City of Carlsbad
Office of the City Manager

October 22, 2009

DOCKET	
07-AFC-6	
DATE	OCT 22 2009
RECD	OCT 23 2009

Mike Monasmith
Siting Project Manager
California Energy Commission
1516 Ninth Street, MS-15
Sacramento, CA 95814

Re: CARLSBAD ENERGY CENTER PROJECT (07-AFC-6)
MORATORIUM ON POWER PLANTS IN THE COASTAL ZONE

Dear Mr. Monasmith:

On behalf of the City of Carlsbad, please find the enclosed item for docketing. The Carlsbad City Council introduced and adopted a moratorium on power plants within the Coastal Zone on October 20, 2009. Council's action also authorized staff to evaluate (1) appropriate locations for thermal electric power generation facilities and (2) to re-evaluate land uses of Specific Plan 144 (this includes the Encina Power Station and the Carlsbad Energy Center Project).

This correspondence will be submitted to all interested parties and pursuant to the attached proof of service. If you have any questions, please feel free to contact me at 760-434-2820.

Respectfully,

Joe Garuba
Municipal Projects Manager

JG:ad

Enclosure

c: Proof of Service List (Revised 9/15/2009)

CITY OF CARLSBAD – AGENDA BILL

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AB# 20,007 MTG. 10/20/2009 DEPT. PLN	INTRODUCE AND ADOPT URGENCY ORDINANCE NO. CS-067 PROHIBITING EXPANSION OR LOCATION OF THERMAL ELECTRIC POWER GENERALIZATION FACILITIES WITHIN THE COASTAL ZONE PENDING STUDIES AND CHANGES IN THE GENERAL PLAN AND ZONING ORDINANCES AND OTHER LAND USES REGULATIONS	DEPT. HEAD CITY ATTY. RJS CITY MGR.

RECOMMENDED ACTION:

Introduce and Adopt Urgency Ordinance CS -067 by a majority vote of the City Council, pursuant to CS-009 and Government Code sections 65858 and 36937 prohibiting expansion or location of thermal electric power generation facilities in the Coastal Zone pending studies and changes in the General Plan and Zoning Ordinances and adopt Resolution No. 2009-263 declaring the City Council's intention to have staff study and recommend revisions to the General Plan, Local Coastal Plan, Zone Code, and Specific Plan 144 and any other planning regulations as necessary regarding appropriate locations for thermal electric power generation facilities within the City.

ITEM EXPLANATION:

Carlsbad Energy Center LLC (Applicant) filed an Application for Certification with the California Energy Commission (CEC) on September 14, 2007, to construct and operate the proposed Carlsbad Energy Center Project (CECP), a 558-megawatt (MW) gross combined-cycle thermal electric power generating facility configured with two Siemens SCC6-5000F natural-gas power blocks. The Application proposes to build the CECP at the existing Encina Power Station (EPS) in the City of Carlsbad, California. Each power block would contain among other things, an air intake (55 feet tall), heat recovery steam generator (88 feet tall) and emissions smoke stack (139 feet tall). On October 24, 2007, the Energy Commission received a supplement to the CECP Application for Certification (AFC) providing more detailed information on the project, and on October 31, 2007, the Energy Commission found that the CECP AFC was data adequate. The AFC is currently under review by the CEC.

The CECP is proposed to be sited on a 32-acre parcel located on the northeast section of the 95-acre Encina Power Station site, located along the western, coastal border of the City of Carlsbad, adjacent to Interstate 5. The proposed site is currently occupied by the EPS tank farm, including above-ground fuel oil Tanks 5, 6, and 7.

DEPARTMENT CONTACT: Don Neu 760-602-4601, don.neu@carlsbadca.gov

FOR CITY CLERKS USE ONLY.

