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DOCKET	
07-AFC-6	
DATE	<u>JUN 18 2010</u>
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June 18, 2010

The Honorable James D. Boyd
Presiding Member
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

The Honorable Anthony Eggert
Associate Member
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Hearing Officer Paul Kramer
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

**Re: Carlsbad Energy Center Project (07-AFC-6)
City of Carlsbad and South Carlsbad Coastal Redevelopment Agency Response to
Request for Scheduling Order**

Dear Commissioners Boyd and Eggert and Hearing Officer Kramer

On June 15, 2010 the Carlsbad Energy Center Project ("CECP") filed a request with this Committee asking for a scheduling order containing a briefing schedule. The City of Carlsbad ("Carlsbad") and the South Carlsbad Coastal Redevelopment Agency (Redevelopment Agency") fully understand and appreciate the demands on the Committee's time. Specifically, the State of California and the federal government have expressed the need to process applications for renewable resources on an expedited basis. Carlsbad and the Redevelopment Agency support this direction and believe that the first priority for the limited resources of the California Energy Commission should go to the large solar projects. This is not only because of their significant environmental and economic benefits but because of their potential to bring federal stimulus funds and more jobs to California. Due to the deadlines associated with the federal stimulus money, decisions in these projects will be forthcoming over the next three to four months. Even if briefs for this project are submitted in the near future, it is likely that they will not command the attention of this Committee and Hearing Officer until decisions, or at least proposed decisions, are rendered in these key solar projects.

Additional considerations regarding the briefing schedule are other recent and pending actions of importance to the CECP case. On May 27, 2010, for example, Staff Counsel Ratliff filed a memorandum outlining two events that affect the issues to be decided in this proceeding: the State Water Resources Control Board final decision on the retirement of “once-through” cooling power plants, and a court case determining the “baseline” for environmental analyses. We understand that Caltrans will be releasing the EIR associated with widening of I-5 shortly and SDG&E is in the process of or will be awarding contracts from its recent procurement process. Given these activities, a premature briefing runs the risk of having intervening actions by a regulatory body require a second round of briefing.

The Committee commitment to issue a list of topics that are of interest to the Committee (See February 12, 2010, Transcript 157-161) and a common format can be issued at any time, but all parties should recognize that intervening events (see above) will have an impact on the issues to be briefed. The Committee may find it advantageous to issue its briefing topic and schedule guidance closer to the time when the Committee is able to devote its time to the issues in this proceeding.

Also, an additional consideration is that CECP, to the best of our knowledge, still requires other permits or approvals, such as from the regional water quality control board. There appears to be no urgency in deciding this matter.

Therefore, Carlsbad and Redevelopment Agency suggest that if the Committee feels compelled to issue a scheduling order at this time, that it contemplate scheduling briefs for later this year when this Committee and Hearing Officer can give this project its full attention and directly applicable actions by other agencies or utilities are concluded.

June 18, 2010

s/s Allan j Thompson

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Ronald Ball
City Attorney
City of Carlsbad

Representing City of Carlsbad
South Carlsbad Coastal Redevelopment Agency

STATE OF CALIFORNIA

California Energy Resources Conservation
and Development Commission

Application for Certification)
for the Carlsbad Energy)
Center Project)
_____)

Docket 07-AFC-6

Certificate of Service

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 07-AFC-6
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Declaration of Service

I, Allan J Thompson, declare that on June 18, 2010 I deposited a copy of the attached “ City of Carlsbad and South Carlsbad Coastal Redevelopment Agency Response to Request for Scheduling Order ” in the United States mail with first class postage thereon fully prepaid and addressed to the Energy Commission docket office and sent transmission by electronic mail 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.

June 18, 2010

s/s Allan J Thompson
Allan J. Thompson