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**

NOTICE OF AVAILABILITY OF THE PRESIDING MEMBER'S PROPOSED DECISION AND NOTICE OF COMMITTEE CONFERENCE AND EVIDENTIARY HEARING AND NOTICE OF FULL COMMISSION HEARING

I. NOTICE OF AVAILABILITY

On May 9, 2011, the Committee issued the Presiding Member's Proposed Decision (PMPD) for the ***CARLSBAD ENERGY CENTER PROJECT***. The 30-day public comment period on the PMPD ends on June 8, 2011. Copies of the PMPD have been sent to the Proof of Service list. The PMPD may also be viewed on the Commission's internet website at: **[http://www.energy.ca.gov/sitingcases/carlsbad/documents/].**

For a printed copy, call the Energy Commission's Publications Unit at 916-654-5200, and ask for Publication No. **CEC 800-2011-004-PMPD**.

II. NOTICE OF COMMITTEE CONFERENCE AND EVIDENTIARY HEARING

PLEASE TAKE NOTICE that the Committee will hold a Committee Conference on the PMPD and an Evidentiary Hearing as follows:

DOCKET	
07-AFC-6	
DATE	MAY 09 2011
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Thursday, May 19, 2011
Beginning at 9:30 a.m.

And Friday, May 20, if necessary
Beginning at 8:30 a.m.

Specific time for Public Comments has been set aside on May 19, beginning at 5:30 p.m. Comments may be accepted at other times during the Evidentiary Hearing, as well.

Hilton Garden Inn
Wavecrest Ballroom
6450 Carlsbad Boulevard
Carlsbad, CA 92011
(Map Attached)

TELECONFERENCE OPTION: You may participate in the Committee Conference by telephone and/or by computer via our "WebEx" web conferencing system. For details on how to participate, please see the "Participation through WebEx" directions attached to this Notice.

Comments on the PMPD

The purpose of the Committee Conference is to consider oral and written comments on the PMPD from the parties, governmental agencies, and members of the public.

Members of the public and governmental agency representatives are encouraged to submit their comments by e-mail **or** in writing.[1] Please include your name or organization's name in the subject portion of an e-mail and in the name of the file attached to your e-mail. File attachments should be in either Microsoft Word or Portable Document File (.pdf) formats. Send e-mails to [**docket@energy.state.ca.us**]. Send written comments to Energy Commission Docket Unit, 1516 Ninth Street, MS-4, Sacramento, CA 95814. Identify all comments with **"Docket No. 07-AFC-6."**

In order to assure that your comments are considered, your e-mail must be received by the Docket Unit by 5:00 p.m. on June 8, 2011 or your mailed written comment physically delivered on or before that time (postmarks do not count).

Persons making comments, especially the parties, are encouraged to share their comments prior to the May 19, 2011 Committee Conference. It is helpful to see significant comments, especially those proposing changes to the Conditions of Certification, prior to the Conference so that the Committee and parties can discuss and understand the proposals and attempt to resolve any conflicts or inconsistencies. To facilitate those discussions, the parties are requested to submit their comments on or before May 17, 2011.

No matter when they are submitted, parties shall e-mail their comments to the other parties listed on the current Proof of Service list and mail copies to those whose e-mail addresses are not provided on the POS list. Governmental agencies and members of the public are encouraged, but not required to do so as well.

[1] To the extent that the Commission's regulations (Title 20, California Code of Regulations, sections 1209 – 1210) would otherwise require that an e-mailed comment be accompanied by a physical copy of the comment, that requirement is hereby waived under Subsection 1209(c). An e-mailed comment is sufficient by itself.

Oral comments may be submitted by the public at the May 19, 2011, Committee Conference. Following the end of the 30-day public comment period, the Committee, if appropriate, will prepare an Errata to the PMPD describing changes to the PMPD recommended by the Committee after its consideration of comments from the parties and the public.

Evidentiary Hearing

The Committee, in part on its own motion and in part in response to the various motions of the parties requesting that the evidentiary record be reopened, has decided to reopen the record and conduct additional hearings on the following topics:

- To take testimony to clear up an ambiguity in the evidence. How is the CECP fire suppression water system proposed to be attached to the City potable water system? Is it feasible to attach it in such a way that it can use City water pressure to provide fire flow with the on-site fire pumps as backup?
- To take testimony and recommendations for additional or modified Conditions of Certification based upon lessons learned from the Kleen Energy & Palomar power plant fires.
- To hear any relevant evidence on lessons learned from the recent Japanese earthquake and tsunami regarding the seismic safety of CECP.
- To accept evidence proposed by staff regarding CECP's compliance with the new federal standard for nitrogen dioxide (NO_2) and relevant evidence from the other parties.
- As discussed in the Land Use section of the PMPD, to consider additional evidence, comment and argument about whether the Energy Commission should find that an extraordinary public purpose would be served by the CECP. Such a finding is required by the South Carlsbad Coastal Redevelopment Project Area Plan. One potential purpose, suggested by the City of Carlsbad in its briefs and echoed by some public commenters, is the formulation of a plan to remove the old Encina Power Station boilers, containment building and 400-foot stack when units 4 and 5 are retired. Retirement might come when the units are no longer necessary for support of the electricity grid or due to some other cause such as the termination of their once through cooling system. Evidence about the variables affecting when the units may be shut down, the costs of removal, ways to finance those costs, and other relevant matters, would be appropriate. Evidence and discussion of other extraordinary public purposes that approval of the project serves or could serve would also be appropriate.

