



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

**DOCKET**

**07-AFC-6**

DATE NOV 29 2011

RECD. NOV 29 2011

APPLICATION FOR CERTIFICATION FOR THE  
**CARLSBAD ENERGY CENTER PROJECT**

DOCKET No. 07-AFC-6

**NOTICE OF PREHEARING CONFERENCE,  
EVIDENTIARY HEARING  
AND COMMITTEE CONFERENCE;**

**RULING ON MOTIONS FOR  
ADDITIONAL TIME TO FILE TESTIMONY**

**PLEASE TAKE NOTICE** that, the Committee designated by the Energy Commission to conduct proceedings on the Application for Certification (AFC) for the **CARLSBAD ENERGY CENTER PROJECT** has scheduled a Prehearing Conference and Evidentiary Hearings as follows:

**A Prehearing Conference will be conducted on:**

**Friday, December 9, 2011  
Beginning at 10 a.m.**

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

**An Evidentiary Hearing will be conducted on:**

**Monday, December 12, 2011  
Beginning at 8:30 a.m.  
Public Comment Period begins at 5:30 p.m.**

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

**A Committee Conference will be conducted on:**

**Wednesday, December 14, 2011  
Beginning at 2 p.m.**

**California Energy Commission  
Third Floor Conference Room "Fishbowl"  
1516 Ninth Street  
Sacramento, CA 95814**

### **Telephone and/or Computer Participation Option**

Parties, interested persons and agencies, and the public may attend the above Committee meetings in person at the above locations or by telephone and/or by computer via our "WebEx" web conferencing system. For details on how to participate by WebEx, please see the "Participation in the Meeting Through WebEx" directions attached to this Notice.

Please note that the Committee may, in appropriate circumstances, continue the hearings into the evening hours. A specific period for the receipt of public comment has been set aside during the evening on December 12, 2011 as noted above. Public comments may also be taken at other times in the Committee's discretion.

### **Evidentiary Hearing Topics**

The topics on which evidence and argument will be accepted at the Evidentiary Hearing are:

1. The impact of the three new San Diego Gas & Electric Power Purchase Agreement projects on our cumulative impacts and alternatives analysis;
2. Conditions Land-2 and Land-3, their environmental impacts and appropriate modifications to address the financial concerns raised by the Applicant;
3. Grid reliability issues raised by the comments from CAISO during the June 30, 2011, Energy Commission Business Meeting;
4. The federal PSD permit that the project will require in order to operate;
5. Recent City land use LORS amendments contained in Resolution 2011-230 and Ordinance CS-158; and
6. Additional evidence, not previously presented, regarding whether it is appropriate to override either unmitigated environmental impacts or noncompliance with state or local LORS.

**PLEASE TAKE NOTICE that the Committee has established the following filing schedule:**

<b>ITEM</b>	<b>DATE</b>
August 12, 2011	Staff files initial testimony
November 18, 2011	Staff files additional supplemental testimony, if any, on the Evidentiary Hearing topics not previously identified in the August 10, 2011 Revised Committee Scheduling Order
November 18, 2011	Applicant files responsive testimony and exhibits, witness lists and time estimates
December 1, 2011, 3:00 p.m.	Staff files witness lists and time estimates
December 5, 2011, 12:00 Noon *	Other parties file responsive testimony and exhibits, witness lists and time estimates
December 8, 2011, 12:00 Noon **	All parties file rebuttal testimony and (if necessary) revised witness lists and time estimates
December 9, 2011, 10:00 a.m.	Prehearing Conference
December 12, 2011, 8:30 a.m.	Evidentiary Hearing
December 14, 2011, 2:00 p.m.	Committee Conference

\*Extended by four days from the previously established deadline (see Motions for Additional Time to File Testimony, below)

\*\*Extended by one day from the previously established deadline

### **Purpose of Prehearing Conference**

The Prehearing Conference is a public forum where the Committee will assess the parties' readiness for the evidentiary hearing, identify areas of agreement or dispute, set the precise schedule for the presentation of testimony, including the order of topics and allocation of time, and discuss the remaining schedule and procedures necessary to conclude the certification process. (Cal. Code Regs., tit. 20, § 1718.5.)

Local, state, and federal governmental agencies may participate at the Prehearing Conference and Evidentiary Hearing, as necessary. (Cal. Code Regs., tit. 20, § 1714.5.) Elected officials and members of the public may present public comments at these events and/or submit written comments to the Energy Commission's Docket Unit as described in the Public Participation section, below.

