



June 30, 2010

VIA EMAIL AND U.S. MAIL

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

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

DOCKET	
07-AFC-6	
DATE	<u>JUN 30 2010</u>
RECD.	<u>JUN 30 2010</u>

Re: Carlsbad Energy Center Project, Docket #07-AFC-6, Center for Biological Diversity's Response to Applicant's Request for Scheduling Order

Dear Commissioners Boyd and Eggert and Hearing Officer Kramer:

The Center for Biological Diversity (the "Center") agrees with the June 18th Response of the City of Carlsbad and the South Carlsbad Coastal Redevelopment Agency to the Applicant's Request for Scheduling Order "that if the Committee feels compelled to issue a scheduling order at this time, that it contemplate scheduling briefs for later in this year when the Committee and Hearing officer can give this project its full attention."

When the Committee releases the scheduling order and topics of interest to the Committee, the Center requests at least four weeks notice of the due date for briefing, and a sufficient time for reply. As the schedule has slipped other demands have been placed on the time of the Center's attorney. The four weeks would give sufficient time to fit in the completion of briefing with other demands. Moreover, the four weeks may provide sufficient time if the schedule conflicts with any vacations.

The Applicant avers that it is prepared to proceed on a "shortened schedule," but this type of schedule could adversely affect the participation of intervenors who do not have the same resources as Applicant. All parties have sunk significant time into this case. To go from a long delay to a shortened schedule would be unfair to those who have diligently participated. At this point, a "shortened schedule" is also inappropriate because any time saved would be

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very small in relation to the total time of this proceeding. Any shortening of the schedule would place a heavier burden on intervenors.¹

Yours very truly,

A handwritten signature in black ink, appearing to read "William Rostov", with a long horizontal flourish extending to the right.

William B. Rostov
Staff Attorney

¹ The Center notes that this response is general because the Applicant did not propose any specific schedule or suggestion on how to shorten the schedule.



**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 6/14/2010)**

APPLICANT

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DECLARATION OF SERVICE

I, Jessie Baird, declare that on June 30, 2010, I served and filed copies of the attached Center for Biological Diversity's Response to Applicant's Request for Scheduling Order, dated June 30, 2010. 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: [\[http://www.energy.ca.gov/sitingcases/carlsbad/index.html\]](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;

by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date 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, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.