COUNCIL ACTION:				
	APPROVED	☒	CONTINUED TO DATE SPECIFIC	☐ _____
	DENIED	☐	CONTINUED TO DATE UNKNOWN	☐
	CONTINUED	☐	RETURNED TO STAFF	☐
	WITHDRAWN	☐	OTHER – SEE MINUTES	☐
	AMENDED	☐		

As proposed by the CECP, these fuel oil tanks would be demolished and removed, and the soil upon which the tanks currently stand would be remediated, as appropriate. The EPS has been in operation since the early 1950's and periodically expanded. EPS Units 1, 2, and 3, (circa 1950 steam boilers that provided the initial electrical generation) would be permanently retired once the CECP is approved and operational. EPS Units 4 and 5, part of the subsequent EPS expansion that occurred in the late 1970's, would continue generating electricity.

The Encina Power Station is located in the Public Utilities Zone established in 1971. This zone was intended to provide for certain public utility and related uses and applied to the EPS and surrounding properties then owned by San Diego Gas and Electric, as well as other properties in Carlsbad. The Encina Power Station is also included in Specific Plan 144 which sets forth the existing land uses and land use regulations applicable to the area of Carlsbad. This Specific Plan includes the Agua Hedionda Lagoon and certain areas near the lagoon and incorporates the Encina Power Station Precise Development Plan 00-02(B)(PDP 00-02(B) while maintaining the conditions and regulations of previous Specific Plan amendments A-H. Specific Plan 144 was originally adopted in the City of Carlsbad by Ordinance 92-79 on August 3, 1971 and was most recently amended in 2009 Specifc Plan 144(J). The purpose of this Specific Plan was to provide rules and regulations for the orderly development of 680-acres of land located east of the Pacific Ocean and south of the north shore of the Agua Hedionda Lagoon, and north of what is now Cannon Road, and provide design and development guidelines for the expansion of the power plant, then owned by San Diego Gas and Electric Company.

The General Plan designation establishing a Public Utilities (U) classification was created in 1974 and subsequently applied to the EPS, which is located within the Agua Hedionda Lagoon segment of the City's Certified Local Coastal Plan. The existing EPS has a daily need for up to hundreds of millions of gallons of once-through cooling ocean water to operate the plant and generate electricity. Although the proposed CECP would use evaporative air cooling technology, substantially diminishing the daily need for large quantities of once-through cooling seawater, it has proposed to supply its facility needs through the development of a stand alone desalination plant. The City has provided comments to the Regional Water Quality Control Board stating that the CECP's decision to pursue a desalination plant prolongs the environmental concerns associated with ocean water cooling for power plants, is contrary to numerous state agency policies, and based upon the proposed volumes of desalination, triggers additional project review as prescribed by the Federal Clean Water Act.

With advances in power generation technology, thermal electric power generation facilities are no longer coastal-dependent. In light of existing technology for the generation of electrical energy which no longer requires vast quantities of ocean water for cooling, the propriety of locating thermal electric power generation facilities along the coast is questionable.

After extensive review, the City Council has concluded that construction of a second coastal power plant will have significant adverse effects on the environment including the addition of air pollutants and noxious emissions to the environment affecting the health, safety and welfare of the citizens of Carlsbad and its environs. In addition, the proposed CECP will create a significant adverse visual impact and will exacerbate the existing power plant's blight on the community.

The construction of the proposed CECP expansion of the Encina Power Station will negatively affect the fish and wildlife ecosystem of the Agua Hedionda Lagoon, which is designated by the

state of California as one of nineteen protected lagoons. The expansion of the Encina Power Station will require increased fossil fuel use and expose the citizens of Carlsbad to additional environmental risks. Construction of the proposed CECP expansion of the Encina Power Station would be prejudicial to other proposed nearby land uses, the majority of which are not industrial. It would also defeat the goals of the South Carlsbad Coastal Redevelopment Plan, chief among which is the goal to reduce/remove blight.

Recognizing that thermal-electric power generation facilities are no longer coastally dependent, and considering the substantial negative impacts that these types of facilities have on the environment, particularly to the ocean and lagoons, staff is proposing that all properties within the Coastal Zone currently zoned PU be studied and that new zoning and General Plan designations and Local Coastal Plan provisions be proposed which would not allow thermal power generation facilities which are not coastal dependent in the Coastal Zone. The proposed study would include recommendations for revisions to Specific Plan 144 and Precise Development Plan 00-02(B) for the Encina Power Station and other planning regulations, as necessary.