### **Prehearing Conference Information**

Prior to the Prehearing Conference, all parties (Staff, Applicant, and Intervenors) shall, by the times specified in the above filing schedule, provide the documentary exhibits, including written testimony, they intend to introduce, the witnesses they intend to call and estimate the time necessary for direct and cross-examination.

## Format for Presenting Written Evidence

Each proposed exhibit shall be numbered and identified on an **Exhibit List**.

- Applicant's exhibits shall be numbered consecutively beginning at **Exhibit 199G, continuing to 199H, et seq.**
- Staff's exhibits shall be numbered consecutively beginning at **Exhibit 229.**
- Intervenor Terramar Association's exhibits shall be numbered consecutively beginning at **Exhibit 390.**
- Intervenor City of Carlsbad/ South Carlsbad Coastal Redevelopment Agency's exhibits shall be numbered consecutively beginning at **Exhibits 444.**
- Intervenor CURE's exhibits shall be numbered consecutively beginning at **Exhibit 500.**
- Intervenor Center for Biological Diversity's exhibits shall be numbered consecutively beginning at **Exhibit 648.**
- Intervenor Power of Vision's exhibits shall be numbered consecutively beginning at **Exhibit 748.**
- Intervenor Rob Simpson's exhibits shall be numbered consecutively beginning at **Exhibit 800.**

***Printed or electronic (i.e., email or compact disk) copies of the Exhibits shall be provided to the Committee and other parties no later than the times set forth in the filing schedule table, above. In addition, a printed copy of all exhibits shall be provided to the Hearing Officer no later than December 9, 2011.***

## E-mail Only Service of Documents

Pursuant to Cal. Code Regs., title 20, section 1210, subd. (a), until a party indicates to the Presiding Member or Hearing Officer that it requires a hard copy, an e-mailed copy of all electronic documents of 5 megabytes maximum file size pursuant to section 1209.5 is sufficient for service in this proceeding. No hard copy of an e-mailed document need be provided. Where a party is marked on the Proof of Service List for this proceeding as "hard copy required" or similar words, a paper copy of all written material filed by any party in this proceeding shall be served in person or by first class mail, or other equivalent delivery service, with postage prepaid. Regardless whether a party has indicated a preference for hard copies, documents larger than 50 pages may alternatively be sent in the form of an electronic file recorded on a compact disk rather than as a paper copy, provided that the party is offered the opportunity to request a paper copy.

The parties shall submit a **WORD or text file** version of their prehearing information to the Hearing Officer via email.

## **Notice of Committee's Intention to Use Informal Hearing Procedures**

Pursuant to Government Code Section 11445.10 et seq. and section 1217 of the Commission's regulations, the Committee may continue to conduct all or portions of the Evidentiary Hearings in an informal manner in which, for example but not by way of limitation, a panel of witnesses sponsored by a single party or by multiple parties testify at one time, with an exchange of questions and responses between the witnesses and counsel for the various parties substituting for formal direct and cross-examination.

## **Purpose of Committee Conference**

The December 14, 2011, Committee Conference will be held for the primary purpose of conducting Committee deliberations in closed session. The open meeting will be convened, public comment taken and then the closed session will begin. The open meeting will reopen to announce the conclusion of the closed session and then adjourn. No testimony will be taken. We encourage the parties and public to take advantage of our remote access facilities (WebEx) to avoid the cost and time of traveling to Sacramento for what will be a very brief public portion of the meeting.

## **Closed Sessions**

During any of the above Committee meetings, the Committee may, pursuant to Government Code Section 11126, temporarily adjourn the meeting to a closed session to deliberate on matters before the Committee for decision such as the preparation of a revised proposed decision or motions and other matters then pending before the Committee.

## **Motions for Additional Time to File Testimony**

Motions to extend the time to file Intervenor testimony have been filed by the City of Carlsbad and Power of Visions, joined in by Rob Simpson. We **GRANT** those motions to the extent of extending the deadline for other party opening testimony from Thursday, December 1 at 3:00 p.m. to Monday, December 5, at 12:00 Noon. The deadline for rebuttal testimony is also extended from Wednesday, December 7, at 12:00 Noon to Thursday, December 8, at 12:00 Noon.

