

February 16, 2010

DOCKET	
07-AFC-6	
DATE	FEB 16 2010
RECD.	FEB 22 2010

Energy Commission Docket Unit
Docket No. 07-AFC-6
1516 Ninth Street MS-4
Sacramento, CA 95814

Dear Commissioners:

First of all, I want to thank you for coming to Carlsbad for the hearings during the first week of February. I have been an elected official for many years so I understand the patience that is required for such deliberations. The Hearing Officer and the Commissioners were polite and showed interest during the long hours of testimony. I know that was not easy, and I just want to say thank you. Our community feels it has been heard.

I am Julie Nygaard. I served on the Carlsbad City Council, as well as the North County Transit District, for many years. During the last twenty years, I have served on the LOSSAN Rail Corridor Agency Board, which manages the rail operations from San Diego to San Luis Obispo, the second busiest rail corridor in our nation.

For years we have been planning for the eventual grade separation and double tracking of the entire corridor. With the implementation of the High Speed Rail Federal Rail Grant to California, the LOSSAN Corridor will become a feeder service to High Speed Rail in the central valley between Los Angeles and San Francisco. Enclosed is a letter from the Federal Railroad Administration. We are now implementing the plan it describes. As you may already know, the rail line that is immediately next to the NRG project is currently out to bid for double tracking. That is important to your consideration of the NRG project because the primary crossing for fire protection into the site is over that rail line. With double tracking and grade separation will come increased speed and frequency of rail trips. It is imperative if you move forward with this project that you require NRG to put in a grade separation project. Even a few minutes delay in a fire emergency can be very significant.

I am also concerned about the proposed location. Siting a potentially explosive power plant between the Interstate 5 Freeway, one of only two major highways running north and south in the county, and the LOSSAN Corridor, the second busiest corridor in the nation, seems unwise. There was testimony during the Evidentiary Hearings that power plants like the proposed plant never have any problem. With the explosion of the power plant in Connecticut last week, our concerns seem to be validated. I am enclosing a map of the location of that power plant. It is obvious that particular power plant is not surrounded by homes, a beach and two major transportation corridors. I understand that power plant

was under construction, and there may have been a construction error, but if that had happened on the proposed site in Carlsbad, it would have shut down two major transportation corridors and impacted all of Southern California. The potential for disruption if there is a problem is significant. The biggest question for me regarding this project is the safety concerns it presents to our community. Should you choose to move forward with this project, is it imperative that you take a hard look at how you can best protect our community?

Finally, using prime coastal land for an industrial use when it is no longer necessary for operation of a power plant just seems like very poor planning. Carlsbad was created by careful, thoughtful planning which has embraced regional infrastructure. Our community houses two rail stations, a sewage treatment plant, a trash transfer station, and a major commuter airport, and provides recreational facilities for all of North County. So clearly we are not NIMBYS. However, we have been able to assimilate this infrastructure into the fabric of our community without jeopardizing our quality of life. I do not believe the same can be said for the CECP. While it is important to keep the power flowing, it appears that San Diego Gas & Electric has the resources to do that. If they don't, then there are options which have already been identified. In the end, I find it questionable to authorize a new fossil fuel power plant, which will:

- have a lifespan of more than 40 years
- be located on the coast
- present serious safety concerns to the local fire authorities

Furthermore, the proposed power plant has been unable to demonstrate any benefit to the local community and represents a serious threat to our longstanding efforts to build a quality of life worth emulating.

I encourage you to take some time and thoroughly answer these questions, and then move forward with an informed decision that will be good for the people, the city and the state of California. Is it really necessary to issue a permit now?

Sincerely,

Julianne Nygaard



Gatty Images

The site of Sunday's blast, which federal officials were investigating for similarities to previous accidents involving purging gas from pipelines.

