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DOCKET	
07-AFC-6	
DATE	<u>OCT 11 2010</u>
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Attorney for Intervenor
Center for Biological Diversity

STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Commission

In the Matter of:)
) DOCKET NO: 07-AFC-6
)
) PETITION TO REOPEN THE
CARLSBAD ENERGY CENTER PROJECT) ADMINISTRATIVE RECORD
) and REQUEST TO TAKE
) OFFICIAL NOTICE
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I. PETITION TO REOPEN THE ADMINISTRATIVE RECORD

The Center for Biological Diversity (“Center”) hereby petitions the California Energy Commission to reopen the administrative record of the proceedings.

Two Joint Reports authored by the Air Resources Board (“ARB”), the California Energy Commission (“CEC”), the California Public Utilities Commission (“CPUC”), the California Environmental Protection Agency (“Cal EPA”), and the California Independent Systems Operator Corporation (“ISO”), entitled “California’s Clean Energy Future: An Overview on Meeting California’s Energy and Environmental Goals in the Electric Power Sector in 2020 and Beyond” and “California’s Clean Energy Future: Implementation Plan” were published in September, 2010. The Joint Reports contain the most up-to-date information relating to California’s energy issues, including information that was not available at the close of the evidentiary hearing, February 4, 2010. The Joint Reports were not previously introduced because they were published in September, 2010 and were not available prior to the conclusion of the evidentiary hearing, February 14, 2010. The Reports constitute a material change of fact occurring since the conclusion of the evidentiary hearing, and the Center respectfully requests that the CEC reopen the record to admit them.

II. REQUEST TO TAKE OFFICIAL NOTICE

Pursuant to California Code of Regulations, title 20, section 1213, the Center for Biological Diversity (“Center”) respectfully requests the Commission take official notice of the following matters:

1. The Joint Report authored by ARB, CEC, CPUC, Cal EPA, and ISO, entitled “California’s Clean Energy Future: An Overview on Meeting California’s Energy

and Environmental Goals in the Electric Power Sector in 2020 and Beyond” (Energy Commission-100-2010-002) issued September 2010 (Exhibit 1); and

2. The Joint Report authored by ARB, CEC, CPUC, Cal EPA, and ISO, entitled “California’s Clean Energy Future: Implementation Plan” dated September 2010 (Exhibit 2).

The Commission may take official notice of any generally accepted matter within its field of competence. (20 Cal. Code Reg. § 1213.)

The Commission should take official notice of the Joint Reports, “California’s Clean Energy Future: An Overview on Meeting California’s Energy and Environmental Goals in the Electric Power Sector in 2020 and Beyond” and “California’s Clean Energy Future: Implementation Plan” because the Commission was a co-author of the Joint Reports, thus the information provided in the Reports is within the agency’s field of competence. In addition, the Joint Reports provide the most up-to-date relevant information on California energy issues relating to the proceeding, that was not previously available.

In the interest of conserving resources, copies of the foregoing documents are available online at <http://www.climatechange.ca.gov/energy/index.html>. Exhibit 1 can be found at <http://www.energy.ca.gov/2010publications/CEC-100-2010-002/CEC-100-2010-002.PDF>. Exhibit 2 can be found at <http://www.energy.ca.gov/2010publications/CEC-100-2010-002/CEC-100-2010-002-PLAN.PDF>.

The Center will make printed copies of the foregoing documents available upon request by the Commission or any party of record.

For the foregoing reasons, the Center respectfully requests that the Commission take official notice of the Joint Reports, “California’s Clean Energy Future: An Overview on Meeting

California's Energy and Environmental Goals in the Electric Power Sector in 2020 and Beyond"
and "California's Clean Energy Future: Implementation Plan."

DATED: October 11, 2010

A handwritten signature in black ink that reads "William Rostov". The signature is written in a cursive style with a long horizontal stroke extending to the right.

William B. Rostov
Earthjustice
Attorney for Center for Biological Diversity



**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)**

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DECLARATION OF SERVICE

I, John W. Wall, declare that on October 11, 2010, I served and filed copies of the attached Petition to Reopen the Admin. Record and Request to Take Official Notice dated October 11, 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);

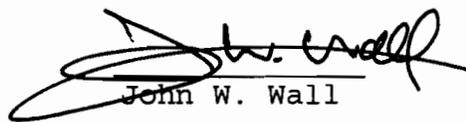
OR

- 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.


John W. Wall