In addition, the City of Carlsbad requests that a staggered rebuttal period be replied to allow the City and other Intervenors to rebut the rebuttal testimony filed by the Staff and Applicant. Rebuttal is intended for each party to respond to the testimony previously filed by the other, not to offer evidence on a topic or line of thought not previously raised. The request is **DENIED**. All parties shall file their testimony at the same time.

## **Public Participation**

Members of the public are welcome to attend and offer comments at the Prehearing Conference and the Evidentiary Hearing. It is not necessary to be an Intervenor to

participate in the public process. Comments may also be submitted in writing. Written comments may be submitted for posting on the docket for the proceeding by handing them directly to the public adviser, e-mailing them to **[publicadviser@energy.state.ca.us]** or to **[dockets@energy.state.ca.us]**, or by US Mail to:

California Energy Commission  
Dockets Unit  
Docket number: 07-AFC-6  
1516 Ninth Street, MS-14  
Sacramento, CA 95614

Please include **“Carlsbad Energy Center, Docket No. 07-AFC-6”** on any e-mailed or written comments.

**Please note that your written and oral comments, attachments, and associated contact information (e.g. your address, phone, email, etc.) become part of the viewable public record. Additionally, this information may become available via Google, Yahoo, and other search engines.**

**Comments received after the December 12, 2011 Evidentiary Hearing may be held for consideration after the revised proposed decision is published. If you cannot submit your comments before that deadline, we encourage you to wait until the revised proposed decision is released and address your comments to that document.**

The Energy Commission Public Adviser’s Office is available to assist the public in participating in the application review process. For those individuals who require general information on how to participate, please contact the Public Adviser’s Office at (916) 654-4489 or (800) 822-6228 or 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]**.

### **Information**

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 Monasmi, the Staff Project Manager, at (916) 654-4894, or e-mail: **[mmonasmi@energy.state.ca.us]**.

Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989 or e-mail at: **[mediaoffice@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: [\[www.energy.ca.gov/sitingcases/carlsbad\]](http://www.energy.ca.gov/sitingcases/carlsbad).

Dated: November 29, 2011, at Sacramento, California.

A handwritten signature in black ink, appearing to read "James D. Boyd", written over a horizontal line.

JAMES D. BOYD  
Vice Chair and Presiding Member

A handwritten signature in black ink, appearing to read "Karen Douglas", written over a horizontal line.

KAREN DOUGLAS  
Commissioner and Associate Member

**PARTICIPATION IN THE PRE-HEARING CONFERENCE AND EVIDENTIARY HEARINGS 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 meeting date:
  - **12/9/11** – Prehearing Conference meeting number: **924 106 998** meeting password - **carlsbad!1**
  - **12/12/11** – Evidentiary Hearing meeting number: **923 834 695** meeting password - **carlsbad@1**
  - **12/14/11** – Committee Conference number: **925 463 165** meeting password – **carlsbad#1**

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 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.
  - **12/9/11** – Prehearing Conference meeting number: **924 106 998** meeting password - **carlsbad!1**
  - **12/12/11** – Evidentiary Hearing meeting number: **923 834 695** meeting password - **carlsbad@1**
  - **12/14/11** – Committee Conference number: **925 463 165** meeting password – **carlsbad#1**

When prompted, enter your information and the meeting password.

*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 screen after you login.