To facilitate preparation for the Evidentiary Hearing, the parties are requested to serve via e-mail on Dockets and the other parties, no later than 5:00 p.m., on Tuesday, May 17, 2001, 1) a list of the witnesses they intend to call, 2) time estimates for direct and

cross-examination, and 3) electronic copies of any documents they wish to introduce into evidence, including documents they have previously circulated or docketed.

III. NOTICE OF COMMISSION HEARING

PLEASE TAKE NOTICE that the full Commission will consider the PMPD, released on May 9, 2011, on:

Wednesday, June 15, 2011
Beginning at 10 a.m.

California Energy Commission
Hearing Room A
1516 Ninth Street
Sacramento, California 95814

The purpose of this hearing is to consider whether the Energy Commission should adopt, modify, or reject the PMPD and Errata. Parties and members of the public may participate and offer oral and written comments on the PMPD. Identify all comments with "**Docket No. 07-AFC-6.**"

If the PMPD and Errata are adopted, the Commission will subsequently compile a single document combining the Errata, the PMPD, and any other changes made at the Commission Hearing, for the convenience of the parties and the public. The effective date of the Decision will be the Commission Hearing date.

Participating by Telephone at a Business Meeting

If you want to participate by telephone, call toll free 1-888-823-5065 on Business Meeting days after 10:01 a.m. (PDT). When asked, please answer "Business Meeting and Mr. Jerome Lee" and the operator will connect you into the meeting. Should you want to speak on a specific item, please inform the operator and provide the item number. The Business Meeting is also broadcast via **WebEx**, the Energy Commission's on-line meeting service. For instructions about accessing the WebEx broadcast, consult the Businsess Meeting agenda, available after June 5 at http://www.energy.ca.gov/business_meetings/index.html.

Public Participation

The Energy Commission's Public Adviser's Office is available to assist the public in participating in the application review process. For information on how to participate, please contact the Public Adviser's Office at (916) 654-4489 or (800) 822-6228 or by e-mail: **[publicadviser@energy.state.ca.us]**.

If you have a disability and need assistance to participate in this event, contact Lourdes Quiroz at (916) 654-5146 or e-mail: [**lquiroz@energy.state.ca.us**].

Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989 or e-mail: [**mediaoffice@energy.state.ca.us**].

Questions of a legal or procedural nature should be directed to Paul Kramer, the Hearing Officer, at (916) 654-5103 or e-mail: **[pkramer@energy.state.ca.us]**.

Technical questions concerning the project should be addressed to Mike Monasmith, Staff Project Manager, at (916) 654-4894, or e-mail: **mmonasmi@energy.state.ca.us].**

Information concerning the status of the project, as well as notices and other relevant documents, may be viewed on the Energy Commission's Internet web page at: **[www.energy.ca.gov/sitingcases/carlsbad/index.html].**

Dated: May 9, 2011, at Sacramento, California.

JAMES D. BOYD
Vice Chair and Presiding Member
Carlsbad AFC Committee

Mailed to Lists: POS, 7260, 7261, 7629, 7263

PARTICIPATION IN THE CARLSBAD COMMITTEE CONFERENCE ON THE PMPD THROUGH WEBEX
THE ENERGY COMMISSION'S ON-LINE MEETING SERVICE

1. ***COMPUTER LOG-ON WITH A DIRECT PHONE NUMBER:***

- Please go to https://energy.webex.com and enter the meeting number *unique* to the specific hearing date:
  - *5/19/11 Committee Conference* unique meeting number: *924 486 127*
  - *5/20/11 Committee Conference* unique meeting number: *922 748 833*
- When prompted, enter your information and the ***MEETING PASSWORD***: carlsbad#9

After you login, a prompt will appear on-screen for you to provide your phone number. In the Number box, type your area code and phone number and click OK. You will receive a call back on your phone for the audio portion of the meeting. International callers can use the "Country/Region" button to help make their connection.

2. ***COMPUTER LOG-ON FOR CALLERS WITH AN EXTENSION PHONE NUMBER, ETC:***

- Please go to https://energy.webex.com and enter the ***unique meeting number***: and the ***meeting password*** *(above)*.
- *After you login, a prompt will ask for your phone number. Click "CANCEL."*
- *Instead call 1-866-469-3239 (toll-free in the U.S. and Canada). When prompted, enter the meeting number above and your unique Attendee ID number which is listed in the top left area of your computer screen after you login.*