MORATORIUM

Government Code section 65858 permits the City Council to adopt an interim ordinance prohibiting the expansion or location of thermal electric power generation facilities in the Coastal Zone which may be in conflict with a contemplated General Plan, Specific Plan, or Zoning proposal that the City Council is considering or studying or intends to study within a reasonable time. Pursuant to CS-009, the urgency ordinance requires a majority vote of the City Council. The urgency ordinance will be effective for 45 days, and may be extended after notice in a public hearing for an additional 10 months and 15 days and thereafter could be extended for an additional one year. Government Code section 36937, which would be applicable to Title 21 regulations for the location of gas and electric utility facilities, provides for the immediate adoption of an ordinance when necessary for the preservation of the health and safety of the public.

The prohibition on the expansion or location of thermal electric power generation facilities in the Coastal Zone would reinforce the City's objection to the proposed plant and could prevent the proposed CECP expansion in the Coastal Zone until the City Council can formulate new General Plan, Local Coastal Plan, Zone Code, Specific Plan, and Precise Development Plan regulations that are in the best interest of the public health, welfare, and safety, with regard to location of such facilities. The City Council's adoption of the urgency ordinance would provide an opportunity to study the issues and recommend a position for the location of a thermal electric power generation facility within the City along with any General Plan, Zone Code, Specific Plan or other amendments necessary to implement those recommendations.

Attached for the City Council's consideration is Urgency Ordinance No. CS-067 for introduction and adoption, giving legal affect to that determination. Following the adoption of this ordinance, the City Council shall hold a public hearing on December 1, 2009 to consider extending the ordinance for up to ten (10) months and fifteen (15) days pursuant to Government Code section 65858(a). The City Clerk is directed to notice the hearing as required by Government Code section 65090.

FISCAL IMPACT:

There will be substantial expenditures of staff time in drafting the proposed General Plan and Zone Code amendments. Staff will prepare a budget and project schedule and will return to Council for further direction and authorization.

ENVIRONMENTAL IMPACT:

The adoption of the proposed Ordinance and Resolution of Intention will authorize staff to study and gather information regarding appropriate locations for thermal electric power generation facilities and locate the appropriate zoning within the City, and as such, is statutorily exempt from environmental review at this time per section 15262 of the California Environmental Quality Act. Any subsequent revisions to the urgency ordinance will require environmental review and analysis.

EXHIBITS:

1. Urgency Ordinance **CS-067**
2. Resolution of Intention **2009-263**

Exhibit L

ORDINANCE NO. CS-067

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADOPTING AN URGENCY ORDINANCE PROHIBITING THE EXPANSION OR LOCATION OF THERMAL ELECTRIC POWER GENERATION FACILITIES WITHIN THE COASTAL ZONE PENDING STUDIES AND CHANGES IN THE GENERAL PLAN AND ZONING ORDINANCES AND OTHER LAND USE REGULATIONS.

WHEREAS, the Public Utility Zone was established and created in 1971; and

WHEREAS, that zone has not been studied or substantially amended since that time; and

WHEREAS, the General Plan designation establishing a public utilities land use classified "U" was established October 15, 1974 and has not been substantially reviewed or amended since that time ; and

WHEREAS, the City needs additional time to comprehensively study both the General Plan designation and Public Utilities Zone in order to determine whether or not, due to the passage of time and advances in technology, existing standards are no longer appropriate or sufficient to protect the health, safety and welfare of its citizens; and

WHEREAS, public utilities, without distinction between electrical energy generation, gas generation, water utilities, treatment of waste water processing and disposal utilities and other public utilities are permitted within that designation upon approval of a Precise Development Plan or similar actions adopted by ordinance and none of these uses are a conditional use within that designation; and

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WHEREAS, the San Diego Gas and Electric Company (SDG&E) constructed the existing Encina Power Station ("EPS") in approximately 1952 and prior to the General Plan designation establishing a public utilities land use and implementing zone; and

WHEREAS, the Agua Hedionda Local Coastal Plan (LCP) was adopted in 1982 which pertained to the properties then owned by SDG&E including the EPS; and

