



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

DOCKET	
07-AFC-6	
DATE	Nov 12 2008
RECD.	Nov 12 2008

APPLICATION FOR CERTIFICATION FOR THE
CARLSBAD ENERGY CENTER PROJECT

DOCKET No. 07-AFC-6

REVISED COMMITTEE SCHEDULING ORDER

On October 31, 2007, the Application for Certification (AFC) was deemed data adequate for the twelve-month review process prescribed in Public Resources Code section 25540.6. The Committee conducted a public informational hearing on December 17, 2007, to discuss the schedule and other issues of concern. On January 2, 2008, we issued a Committee Schedule, which set various milestones, including the filing of a Final Staff Assessment on May 30, 2008. Circumstances find us beyond that milestone without either the Preliminary Staff Assessment (PSA) or Final Staff Assessment (FSA). On October 14, 2008, we ordered the parties to file status reports and propose a new schedule. Reports were filed by Energy Commission staff, the Applicant, Intervenor Center for Biological Diversity, and the City of Carlsbad.¹

Commission staff proposes a schedule under which the PSA and FSA are filed on November 21, 2008, and January 21, 2009, respectively. The Applicant proposes that the FSA be filed on February 1, 2009, but then offers a compressed schedule for the remaining events - Prehearing Conference, Evidentiary Hearings, and release of the Presiding Member's Proposed Decision. The remaining reports request additional time for public review.

After considering the proposals and comments, we issue the attached revised schedule. With three Intervenor, and a fourth petition pending, we must allow sufficient time for party and public review and preparation for the Evidentiary Hearings. We hold to the January 21, 2009, FSA publication date proposed by Staff. We expect that the intervenors and the public will be most interested in reviewing the FSA as the PSA is not necessarily Staff's final opinion about the project and may not, due to missing data, be complete. It would not be appropriate to separate the publication of the FSA and the hearings by only 24 days as the Applicant proposes.² We plan to provide for the exchange of documentary evidence and evidence between the parties prior to the

¹ Although the City of Carlsbad is not a formal party to this proceeding, we accept its comments as those of an interested local agency.

² We note that the Applicant estimates 4 days of Evidentiary Hearings, suggesting controversy, complexity, and significant public interest.

Prehearing Conference which will require more time in that preparatory stage but will hopefully result in more efficient and effective hearings.

We may further modify the schedule at any time upon either our own motion or that of a party. [Cal. Code Regs., tit. 20, § 1709.7(c).] The schedule includes conditional status reports to determine whether case development is progressing satisfactorily, and to bring potential schedule delays or other relevant matters to our attention.

Dated November 12, 2008, at Sacramento, California.

JAMES D. BOYD
Vice Chair and Presiding Member
Carlsbad AFC Committee

KAREN DOUGLAS
Commissioner and Associate Member
Carlsbad AFC Committee

**COMMITTEE SCHEDULE
FOR THE
CARLSBAD ENERGY CENTER PROJECT**

DATE	EVENT
October 31, 2007	AFC Data-adequate
December 17, 2007	Site Visit and Informational Hearing
December 21, 2007	Applicant files Responses to Staff Data Requests
Early January, 2008	Staff conducts Data Response/Issue Resolution Workshop
November 7, 2008	Local, State, and Federal Agency Draft Determinations, including Air District's Preliminary Determination of Compliance (PDOC) filed
November 21, 2008	Staff files Preliminary Staff Assessment (PSA)
December 3, 2008	(If PSA not yet filed) Parties file Status Reports
Mid-December, 2008	Staff conducts PSA workshop
December 22, 2008	Local, State, and Federal Agency final determinations, including Air District's Final DOC filed
January 21, 2009	Staff files Final Staff Assessment (FSA)
January 30, 2009 and every six (6) weeks thereafter until FSA filed	(If FSA not yet filed) Parties file Status Reports
Late February 2009	Prehearing Conference
Tbd (2 weeks after Prehearing Conference)	Evidentiary Hearings
Tbd (6 to 8 weeks after Evidentiary Hearings close)	Presiding Member's Proposed Decision (PMPD) issued for 30 day comment period
Tbd (near the end of PMPD comment period)	PMPD Committee Conference (Comment Hearing)
Tbd (shortly after PMPD comment period ends)	Revised PMPD issued* for 15 day review period*
Tbd (shortly after PMPD or revised PMPD comment period ends)	Energy Commission Decision Adoption Hearing

Tbd = to be determined

* if necessary

Dated: November 12, 2008



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FOR THE **CARLSBAD ENERGY
CENTER PROJECT**

Docket No. 07-AFC-6
PROOF OF SERVICE
(Revised 11/12/2008)

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:

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Attn: Docket No. 07-AFC-6
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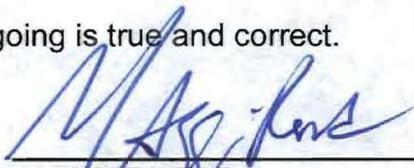
DECLARATION OF SERVICE

I, Maggie Read, declare that on November 12, 2008, I deposited copies of the attached Revised Scheduling Order 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.



MAGGIE READ
Hearing Adviser's Office