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07-AFC-6	
DATE	Jan 10 2012
RECD.	Jan 10 2012

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STATE OF CALIFORNIA
 State Energy Resources
 Conservation and Development Commission

In the Matter of:)	Docket No. 07-AFC-6
)	
)	INTERVENOR ROB SIMPSON'S
)	POST HEARING BRIEF AND
)	DEMAND FOR 20 CCR § 1716.5
)	COMPLIANCE
)	
)	
)	
<u>Carlsbad Energy Center Project</u>)	

Intervenor Rob Simpson joins in the conclusions of the well-reasoned briefs submitted December 10, 2012 by Intervenors Terramar, the City of Carlsbad, and Power of Vision. Unfortunately, the Committee, in violation of 20 CCR § 1716.5 completely ignored Mr. Simpson's December 5, 2011 Motion to Stay the Evidentiary Hearings served on the parties and the presiding member. Pursuant to § 1716.5, the presiding member "shall, within 30 days of the filing of the petition, act to grant or deny the petition, in whole or in part, or schedule further hearings or written responses on the petition." As of January 10, 2012, more than 30 days have passed with no action taken upon Mr. Simpson's motion. Mr. Simpson's motion called upon the Commission to stay the hearings until issues with the Final Determination of Compliance were properly addressed. Having ignored Mr. Simpson's motion, the Committee is now, once again, in a position of having held inadequate evidentiary hearings. The Committee's failure to follow

basic procedural laws harms all those party to these proceedings. Mr. Simpson demands that the Committee comply with its own laws and address the motion and the failure of the FDOC to conform with the Clean Air Act.

DATED: January 10, 2012

Respectfully,

By: April Rose Sommer
April Rose Sommer

Attorney for Rob Simpson

