled Business meeting of the Energy Commission, which began the Commission's 12-month formal review process.

Energy Commission staff submitted data requests (Requests 1-98) to the Applicant on October 31, 2006. Applicant responded to most of staff's data requests (Set 1A) on November 29, 2006, and to the remainder (Set 1B) on February 14, 2007. A staff Data Response Workshop was held in Chula Vista on December 11, 2007 to discuss any issues that remained from Applicant's Set 1A responses. A second Data Response Workshop is scheduled to be held on February 26, 2007, to discuss any remaining issues in Applicant's responses, Set 1B. Staff has also prepared a second round of data requests in the technical areas of Biological Resources, Water Resources, Cultural Resources and Land Use, to be submitted no later than February 23, 2007.

Title 20 of the California Code of Regulations, section 1716(e) states as follows:

> (e) All requests for information shall be submitted no later than 180 days from the date the commission determines an application is complete, unless the committee allows requests for information at a later time for good cause shown.

Based on section 1716(e), all data requests would be required to be submitted by February 26, 2007. However, since Applicant filed its responses, Set 1B on February 14, 2007, nearly 3 ½ months after staff's data requests were submitted, and the workshop is not scheduled until February 26, 2007, pursuant to 1716(e), staff would be unable to ask any follow-up questions of

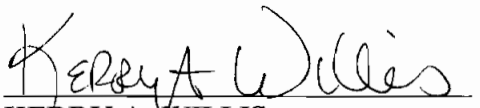
Proof of Service (Revised 2/8/07) filed with original.
Mailed from Sacramento on 2/21/2007

the Applicant following the workshop. In addition, after receiving Applicant's responses to Staff's second round of data requests, staff would be denied any further questions prior to drafting the Preliminary Staff Assessment (PSA). Without completing discovery, staff may not be able to complete all technical sections of its PSA, thereby further lengthening the AFC review time.

For these reasons, staff respectfully requests that the Committee grant staff an extension of 28 days, until March 26, 2007, to complete discovery in this case.

DATED: February 21, 2007

Respectfully submitted,



KERRY A. WILLIS
Senior Staff Counsel

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION FOR THE SOUTH BAY REPLACEMENT PROJECT	Docket No. 06-AFC-3 PROOF OF SERVICE (*Revised 2/8/07*)

INSTRUCTIONS: All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

DOCKET UNIT

Send the original signed document plus the required 12 copies to the address below:

CALIFORNIA ENERGY COMMISSION
DOCKET UNIT, MS-4
Attn: Docket No. 06-AFC-3
1516 Ninth Street
Sacramento, CA 95814-5512

* * * *

In addition to the documents sent to the Commission Docket Unit, also send individual copies of any documents to:

APPLICANT

Kevin Johnson
LS Power Generation, LLC
1735 Technology Drive, Suite 820
San Jose, CA 95110
KJohnson@LSPower.com

COUNSEL FOR APPLICANT

Chris Ellison
Ellison, Schneider & Harris
2015 H Street
Sacramento, CA 95814
cte@eslawfirm.com

APPLICANT CONSULTANTS

Robert Mason
CH2M HILL
3 Hutton Centre Dr., Ste. 200
Santa Ana, CA 92707
robert.mason@ch2m.com

Sarah Madams
CH2M HILL
2485 Natomas Park Dr., Ste. 600
Sacramento, CA 95833

INTERESTED AGENCIES

Electricity Oversight Board
770 L Street, Suite 1250
Sacramento, CA 95814
esaltmarsh@eob.ca.gov

INTERVENORS

***CALIFORNIA UNIONS FOR RELIABLE ENERGY (CURE)**
Marc D. Joseph
Gloria D. Smith
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
mdjoseph@adamsbroadwell.com
gsmith@adamsbroadwell.com

Environmental Health Coalition
Osa L. Wolff
Kevin P. Bundy
Shute, Mihaly & Weinberger, LLP
396 Hayes Street
San Francisco, CA 94102
wolff@smwlaw.com
bundy@smwlaw.com

ENERGY COMMISSION

JOHN L. GEESMAN
Presiding Committee Member
jgeesman@energy.state.ca.us

ARTHUR ROSENFELD
Associate Committee Member
pflint@energy.state.ca.us

Garret Shean
Hearing Officer
gshean@energy.state.ca.us

Bill Pfanner
Project Manager
bpfanner@energy.state.ca.us

Kerry Willis
Staff Counsel
kwillis@energy.state.ca.us

Margret J. Kim
Public Adviser
pao@energy.state.ca.us

DECLARATION OF SERVICE

I, Julie Mumme, declare that on February 21, 2007, I deposited copies of the attached STAFF'S REQUEST FOR EXTENSION OF TIME TO SUBMIT FURTHER DATA REQUESTS, in the United States mail at Sacramento, CA with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.

[signature]