WHEREAS, the LCP contains numerous regulations and restrictions which impact the EPS site and other properties within the LCP that may be impacted by uses at the EPS site including those regulations and restrictions related to public access, land use, building height, recreation, agriculture, aquaculture, visual impacts and uses of the lagoon; and

WHEREAS, since its adoption, the Agua Hedionda LCP has not been comprehensively updated; and

WHEREAS, in 1999, SDG&E sold a significant portion of its holdings within Specific Plan 144 to Cabrillo Power LLC, now known as the Carlsbad Energy Center LLC, including the EPS and outer, middle, and inner basins of the Agua Hedionda Lagoon; and

WHEREAS, the Carlsbad Energy Center LLC ("Applicant") filed a Notice of Intention on September 14, 2007 with the California Energy Commission ("CEC") for the development of the proposed Carlsbad Energy Center Project ("CECP"), a 558-megawatt (MW) gross combined-cycle power generating facility which will require an additional 32 acres of land as an expansion of the EPS; and

WHEREAS, the CEC has notified the City that the proposed EPS site is the prime candidate for the construction of the proposed CECP expansion of the existing plant because of the ready availability of land and existing electric utility related infrastructure; and

WHEREAS, at the time the existing EPS was established it required a daily need for hundreds of millions of gallons of once-through cooling ocean water to operate the plant and generate electricity; and

WHERAS, with current technology thermal electric power generation facilities no longer require ocean water for cooling and as such are no longer considered coastal-dependent land uses; and

WHEREAS, the construction of the proposed CECP expansion of the existing plant will add pollutants and noxious emissions to the environment, particularly to the ocean and lagoon, affecting the health, safety and welfare of the citizens of Carlsbad and its environs; and

WHEREAS, the construction of the proposed CECP expansion of the existing plant will affect the fish and wildlife ecosystem of the Agua Hedionda Lagoon; and

WHEREAS, the construction of the proposed CECP expansion of the EPS may be prejudicial to other proposed nearby land uses; and

WHEREAS, the construction of the proposed CECP expansion to the EPS will require increased fossil fuel consumption and expose the citizens of Carlsbad to additional environmental risks at the proposed location; and

WHEREAS, the City intends to study the appropriateness of the General Plan land use designation and other land use policies for the site; and

WHEREAS, construction of the proposed CECP expansion may be in conflict with a zoning proposal which the City Council intends to study; and

WHEREAS, processing and approval of the proposed CECP expansion, until these studies are completed and the General Plan and zoning districts amended, would severely prejudice the ability of the City to permit, conditionally permit or prohibit expansion or location of thermal electric power generation facilities at this location or at other locations; and

WHEREAS, these considerations are consistent with longstanding City Council policy, including those expressed in City Council Resolution 98-145, which declared the City's intention to comprehensively study land use policies within SP 144, which encompasses the Encina Power Station, Agua Hedionda Lagoon, and surrounding properties, and determine appropriate revisions.

WHEREAS, the City Council has determined for the reasons stated above, such construction of the proposed CECP expansion of the existing Encina Power Station represents a current and immediate threat to the public health, safety and welfare; and

WHEREAS, this ordinance is adopted pursuant to Government Code section 65858(b), and CS -009 allowing the adoption of such urgency ordinances by a majority vote of its legislative body, after notice and hearing pursuant to Government Code section 65090; and

WHEREAS, it is the intent of the City Council to extend this urgency ordinance for 10 months and 15 days following a notice and public hearing to the expiration of 45 days from the adoption of this ordinance.

NOW, THEREFORE, the City Council of the City of Carlsbad ordains as follows:

SECTION 1: That the above recitations are true and correct.

SECTION 2: No development application shall be accepted, processed or approved which would increase the size, location, generating capacity or use of the existing Encina Power Station or allow the establishment of any other thermal electric power generation facility within the Coastal Zone.

SECTION 3: On or before 45 days following the adoption of this ordinance, the City Council shall hold a public hearing to consider extending this ordinance for 10 months and 15 days pursuant to Government Code section 65858(b). The City Clerk is directed to notice the hearings as required by Government Code section 65090.

