City of Carlsbad
Office of the City Manager

March 16, 2009

DOCKET
07-AFC-6
DATE MAR 16 2009
RECD. MAR 16 2009

The Honorable James D. Boyd
The Honorable Karen Douglas
Siting Project Committee
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Re: Carlsbad Energy Center Project (07-AFC-6)
City's Status Report #4

Dear Commissioners:

Pursuant to the Committee Scheduling Order dated December 26, 2008, the City of Carlsbad submits its City Status Report #4 for the Committee's consideration. This status report highlights the work to date on the proposed Carlsbad Energy Center Project (CECP), which is proposed by NRG (Applicant), and the ongoing concerns and objections the City has with the proposed power plant.

Project Ambiguity

Due to the lack of significant information, the proposed CECP and its potential impacts continues to be ambiguous. This lack of project specificity continues to create considerable uncertainty for the City and the community. Examples of areas that remain unclear, even at this stage in the project development:

- Site Layout
- Impacts to Interstate 5 and the LOSSAN corridor
- Emergency Response and Fire Protection Safety
- Air Quality, including Greenhouse Gas Emissions
- Water Supply
- Visual
- Noise

Interstate 5 Widening

Contrary to statements contained in the Applicant's Status Report #3, Caltrans has confirmed in their February 5, 2009 letter to the CEC, that their ability to move the freeway east is severely limited. The Caltrans letter highlights the long term preparation for this project (nearly 15 years) and reaffirmed concerns voiced by the City, for more than the past year, regarding the widening of I-5. Furthermore, Caltrans identified that any all possible I-5 widening scenarios necessitate the removal of the safety barrier and visual screening proposed for the CECP. Recognizing the negative impacts created by these projects, Caltrans has requested that the Applicant demonstrate

how they can construct the CECP without impacting the widening of both Interstate 5 and the LOSSAN rail corridor. To date, the Applicant has failed to provide such information. Obviously, this information is fundamental to the project and without it the CEC and others are precluded in their ability to accurately analyze the CECP and its impacts on the region.

Non-Participation by the California Coastal Commission

It remains the City's position that provisions of the Warren-Alquist Act require the participation of the Coastal Commission. The City continues to request that the CEC encourage the Coastal Commission to fulfill its legislative duty.

Schedule

Due to the overwhelming lack of critical information, the schedule for this project remains uncertain. The City understands the time sensitivity for moving the CECP forward for consideration; however the City respectfully suggests that it would be a disservice to those involved and the community-at-large to do so without a clear understanding of the project and its impacts. The City contends that the majority of the project delays are self-inflicted by the Applicant (ie. Applicant's failure to acknowledge the I-5 Project), and had they acted in a responsible manner, many of the issues challenging this project today could have been addressed in a timely manner.

Respectfully submitted,

Joe Garuba
Municipal Projects Manager

JG:ad

cc: Proof of Service List (Revised 2/18/2009)

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 2/18/2009)

APPLICANT
David Lloyd
Carlsbad Energy Center, LLC
1817 Aston Avenue, Suite 104
Carlsbad, CA 92008
David.Lloyd@nrgenergy.com

Tim Hemig, Vice President
Carlsbad Energy Center, LLC
1817 Aston Avenue, Suite 104
Carlsbad, CA 92008
Tim.Hemig@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
980 Ninth Street, Ste. 1900
Sacramento, CA 95814
jamckinsey@stoel.com

INTERESTED AGENCIES
California ISO
e-recipient@caiso.com

INTERVENORS
City of Carlsbad
Allan J. Thompson
Attorney for the City
21 "C" Orinda Way #314
Orinda, CA 94563
allanori@comcast.net

City of Carlsbad
Joseph Garuba, Municipals Project Manager
Ron Ball, Esq., City Attorney
1200 Carlsbad Village Drive
Carlsbad, CA 92008
jgaru@ci.carlsbad.ca.us
rball@ci.carlsbad.ca.us

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

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

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

Power of Vision
Julie Baker and Arnold Roe, Ph.D.
P.O. Box 131302
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

KAREN DOUGLAS
Commissioner and Associate Member
kldougla@energy.state.ca.us

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

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

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

Elena Miller
Public Adviser's Office
publicadviser@energy.state.ca.us

*indicates change

DECLARATION OF SERVICE

I, Andrea Dykes, declare that on March 16, 2009, I served and filed copies of the attached document. 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 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:

✓ sent electronically to all email addresses on the Proof of Service list;

_____ by personal delivery or by depositing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

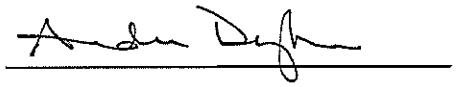
✓ **sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);**

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.



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