



OFFICE
OF THE

CITY ATTORNEY

PAUL G. EDMONSON
ASSISTANT CITY ATTORNEY

RONALD KEMP
DEPUTY CITY ATTORNEY

RONALD R. BALL
CITY ATTORNEY

JANE MOBALDI
ASSISTANT CITY ATTORNEY

DOCKET	
07-AFC-6	
DATE	<u>Jun 08 2011</u>
RECD.	<u>Jun 08 2011</u>

June 8, 2011

The Honorable James D. Boyd
Hearing Officer Paul Kramer
1516 9th Street
Sacramento, CA 95814

RE: Carlsbad Energy Center Project (07-AFC-6)
Proposed Conditions of Certification Related to the Shutdown of Units 4 and 5
At the Encina Generating Station

Dear Commissioner Boyd and Hearing Officer Kramer:

Thank you for encouraging the parties to get together to discuss proposed conditions of certification related to the shutdown of Units 4 and 5 at the Encina Generating Station. Those discussions have been productive and I have reviewed the proposed conditions of certification LAND-2 and LAND-3 with the City Council and the Housing and Redevelopment Commission at its closed session of Tuesday, June 7, 2011 and I have been authorized to represent the City's and Redevelopment Agency's concurrence in those conditions. The Council and the Commission feel they are appropriate if the Commission determines to certify the proposed power plant. However, the City Council and the Housing and the Redevelopment Commission remain opposed to the CECP at this location as more fully explained in our brief on the assignments of error and comments on the PMPD filed simultaneously with this letter.

I look forward to presenting our arguments, evidence through official notice and assignments of error in the PMPD at the Commission's meeting on June 15, 2011.

Respectfully submitted,

RONALD R. BALL
City Attorney and General Counsel

cc: City Council
City Manager
Project Team





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 5/18/2011)

APPLICANT

Jennifer Hein
George Piantka, PE.
NRG Energy, Inc., West Region
5790 Fleet Street, Ste. 200
Carlsbad, CA 92008
jennifer.hein@nrgenergy.com
george.piantka@nrgenergy.com

APPLICANT'S CONSULTANTS

Robert Mason, Project Manager
CH2M Hill, Inc.
6 Hutton Centre Drive, Ste. 700
Santa Ana, CA 92707
Robert.Mason@ch2m.com

Megan Sebra
CH2M Hill, Inc.
2485 Natomas Park Drive, Ste. 600
Sacramento, CA 95833
Megan.Sebra@ch2m.com

COUNSEL FOR APPLICANT

John A. McKinsey
Stoel Rives, LLP
500 Capitol Mall, Suite 1600
Sacramento, CA 95814
jamckinsey@stoel.com

INTERESTED AGENCIES

California ISO
E-mail Preferred
e-recipient@caiso.com

INTERVENORS

Terramar Association
Kerry Siekmann & Catherine Miller
5239 El Arbol
Carlsbad, CA 92008
siekmann1@att.net

City of Carlsbad
South Carlsbad Coastal
Redevelopment Agency
Allan J. Thompson
21 "C" Orinda Way #314
Orinda, CA 94563
allanori@comcast.net

City of Carlsbad
South Carlsbad Coastal
Redevelopment Agency
Joseph Garuba,
Municipals Project Manager
Ronald R. Ball, Esq., City Attorney
1200 Carlsbad Village Drive
Carlsbad, CA 92008
E-mail Preferred
Joe.Garuba@carlsbadca.gov
ron.ball@carlsbadca.gov

California Unions for Reliable Energy
(CURE)
Marc D. Joseph
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
gsmith@adamsbroadwell.com
mdjoseph@adamsbroadwell.com

Center for Biological Diversity
c/o William B. Rostov
EARTH JUSTICE
426 17th Street, 5th Floor
Oakland, CA 94612
wrostov@earthjustice.org

Power of Vision
Julie Baker & Arnold Roe, Ph.D.
4213 Sunnyhill Drive
Carlsbad, California 92013
powerofvision@roadrunner.com

Rob Simpson
Environmental Consultant
27126 Grandview Avenue
Hayward, CA 94542
rob@redwoodrob.com

ENERGY COMMISSION

JAMES D. BOYD
Vice Chair and Presiding Member
jboyd@energy.state.ca.us

***Tim Olson**
Adviser to Vice Chair Boyd
tolson@energy.state.ca.us

Paul Kramer
Hearing Officer
pkramer@energy.state.ca.us

Mike Monasmi
Siting Project Manager
mmonasmi@energy.state.ca.us

Dick Ratliff
Staff Counsel
dratliff@energy.state.ca.us

Jennifer Jennings
Public Adviser's Office
E-mail Preferred
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Flora Waite, declare that on June 8, 2011, I served and filed copies of the attached **City of Carlsbad and Carlsbad Redevelopment Agency Comments and Assignments of Error re Presiding Member's Proposed Decision**, dated June 8, 2011. 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 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 THE APPLICANT AND 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 the same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those address **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.


Name

June 8, 2011
Date