Connecticut Blast Kills 5

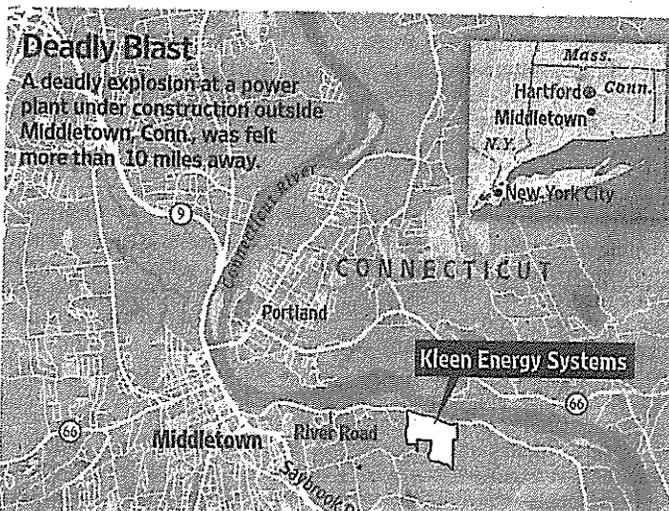
Explosion at Natural-Gas Plant Under Construction May Have Been Sparked by Flame

By TIM AEPPEL

MIDDLETOWN, Conn.—An explosion rocked a natural-gas power plant Sunday in Middletown, Conn., sending earthquake-like shock waves miles away. At least five people were killed, 12 were injured and an undetermined number of people were missing, authorities said.

A state official who said he was briefed by emergency personnel said the toll was unlikely to rise significantly. The official said the gas explosion was caused by a "flame device" that a victim's son had been told was a propane heater.

The Federal Bureau of Investigation isn't investigating the ex-



been working in the industry for more than three decades, according to his son, Matt Dobratz. Mr. Dobratz was told the cause of the blast was a propane heater that was accidentally left on. He said his father had been working seven days a week on the plant.

Ronald Klattenberg, deputy majority leader of the Middletown City Council, said he was inside a boat shed four miles away in Haddam when "I thought something fell on the shed or it was an earthquake."

"It honestly felt like my whole house had exploded," said Daniela Esposito, who lives just more than a mile from the plant with her husband and young child.



U.S. Department
of Transportation
Federal Railroad
Administration

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

January 28, 2010

Mr. Randell H. Iwasaki
Director, California Department of Transportation
1120 N Street
P.O. Box 942673
Sacramento, CA 94273-0001

RE: High-Speed Intercity Passenger Rail Program Selection Decisions

Dear Mr. Iwasaki,

On behalf of President Obama, Vice President Biden, and Secretary of Transportation LaHood, I thank you for your interest in the historic High-Speed Intercity Passenger Rail (HSIPR) Program. We look forward to building upon the relationships established during last summer's outreach and pre-application process to make passenger rail a safe and competitive transportation option in California and throughout the United States. Through our initial outreach workshops in May and June of 2009 and subsequent conference calls, meetings and other feedback, you have played a central role in helping to shape this truly collaborative program.

HSIPR is a new and ambitious endeavor—for the Department of Transportation, for the Federal Railroad Administration (FRA), for the states, and for the country—and we have a great deal of work ahead of us. These awards are just the beginning of a new level of federal engagement in building a safe, world-class passenger rail infrastructure in the United States.

Our initial investment decisions are focused in three key areas: 1) building new high-speed rail corridors that will fundamentally change passenger transportation in the markets they serve; 2) upgrading existing intercity passenger rail services; and 3) laying the groundwork for future high-speed rail services through smaller projects and planning efforts.

The HSIPR Program has generated enormous interest and excitement across the country. FRA received 259 grant applications from 37 states and the District of Columbia requesting nearly \$57 billion in funding—far exceeding the initial \$8 billion available. In order to reach the funding decisions detailed below, FRA employed a thorough, merit-based application review process based upon requirements contained in the American Recovery and Reinvestment Act of 2009 (ARRA) and Passenger Rail Investment and Improvement Act of 2008 (PRIIA).