3. ***TELEPHONE ONLY (NO COMPUTER ACCESS):***

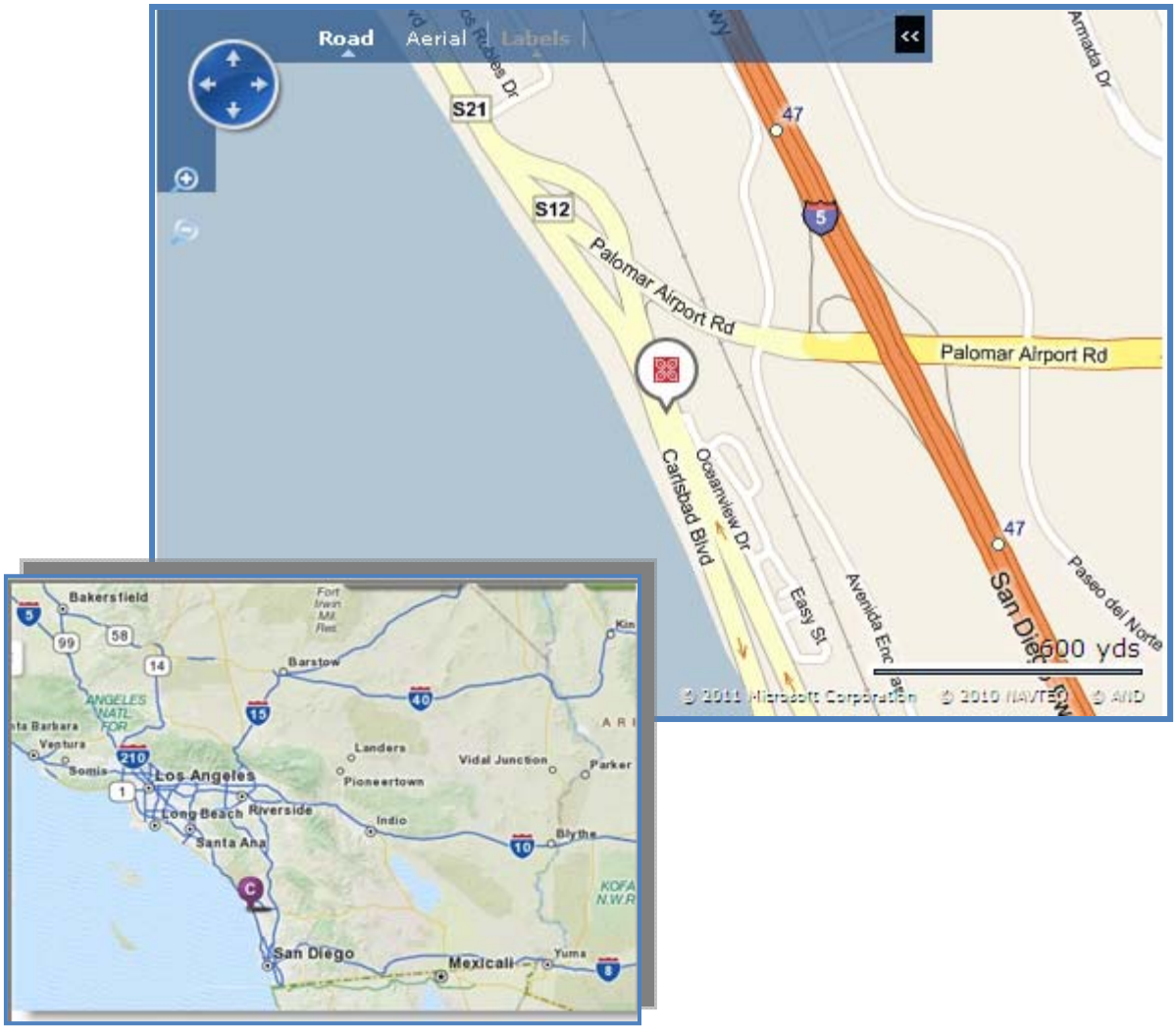
- *Call 1-866-469-3239 (toll-free in the U.S. and Canada) and when prompted enter the* meeting number *unique* to the specific hearing date:
  - *5/19/11 Committee Conference* meeting number: *924 486 127*
  - *5/20/11 Committee Conference* meeting number: *922 748 833*

If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1-866-229-3239. To see if your computer is compatible, visit [http://support.webex.com/support/system-requirements.html].

Please be aware that the meeting's WebEx audio and on-screen activity may be recorded.

Carlsbad Committee Conference: ***Thursday, May 19, 2011 b*****eginning at 9:30 a.m.** ***and Friday, May 20, if necessary, beginning at 8:30 a.m.***

Hilton Garden Inn
Wavecrest Ballroom
6450 Carlsbad Boulevard
Carlsbad, CA 92011



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
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APPLICATION FOR CERTIFICATION FOR THE *CARLSBAD ENERGY CENTER PROJECT*

Docket No. 07-AFC-6
PROOF OF SERVICE
(Revised 1/24/2011)

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*indicates change

DECLARATION OF SERVICE

I, Maggie Read, declare that on May 9, 2011, I served and filed copies of the attached Notice of Availability of the Presiding Member's Proposed Decision and Committee Conference and Evidentiary Hearing and Notice of Full Commission Hearing, dated May 9, 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 documents have 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:

_x__ 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:

_x__ 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.

Original signed by
Maggie Read
Hearing Adviser's Office

*indicates change