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

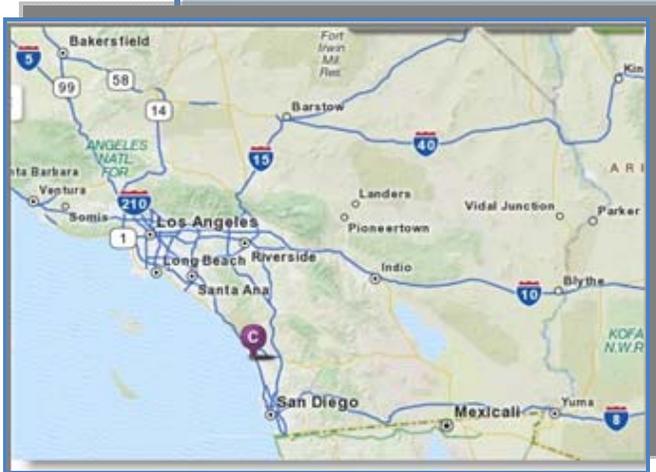
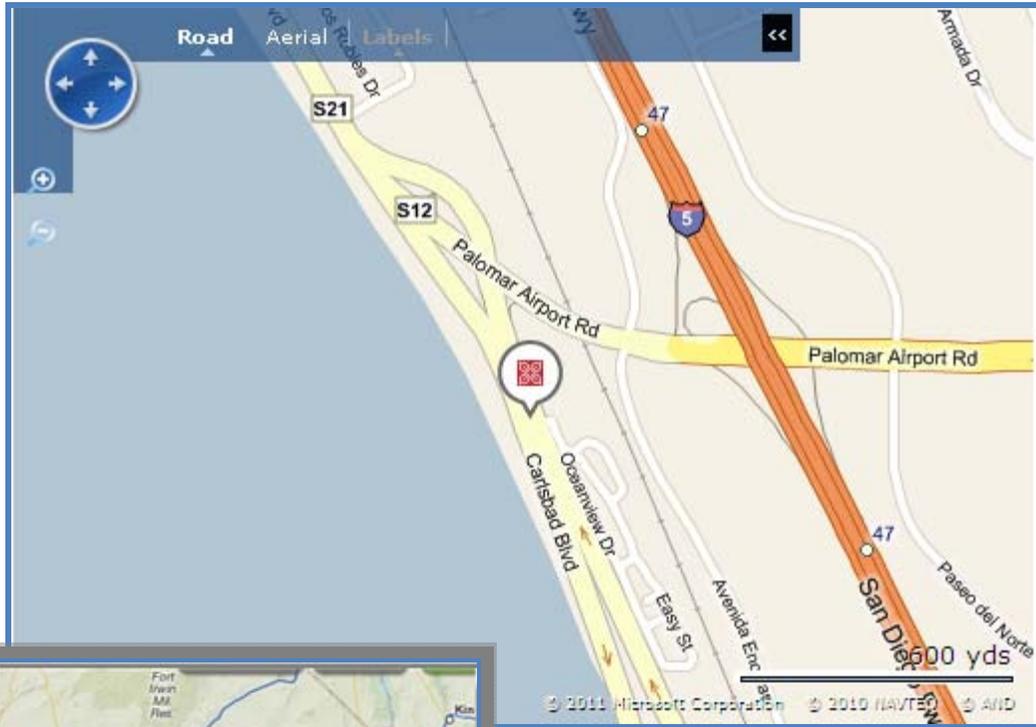
- Call **1-866-469-3239** (toll-free in the U.S. and Canada) and when prompted enter the meeting number:
  - **12/9/11** – Prehearing Conference meeting number: **924 106 998** meeting password - **carlsbad!1**
  - **12/12/11** – Evidentiary Hearing meeting number: **923 834 695** meeting password - **carlsbad@1**
  - **12/14/11** – Committee Conference number: **925 463 165** meeting password – **carlsbad#1**

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 Evidentiary Hearing: *Monday, December 12, 2011***  
**beginning at 8:30 a.m**  
**(Public Comment beginning at 5:30 p.m).**

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



**Carlsbad Energy Center AFC Committee  
Prehearing Conference  
Friday, December 9, 2011  
Beginning at 10 a.m.**

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

**Meeting Agenda**

1. Call to Order
2. Prehearing Conference on the Carlsbad Energy Center Application for Certification
3. Closed Session

Committee closed session consideration of the following Item:

**APPLICATION FOR CERTIFICATION FOR THE CARLSBAD ENERGY CENTER PROJECT.** Deliberation on the Committee's orders relating to the conduct of the December 12, 2011, Evidentiary Hearing, including the order of topics, time allotted for witness testimony, and any other matters for decision by the Committee such as pending motions and scheduling. (Contact: Paul Kramer)

The Committee will adjourn to closed session in accordance with Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct.

4. Public Comment

Members of the public, and other interested persons and entities may speak up to three minutes on a matter appearing on this agenda.

5. Adjourn

Agency Contact: Paul Kramer, Hearing Officer, (916) 654-5103 or e-mail: **[pkramer@energy.state.ca.us]**.

**Carlsbad Energy Center AFC Committee  
Evidentiary Hearing  
Monday, December 12, 2011  
Beginning at 8:30 a.m.**

**Hilton Garden Inn  
Wavecrest Ballroom  
6450 Carlsbad Blvd  
Carlsbad, CA 92011**

**Meeting Agenda**

1. Call to Order
2. Further Evidentiary Hearing on the Carlsbad Energy Center Application for Certification (07-AFC-6)
3. Closed Session

Committee closed session consideration of the following Item:

**APPLICATION FOR CERTIFICATION FOR THE CARLSBAD ENERGY CENTER PROJECT.** Deliberation on the Committee's proposed decision on the Carlsbad Energy Center Application for Certification (07-AFC-6) and any other matters for decision by the Committee such as pending motions and scheduling. (Contact: Paul Kramer)

The Committee will adjourn to closed session in accordance with Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct. The Committee may adjourn to a closed session at any point during the meeting and may conduct multiple closed sessions as necessary.