Applications were first screened to determine whether the applicant and the proposed project were eligible and complied with prerequisites outlined in the Interim HSIPR Program Guidance (Interim Guidance), which were based upon criteria stated in ARRA, PRIIA, and consistent with strategic transportation goals. Eligible applications were then assessed by expert panels at the Department of Transportation in conjunction with the evaluation criteria contained in the Interim Guidance. Following the review, Secretary LaHood made final selections to ensure broad program goals were addressed holistically as reflected in the selection criteria contained in the Interim Guidance and in line with the Department's strategic transportation goals.

Below is a listing of the final selection decisions for the 41 grant application(s) submitted by the California Department of Transportation.

APPLICATIONS SELECTED

SMALLER CORRIDOR PROGRAM, PROJECT(S) AND PLANNING

The following project(s) has been selected for award contingent upon a more detailed review of the application. FRA will be working with you to develop a Statement of Work that describes the project goals and milestones, as well as a final budget for this project(s). The Grant Solutions number(s), project name(s) and track(s) of the application(s) are:

- IPR2010000025; Pacific Surfliner -Corridor Strategic Assessment; Track 3
- HSR2009000052; Los Angeles to Fullerton Triple Track; Track 1a
- HSR2010000194; Capital Corridor-South Terminal Station Improvement; Track 1a
- HSR2010000122; Rolling Stock-Locomotive Emissions Upgrade; Track 1a
- HSR2010000049; Pacific Surfliner -Railroad Crossover Program; Track 1a
- HSR2010000111; Rolling Stock-Cab Car Bicycle Storage; Track 1a
- HSR2010000195; Capital Corridor-YoloXover (Yolo West Crossover); Track 1a

- HSR2010000167; Pacific Surfliner - Oceanside Stub Project 1; Track 1a
- HSR2009000181; Pacific Surfliner Corridor-MOW Spurs; Track 1a
- HSR2009000009; Pacific Surfliner Corridor-PE NEPA Ortega; Track 1b

APPLICATIONS NOT SELECTED

FUNDING LIMITATIONS / EVALUATION

The following application(s) was eligible and ready for consideration, but was not selected during this round due to the intense competition for funding and the results of our merit review process. FRA is available to work with you to further refine and develop this project(s) for potential funding in the future. The Grant Solutions number(s), project name(s) and track(s) of the application(s) are:

- IPR2010000031; San Joaquin Corridor Sacramento to Stockton; Track 3
- HSR2010000048; Stockton to Escalon Double Track Project; Track 1a
- HSR2009000187; Pacific Surfliner Corridor-SystemwideTrackUpgrade - Orange County; Track 1a
- HSR2010000034; Bakersfield to Port Chicago-Positive Train Control; Track 1a
- HSR2010000177; Los Angeles - San Diego (LOSSAN) Corridor-LNL to SNC Double Track; Track 1a
- HSR2009000017; San Joaquin Corridor -Merced/Le Grand-Phase 1; Track 1a
- HSR2010000032; Fullerton to LA-Positive Train Control; Track 1a
- HSR2009000023; San Joaquin Corridor -Port Chicago/Oakley-Option 3; Track 1a
- HSR2009000164; Pacific Surfliner Corridor-Penasquitos BridgeReplacement; Track 1a
- HSR2010000080; San Joaquin Corridor - Gregg Double Track Project; Track 1a
- HSR2010000110; Rolling Stock-Comet 1B Rehabilitation; Track 1a
- HSR2009000050; Capital Corridor Stockton Passenger Track Project; Track 1a
- HSR2010000196; Pacific Surfliner Corridor- Access-Safety Chatsworth; Track 1a
- HSR2010000192; Capitol Corridor Joint Powers Authority (CCJPA) Capitalized Maintenance Phase 2 - Rail Replacement; Track 1a