DECLARATION OF URGENCY: This ordinance is hereby declared to be an emergency ordinance adopted as an urgency measure to protect the public health, safety and welfare and shall take effect immediately upon its adoption. The facts constituting the emergency are set forth above and represent a current and immediate threat to the public health, safety or welfare and that approval of additional development or expansion of the Encina Power Station which may be required in order to comply with existing ordinances would represent a threat to the public health, safety and welfare of the citizens of Carlsbad.

EFFECTIVE: This ordinance shall be effective immediately upon passage and shall be of no further force and effect after 45 days of the date of its adoption unless extended by the City Council pursuant to Section 3. Thereafter, it shall remain in effect until contemplated studies studying the appropriateness of the

land use designation in the General Plan and zoning districts within the zoning code for electric and gas power generating plants are completed unless sooner repealed by the City Council.

At least ten days prior to the expiration of this interim ordinance, the City Council shall issue a written report describing the measures it has taken to alleviate the conditions which led to the adoption of this ordinance. The City Clerk of the City of Carlsbad shall certify to the adoption of this ordinance and cause it to be published within 15 days after its adoption.

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INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council on the 20th day of October, 2009, and thereafter.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the 20th day of October, 2009, by the following vote to wit:

AYES: Council Members Lewis, Kulchin, Hall, Packard and Blackburn.

NOES: None.

ABSENT: None.

ABSTAIN: None.

APPROVED AS TO FORM AND LEGALITY

Asst. City Attorney

RONALD R. BALL, City Attorney

CLAUDE A LEWIS, Mayor

ATTEST:

Deputy

LORRAINE M. WOOD, City Clerk

(SEAL)

CITY OF CARLSBAD CALIFORNIA EUREKA

Exhibit 2

RESOLUTION NO.2009-263

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA DECLARING ITS INTENTION TO STUDY AND CONSIDER AMENDMENTS TO THE GENERAL PLAN DESIGNATION, ZONING ORDINANCES AND OTHER LAND USE REGULATIONS PERTAINING TO THE EXPANSION OR LOCATION OF THERMAL ELECTRIC POWER GENERATION FACILITIES WITHIN THE CITY

WHEREAS, the San Diego Gas and Electric Company (SDG&E) initially constructed the Encina Power Station (EPS) in approximately 1952 on a portion of the 95-acre EPS site; and

WHEREAS, the Public Utility (PU) Zone was established in 1971 and applied to the EPS and surrounding properties then owned by SDG&E; and

WHEREAS, that zone has not been studied or substantially amended since that time; and

WHEREAS, in conformance with the PU Zone, a Specific Plan was adopted for 680-acres owned by SDG&E, including the EPS site; and

WHEREAS, in 1973 the City Council approved the amendment to the Specific Plan to permit enlargement of the EPS including the construction of a 400 foot high stack as a means of dispersing Power Station air emissions and reducing adverse impacts on surrounding residential neighborhoods; and

WHEREAS, the General Plan designation establishing a Public Utilities (U) land use classification was created in 1974 and subsequently applied to the EPS site; and

WHEREAS, in 1975, the PU Zone was updated to require a Precise Development Plan (PDP) rather than a Specific Plan for public utility uses; and

WHEREAS, the PDP for the EPS has been incorporated into Specific Plan 144 (SP) which includes the EPS and surrounding properties; and

WHEREAS, the Agua Hedionda Local Coastal Plan (LCP) was adopted in 1982 which includes the properties then owned by SDG&E including the EPS site; and

WHEREAS, the LCP contains numerous regulations and restrictions which impact the EPS site and other properties within the LCP that may be impacted by uses at the EPS site including those regulations and restrictions related to public access, land use, building height, recreation, agriculture, aquaculture, visual impacts and uses of the lagoon; and

WHERAS, since its adoption, the Agua Hedionda LCP has not been comprehensively updated; and