4. Public Comment (time set at 5:30 p.m. and at other times in the discretion of the Committee)

Members of the public and other interested persons and entities may speak up to three minutes on a matter appearing on this agenda.

5. Adjourn

Agency Contact: Paul Kramer, Hearing Officer, (916) 654-5103 or e-mail: **[pkramer@energy.state.ca.us]**.

**Carlsbad Energy Center AFC Committee  
Committee Conference  
Wednesday, December 14, 2011  
Beginning at 2 p.m.**

**California Energy Commission  
Third Floor Conference Room "Fishbowl"  
1516 Ninth Street  
Sacramento, CA 95814**

**Meeting Agenda**

1. Call to Order
2. Public Comment

Members of the public and other interested persons and entities may speak up to three minutes on a matter appearing on this agenda.

3. Closed Session

Committee closed session consideration of the following Item:

**APPLICATION FOR CERTIFICATION FOR THE CARLSBAD ENERGY CENTER PROJECT.** Deliberation on the Committee's proposed decision on the Carlsbad Energy Center Application for Certification (07-AFC-6) and any other matters for decision by the Committee such as pending motions and scheduling. (Contact: Paul Kramer)

The Committee will adjourn to closed session in accordance with Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct.

4. Adjourn

Agency Contact: Paul Kramer, Hearing Officer, (916) 654-5103 or e-mail: [\[pkramer@energy.state.ca.us\]](mailto:pkramer@energy.state.ca.us).



**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 11/29/2011)**

**APPLICANT**

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George Piantka, PE.  
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**APPLICANT'S CONSULTANTS**

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**COUNSEL FOR APPLICANT**

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**INTERESTED AGENCIES**

California ISO  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

**INTERVENORS**

Terramar Association  
Kerry Siekmann & Catherine Miller  
5239 El Arbol  
Carlsbad, CA 92008  
[siekmann1@att.net](mailto: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](mailto:allanori@comcast.net)

City of Carlsbad  
South Carlsbad Coastal  
Redevelopment Agency  
Joseph Garuba,  
Municipals Project Manager  
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Center for Biological Diversity  
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**ENERGY COMMISSION –  
DECISIONMAKERS**

JAMES D. BOYD  
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[jboyd@energy.state.ca.us](mailto:jboyd@energy.state.ca.us)

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Paul Kramer  
Hearing Officer  
[pkramer@energy.state.ca.us](mailto:pkramer@energy.state.ca.us)

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**ENERGY COMMISSION – PUBLIC  
ADVISER**

Jennifer Jennings  
Public Adviser's Office  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

## DECLARATION OF SERVICE

I, Maggie Read, declare that on, November 29, 2011, I served and filed copies of the attached Notice of Prehearing Conference, Evidentiary Hearing, Committee Conference and Rulings on Motions for Additional Time to File Testimony and revised Proof of Service List, dated November 29, 2011. The original document, filed with the Docket Unit or the Chief Counsel, as required by the applicable regulation, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [[www.energy.ca.gov/sitingcases/carlsbad/index.html](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 or Chief Counsel, as appropriate, in the following manner:

*(Check all that Apply)*

For service to all other parties:

- Served electronically to all e-mail addresses on the Proof of Service list;
- Served by delivering on this date, either personally, or for mailing with the U.S. 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 marked "hard copy required."

**AND**

For filing with the Docket Unit at the Energy Commission:

- by sending an original paper copy and one electronic copy, mailed with the U.S. Postal Service with first class postage thereon fully prepaid and e-mailed respectively, to the address below (preferred method); **OR**
- by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

**CALIFORNIA ENERGY COMMISSION – DOCKET UNIT**  
Attn: Docket No. 07-AFC-6  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

***OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:***

- Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission  
Michael J. Levy, Chief Counsel  
1516 Ninth Street MS-14  
Sacramento, CA 95814  
[mlevy@energy.state.ca.us](mailto:mlevy@energy.state.ca.us)

I declare under penalty of perjury under the laws of the State of California 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