- HSR2009000189; Pacific Surfliner Corridor-Signal Upgrade-Respace - Orange County; Track 1a
- HSR2010000162; Pacific Surfliner Corridor-NCG Sidings Upgrades & Centralized Traffic Control; Track 1a
- HSR2010000197; Pacific Surfliner Corridor Santa Barbara Crosstie Replace; Track 1a
- HSR2010000198; Pacific Surfliner Corridor- Track-Bridge Upgrade; Track 1a
- HSR2010000033; Capital Corridor-Wireless Network Phase 1; Track 1a
- HSR2009000169; Pacific Surfliner Corridor- Crossovers and Tracks - Orange County; Track 1a
- HSR2009000188; Pacific Surfliner Corridor- Signal Communications Upgrades - Orange County; Track 1a
- HSR2010000193; Pacific Surfliner Corridor Corps-Signal Upgrade-Respace Los Angeles; Track 1a
- HSR2010000047; Capital Corridor-Ticketing (Ticketing System Upgrade); Track 1a
- HSR2009000054; Capital Corridor-Track Relocation; Track 1a
- HSR2010000165; Pacific Surfliner - San Diego Crosstie Program; Track 1a
- HSR2010000166; Pacific Surfliner -Sorrento Miramar Alignment; Track 1a
- HSR2009000010; Pacific Surfliner Corridor-PE-NEPA Seacliff; Track 1b

PROJECT NOT YET READY

The following application(s) did not meet one or more project prerequisites outlined in the Interim Guidance. While the activities of the proposed project appeared to be eligible under the HSIPR Program, the application materials did not demonstrate that the project was sufficiently developed to receive funding for the proposed activities, and in some cases, did not include all materials necessary to adequately evaluate the project. An FRA representative can provide you with further details. The Grant Solutions number(s), project name(s) and track(s) of the application(s) are:

- IPR2010000052; Pacific Surfliner Corridor-LA Union Station HST Planning and Development; Track 3
- HSR2010000029; Pacific Surfliner Corridor-Positive Train Control Southern California; Track 1a
- HSR2009000056; Richmond Rail Connector; Track 1b

APPLICATIONS DEEMED INELIGIBLE

The following application(s) contained a request(s) to fund a project(s) that appeared to be ineligible, given the form in which it was proposed, under the requirements set forth in the HSIPR Program Interim Guidance. An FRA representative can provide you with further details. The Grant Solutions number(s), project name(s) and track(s) of the application(s) are:

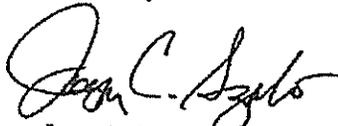
- IPR2009000048; Pacific Surfliner Corridor- Los Angeles - Palmdale High-Speed Rail Integration; Track 3

An FRA representative will contact your staff shortly to schedule a conference call to discuss your application(s) and next steps. Additionally, FRA intends to hold regular calls with all applicants to ensure that we continue to build upon the collaborative relationship developed in 2009. If you have any questions, please visit FRA's High-Speed Rail website, as grantee information will be continuously updated: <http://www.fra.dot.gov>.

These selections are just the first step towards achieving the President's vision for High-Speed Intercity Passenger Rail. In December 2009, Congress appropriated an additional \$2.5 billion for the HSIPR Program. FRA will be in contact with you shortly concerning this and other subsequent opportunities for further developing California's High-Speed Intercity Passenger Rail Program.

Again, thank you for your interest in the HSIPR Program. We are excited to embark on this partnership with you as we work together to build a sustainable high-speed rail program in your state and throughout the nation.

Sincerely,



Joseph C. Szabo
Administrator

cc: Curt Pringle, Chairperson
California-High Speed Rail Authority



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 2/16/2010)

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I, *Julie Baker*, declare that on February 18, 2010 I served and filed copies of the attached, *letter from Julie Nygaard on the LOSSAN rail corridor*. 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

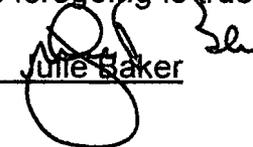
depositing in the mail an original and 12 paper copies, as follows:

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.



Julie Baker

February 18, 2010