



980 Ninth Street, Suite 1900  
Sacramento, California 95814  
main 916.447.0700  
fax 916.447.4781  
www.stoel.com

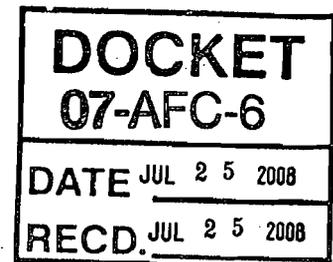
July 25, 2008

JOHN A. MCKINSEY  
Direct (916) 319-4746  
jamckinsey@stoel.com

**VIA HAND-DELIVERY AND EMAIL**

Mr. Michael Monasmith  
Siting Project Manager  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814

**Re: Carlsbad Energy Center Project (07-AFC-6)  
Project Enhancement and Refinement Document**



Dear Mr. Monasmith:

The attached document, the "Project Enhancement and Refinement Document" (or "PEAR"), is being submitted by Carlsbad Energy Center LLC ("Applicant") to formally incorporate four key enhancements and refinements for the Carlsbad Energy Center Project ("CECP" or "Project"). These enhancements and refinements resolve remaining issues and allow the final aspects of California Energy Commission ("CEC") Staff's evaluation and analysis to proceed by addressing and conclusively resolving issues raised in data requests, as well as comments or input provided by the City of Carlsbad ("City"). Because these enhancements and refinements resolve issues and concerns, the Applicant has determined it necessary to incorporate four enhancements into the project description for CECP. As such, the Applicant respectfully requests CEC Staff to include these project enhancements in its evaluation of the CECP Application for Certification.

Carlsbad Energy Center LLC believes that the PEAR will facilitate a prompt Preliminary Staff Assessment and help push this project back on a steady schedule toward final approval; however, Applicant also understands and expects Staff may need to ask questions about this document and provide an opportunity for others to comment or ask questions as well.

There is one issue that has been raised by the City of Carlsbad ("City") that is not directly addressed by the PEAR. The City has suggested that CECP requires changes to planning documents that the City must accomplish and that the CECP is inconsistent with City ordinances. Carlsbad Energy Center LLC has provided direct rebuttal to those arguments, however, and believes it has clearly shown that CECP is consistent with City plans and ordinances and that no modifications to any planning document is required. The PEAR does not change that conclusion,



Mr. Michael Monasmith  
July 25, 2008  
Page 2

and in fact, by agreeing to move the fuel oil storage tank into the CEC process, further empowers the CEC to take control over the project and the AFC schedule. My client will understand, however, if CEC Staff recommends, in an abundance of caution, that the CEC make the appropriate override findings to allow changes to City plans.

The requisite number of paper copies of the PEAR are included herein for docketing as well as 20 CDs, which contain the document and related figures, tables, and appendices. Should you determine additional copies of either version are needed, please let us know and we will provide copies to you.

In the meantime, if you have any questions about this submittal, please do not hesitate to contact Robert Mason or me. Carlsbad Energy Center LLC looks forward to continued progress toward approving this valuable project.

Respectfully submitted,

John A. McKinsey

JAM:kjh

Enclosures

cc: See Proof of Service (attached)

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

**APPLICATION FOR CERTIFICATION  
FOR THE CARLSBAD ENERGY CENTER  
PROJECT**

**Docket No. 07-AFC-6 PROOF OF  
SERVICE  
(Revised 7/24/2008)**

**Carlsbad Energy Center LLC's Project Enhancement and Refinement Document**

CALIFORNIA ENERGY COMMISSION  
Attn: Docket No. 07-AFC-6  
1516 Ninth Street, MS-15  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

**APPLICANT**

David Lloyd  
Carlsbad Energy Center, LLC  
1817 Aston Avenue, Suite 104  
Carlsbad, CA 92008  
[David.Lloyd@nrqenergy.com](mailto:David.Lloyd@nrqenergy.com)

Tim Hemig, Vice President  
Carlsbad Energy Center, LLC  
1817 Aston Avenue, Suite 104  
Carlsbad, CA 92008  
[Tim.Hemig@nrqenergy.com](mailto:Tim.Hemig@nrqenergy.com)

**APPLICANT'S CONSULTANTS**

Robert Mason, Project Manager  
CH2M Hill, Inc.  
3 Hutton Centre Drive, Ste. 200  
Santa Ana, CA 92707  
[robert.Mason@ch2m.com](mailto:robert.Mason@ch2m.com)

Megan Sebra  
CH2M Hill, Inc.  
2485 Natomas Park Drive, Ste. 600  
Sacramento, CA 95833  
[Megan.Sebra@ch2m.com](mailto:Megan.Sebra@ch2m.com)

**COUNSEL FOR APPLICANT**

John A. McKinsey  
Stoel Rives LLP  
980 Ninth Street, Ste. 1900  
Sacramento, CA 95814  
[jamckinsey@stoel.com](mailto:jamckinsey@stoel.com)

**INTERESTED AGENCIES**

Ca. Independent System Operator  
151 Blue Ravine Road  
Folsom, CA 95630  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

City of Carlsbad  
Joseph Garuba,  
Municipals Project Manager  
Ron Ball, Esq., City Attorney  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008  
[jgaru@ci.carlsbad.ca.us](mailto:jgaru@ci.carlsbad.ca.us)  
[rball@ci.carlsbad.ca.us](mailto:rball@ci.carlsbad.ca.us)

Allan J Thompson  
Attorney for the City  
21 "C" Orinda Way #314  
Orinda, CA 94563

**INTERVENORS**

California Unions for Reliable Energy ("CURE")  
Suma Peesapati  
Marc D. Joseph  
Adams Broadwell Joseph & Cardozo  
601 Gateway Boulevard, Suite 1000  
South San Francisco, CA 94080  
[speesapati@adamsbroadwell.com](mailto:speesapati@adamsbroadwell.com)

Dick Ratliff  
Staff Counsel  
[dratliff@energy.state.ca.us](mailto:dratliff@energy.state.ca.us)

Public Advisor's Office  
[pao@energy.state.ca.us](mailto:pao@energy.state.ca.us)

**ENERGY COMMISSION**

JAMES D. BOYD  
Commissioner and Presiding Member  
[jboyd@energy.state.ca.us](mailto:jboyd@energy.state.ca.us)

KAREN DOUGLAS  
Commissioner and Associate Member  
[kldougl@energy.state.ca.us](mailto:kldougl@energy.state.ca.us)

Paul Kramer  
Hearing Officer  
[pkramer@energy.state.ca.us](mailto:pkramer@energy.state.ca.us)

Mike Monasmi  
Siting Project Manager  
[mmonasmi@energy.state.ca.us](mailto:mmonasmi@energy.state.ca.us)

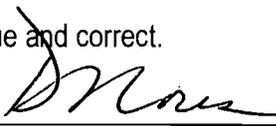
**DECLARATION OF SERVICE**

I, Denise Morison, declare that on July 25, 2008, I deposited copies of the attached document in the United States mail at Sacramento, California, 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.

  
\_\_\_\_\_  
Denise Morison