

**CALIFORNIA COASTAL COMMISSION**

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**DOCKET****07-AFC-6**DATE SEP 27 2011RECD. SEP 29 2011

September 27, 2011

Mr. Ronald R. Ball, Esq.  
City Attorney  
City of Carlsbad  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008-1949

RE: Request for Coastal Commission Participation in California Energy Commission (CEC)  
Review of the Proposed Carlsbad Energy Center (pursuant to CEC "Application For  
Certification" #07-AFC-06)

Dear Mr. Ball:

I am responding to your September 9, 2011 letter requesting the Coastal Commission's involvement in the CEC's review of the proposed Carlsbad Energy Center. You specifically requested that we prepare a report providing our evaluation of the proposed power plant's consistency with the Coastal Act. We are not able to provide such a report at this time.

As you know, and as noted in our previous correspondence on this matter, the Coastal Commission generally submits what is known as a 30413(d) report during the CEC's review of power plant siting and expansion proposals within the state's coastal zone. Our regulatory and procedural role in the CEC's review is detailed in an April 2005 Memorandum of Agreement (MOA) between the two Commissions. However, and as described in correspondence you attached to your letter, we have been unable to participate in these CEC reviews since late 2007 due to staffing and budget constraints, and those constraints still exist. Further, even if those constraints were absent, we are already past the stage in this particular review when it would be appropriate to submit the requested report. As noted in the MOA, the Coastal Commission's report relies in part on our continued coordination and involvement throughout the proceedings, which has not occurred. Additionally, the MOA establishes that we are to submit the report before the CEC publishes the Presiding Member's Proposed Decision, which was already published earlier this year. Even so, while we are not able to provide the requested report, we have contacted the CEC staff offering to respond to any particular concerns or questions they may have at this point in the review, should they request our assistance.

Thank you for the kind wishes you expressed in your letter, and I appreciate your understanding of our situation.

Sincerely,

A handwritten signature in black ink, appearing to read "Ch. Lester".

CHARLES LESTER  
Executive Director