October 9, 2009

DOCKET	
07-AFC-6	
DATE	OCT 09 2009
RECD	OCT 12 2009

The Honorable James D. Boyd
The Honorable Karen Douglas
Siting Project Committee
California Energy Commission
1516 Ninth St.
Sacramento, Ca. 95814

Re: Carlsbad Energy Center Project (07-AFC-6)

Terramar Status Report #9

Dear Commissioners:

Terramar is still waiting to see what the EPA will decide about performing a PDS review for the project. How our air could be impacted by this project is of great concern to the residents of our neighborhood.

Though the San Diego APCD has completed their FDOC there are no district rules that cover the combined and cumulative pollution impacts of not just one, but possibly two power plants, plus an interstate that is slated to expand up to twelve lanes of traffic and a train, all located in an area that is already in nonattainment for Ozone Federal 8-hr. and serious nonattainment status for Ozone State 1-hr, and nonattainment for PM 2.5 and PM10. We call upon the CEC to evaluate all of these conditions for us so that we can be completely assured that our air will be fully safe, especially for the residents of our neighborhood with asthma, COPD, and all other respiratory conditions before allowing one more impact to our area.

On Thursday, October 8, 2009 the San Diego Air Pollution Control District (SDAPCD) held a hearing to consider an appeal of the Final Determination of Compliance (FDOC) by Rob Simpson. Mr. Simpson felt that it was important for the SDAPCD to allow public comment on the FDOC, especially in the Carlsbad area where the greatest impacts from the proposed plant would be felt by the public. The appeal was denied and the APCD Hearing Board as well as the APCD felt that the public comment could be made at the FSA workshop and the CEC hearings.

Mr. Simpson made the point in his appeal to the SDAPCD that when the FDOC passes to the CEC, public comment on the FDOC may not be considered as significantly by the CEC, a state commission, rather than the local air pollution district.

Respectfully,
Kerry Siekmann
Kerry Siekmann

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

APPLICATION FOR CERTIFICATION FOR THE *CARLSBAD ENERGY CENTER PROJECT*

Docket No. 07-AFC-6
PROOF OF SERVICE
(Revised 9/15/2009)

APPLICANT

David Lloyd
George Piantka, PE.
Carlsbad Energy Center, LLC
1817 Aston Avenue, Suite 104
Carlsbad, CA 92008
david.lloyd@nrgenergy.com
george.piantka@nrgenergy.com

APPLICANT'S CONSULTANTS

Robert Mason, Project Manager
CH2M Hill, Inc.
6 Hutton Centre Drive, Ste. 700
Santa Ana, CA 92707
Robert.Mason@ch2m.com

Megan Sebra
CH2M Hill, Inc.
2485 Natomas Park Drive, Ste. 600
Sacramento, CA 95833
Megan.Sebra@ch2m.com

COUNSEL FOR APPLICANT

John A. McKinsey
Stoel Rives LLP
980 Ninth Street, Ste. 1900
Sacramento, CA 95814
jamckinsey@stoel.com

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

INTERVENORS

Terramar Association
Kerry Siekmann & Catherine Miller
5239 El Arbol
Carlsbad, CA 92008
siekmann1@att.net

City of Carlsbad
***South Carlsbad Coastal Redevelopment Agency**
Allan J. Thompson
21 "C" Orinda Way #314
Orinda, CA 94563
allanori@comcast.net

City of Carlsbad
***South Carlsbad Coastal Redevelopment Agency**
Joseph Garuba,
Municipals Project Manager
Ronald R. Ball, Esq., City Attorney
1200 Carlsbad Village Drive
Carlsbad, CA 92008
E-mail preferred
Joe.Garuba@carlsbadca.gov
rball@ci.carlsbad.ca.gov

California Unions for Reliable Energy ("CURE")
Gloria D. Smith & Marc D. Joseph
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
gsmith@adamsbroadwell.com

Center for Biological Diversity
c/o William B. Rostov
EARTHJUSTICE
426 17th St., 5th Floor
Oakland, CA 94612
wrostov@earthjustice.org

Power of Vision
Julie Baker & Arnold Roe, Ph.D.
P.O. Box 131302
Carlsbad, California 92013
powerofvision@roadrunner.com

Rob Simpson
Environmental Consultant
27126 Grandview Avenue
Hayward, CA 94542
rob@redwoodrob.com

ENERGY COMMISSION

JAMES D. BOYD
Vice Chair and Presiding Member
jboyd@energy.state.ca.us

KAREN DOUGLAS
Chair and Associate Member
kldougla@energy.state.ca.us

Paul Kramer
Hearing Officer
pkramer@energy.state.ca.us

Mike Monasmith
Siting Project Manager
mmonasmi@energy.state.ca.us

Dick Ratliff
Staff Counsel
dratliff@energy.state.ca.us

***Public Adviser's Office**
publicadviser@energy.state.ca.us

*indicates change

DECLARATION OF SERVICE

I, Kerry K. Siekmann, declare that on 10/9/09, I served and filed copies of the attached, Proof of Service List, Status Report 9, dated 10/9/09. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: **[http://www.energy.ca.gov/sitingcases/carlsbad/index.html]**. The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

For service to all other parties:

__✓__ sent electronically to all email addresses on the Proof of Service list;

___ by personal delivery or by depositing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

__✓__ **sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);**

OR

_____ depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 07-AFC-6
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

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

Kerry K Siekmann

*indicates change