

DOCKETED**07-AFC-6**

TN # 66088

JUL 05 2012

STATE OF CALIFORNIA
Energy Resources Conservation
And Development Commission

In the Matter of:**Application for Certification
for the Carlsbad Energy Center Project****Docket No. 07-AFC-6**

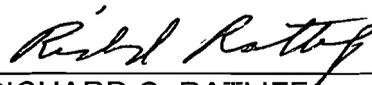
**CALIFORNIA ENERGY COMMISSION STAFF'S RESPONSE TO
ROB SIMPSON'S PETITION FOR RECONSIDERATION**

On May 31, 2012, the California Energy Commission adopted the Final Decision for the Carlsbad Energy Center Project (CECP). The Final Decision was docketed and effective on June 1, 2012. Rob Simpson filed his Petition for Reconsideration after close of business on July 2, 2012. Therefore, Mr. Simpson's Petition is not timely filed, having been filed after the close of business on the 30th day after the effective date of the Final Decision. The Energy Commission thus has no authority to grant it pursuant to Public Resources Code section 25530. Moreover, the argumentative and wide-ranging comments in the petition are ones that have or could have been raised during the lengthy Carlsbad proceeding, and therefore do not meet the criteria for reconsideration. (Cal. Code Regs., tit. 20, § 1720, subd. (a).)

Therefore, Staff recommends that this petition be denied.

Date: July 5, 2012

Respectfully submitted,



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**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
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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 3/27/2012)**

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DECLARATION OF SERVICE

I, Pamela Fredieu, declare that on July 5, 2012, I served and filed a copy of the attached California Energy Commission Staff's Response to Rob Simpson's Petition for Reconsideration. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at: 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

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

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.

/s/
Pamela Fredieu, Legal Assistant