

**STATE OF CALIFORNIA
Energy Resources Conservation
And Development Commission**

In the Matter of:)) Application for Certification for the) Carlsbad Energy Center Project)) _____)	Docket No. 07-AFC-06
---	----------------------

STAFF'S PREHEARING CONFERENCE STATEMENT

This statement is filed to respond to the Committee's December 21, 2009, Revised Notice of Prehearing Conference.

Topic Areas Complete. Staff believes that all areas are complete and can proceed to hearing.

Topic Areas Disputed. Staff believes, based on the pre-filed testimony, that the subjects of Air Quality, Greenhouse Gas Emissions, Public Health, Worker and Fire Safety, Visual Resources, and Land Use will require adjudication. Other issues may require adjudication as well, but this will not be known until they are identified at the Prehearing Conference.

Witness Identities. The staff witnesses are identified in the Final Staff Assessment. In addition, Mike Conway and Paul Marshall have replaced Richard Latteri as witnesses for Water Resources, as Mr. Latteri has retired from the agency. Jim MacIntosh will be sponsored by staff to present testimony from the California Independent System Operator (CAISO) on issues that pertain to greenhouse gas emissions from the electric power system. In addition, Steve McClary will present testimony for staff on electric system operation and greenhouse gases.

Testimony by Phone. Due to severe resource constraints, staff requests that only those witnesses who are central to controverted areas be required to attend the hearing. The City of Carlsbad (City) has indicated that it has only limited cross-examination for staff's water witnesses, and that these witnesses can testify by phone. Staff may request that some other witnesses be allowed to do so.

Cross-examination Topics. Staff will cross-examine the witnesses identified in the City's opening testimony. The time for cross-examination will be as much as thirty minutes per witness, but should normally be less.

Exhibits. Staff will make the FSA, the CAISO, and McClary testimony exhibits, as well as the air district's Determination of Compliance.

Schedule Issues and Proposals. Because of the strain on resources, staff requests that the Committee make every effort to conclude the evidentiary hearings during the days scheduled, so that Staff will not have to attend additional distant hearings. Staff counsel will be briefing complicated issues from one of the solar AFCs immediately following the hearing, and thus requests that Opening Briefs not be required before early March.

Date: January 14, 2010

Respectfully submitted,

/s/ Richard C. Ratliff
RICHARD C. RATLIFF
Staff Counsel IV