WHEREAS, in 1999 SDG&E divested itself from its electric generation operations and sold the EPS to a private operator, Cabrillo Power LLC, now known as the Carlsbad Energy Center LLC (Applicant) which is not a "public utility" within the intended meaning of the PU Zone; and

WHEREAS, the sale of the EPS site to a private operator and the proposed expansion of the power plant have raised additional issues and public concerns including future restrictions on public access to Agua Hedionda Lagoon, maintenance dredging of the lagoon, the continuation of aquaculture and research at the lagoon, environmental clean-up and mitigation related to oil and fuel storage and usage, and use of the site for power generation notwithstanding considerations of the public health, safety, and general welfare, the proposed expansion of the Power Plant; and

WHEREAS, the City believes that it is necessary in order to protect the interests of its citizens for the City staff to initiate a process to address the aforementioned issues and concerns and to comprehensively study and consider updates to the regulation of existing and proposed thermal electric power generation facilities within the City; and

WHEREAS, the City believes that it is necessary for this process to include consideration of amendments to the existing Zoning and General Plan designations and Local Coastal Plan provisions for existing and proposed thermal electric power generation facilities including those for the EPS; and

WHEREAS, these considerations should include whether the expansion or location of thermal electric power generation facilities in the Coastal Zone is in the best interest of the citizens of Carlsbad and whether that is the best, long-term use of the EPS site given its superior coastal location and proximity to other existing, surrounding uses that can be adversely impacted by a thermal electric power generation facility; and

WHEREAS, since SDG&E sold the EPS to Cabrillo Power LLC, a private operator, which is not a "public utility" regulated by the Public Utilities Commission, it may no longer be appropriate or necessary to exempt the Encina Power Station from the non-conforming use provisions of Carlsbad Municipal Code section 21.48.100, and this zone code should be considered for amendment or repeal; and

WHEREAS, these considerations are consistent with longstanding City Council policy, including those expressed in City Council Resolution 98-145, which declared the City's intention to comprehensively study land use policies within SP 144 and determine appropriate revisions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California as follows:

1. That the above recitations are true and correct.

2. That pursuant to Section 21.52.020 of the Carlsbad Municipal Code and Section 65358 of the State Government Code, the City Council of the City of Carlsbad declares its intention to consider amendments to the General Plan, the Zoning

Ordinances, the Local Coastal Plan, and other regulations pertaining to the location and operation of thermal electric power generation facilities within the City.

3. City staff is hereby directed to study this matter, prepare recommendations and to set public hearings before the Planning Commission, Housing and Redevelopment Commission and City Council to determine whether the present General Plan and Zoning designations and Local Coastal Plan provisions for existing and proposed thermal electric power generation facilities within the City, including the EPS site, should be amended.

4. Part of the study may include preparing alternative land uses and a "conceptual Master Plan" for the properties included in the EPS site and, at this time, staff is authorized to solicit Requests for Qualifications (RFQ's) from consulting firms that are interested in contracting with the City to assist staff in preparing said alternative uses for the EPS site.

5. Staff is also directed to consider the repeal or amendments to Carlsbad Municipal Code section 21.48.100 regarding Public Utiltiy exemptions from the non-conforming use provisions to the Zoning Ordinance, as appropriate.

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PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the 20th day of October, 2009, by the following vote to wit:

AYES: Council Members Lewis, Kulchin, Hall, Packard and Blackburn.

NOES: None.

ABSENT: None.

CLAUDE A LEWIS, Mayor

ATTEST:

Morgan Guy, Deputy

LORRAINE M. WOOD, City Clerk
(SEAL)

CITY OF CARLSBAD CALIFORNIA
EUREKA

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
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APPLICANT'S CONSULTANTS

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INTERVENORS

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City of Carlsbad
***South Carlsbad Coastal Redevelopment Agency**
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*indicates change

DECLARATION OF SERVICE

I, Andrea Dykes, declare that on October 23, 2009, I served and filed copies of the attached document. 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:

__X__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:

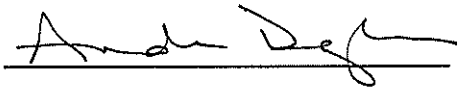
__X__**sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);**

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.



*indicates change