

Memorandum

Date: December 3, 2008
 Telephone: (916) 654-4894

To: Vice Chairman James D. Boyd, Presiding Member
 Commissioner Karen Douglas, Associate Member
 Paul Kramer, Hearing Officer

From: California Energy Commission – Mike Monasmith
 1516 Ninth Street Project Manager
 Sacramento, CA 95814-5512

DOCKET	
07-AFC-6	
DATE	DEC 03 2008
RECD.	DEC 03 2008

Subject: **CARLSBAD ENERGY CENTER PROJECT (07-AFC-6) STATUS REPORT 3**

Pursuant to the Revised Committee Scheduling Order dated November 12, 2008, staff issues Status Report #3, in lieu of the Preliminary Staff Assessment (PSA), for the proposed Carlsbad Energy Center Project (CECP) Application for Certification (AFC). This report is filed to describe the status of the nearly-complete PSA, and provide an updated schedule for the Committee's consideration.

As detailed in staff's October 24, 2008 Status Report #2, a series of ongoing events and developments has resulted in significant schedule delays for this proceeding. Accordingly, staff was unable to publish the PSA on November 21, 2008, as indicated in the schedule from its Status Report #2.

We apologize to the Committee for this delay, but remind all parties as to the unique circumstances under which a typical six-month period of discovery evolved into twelve months for this particular AFC. Briefly, Carlsbad Energy Center, LLC (Applicant) amended the CECP AFC in late summer (AFC initially filed on September 11, 2007), necessitating additional discovery for critical subject review, including Soils and Water, Transmission System Engineering and Waste Management. Involvement by the City of Carlsbad and multiple Intervenors has been extensive and ongoing. The combination of project changes and additional discovery ultimately resulted in a relatively late (November 21, 2008) Preliminary Determination of Compliance (PDOC) from the San Diego Air Pollution Control District. While not the only reason, the late PDOC precluded staff from completing a cornerstone component of our analysis, the Air Quality assessment, and filing the PSA on November 21, 2008.

Schedule

Staff is committed to working with all parties to conclude the Preliminary Staff Assessment on or before Thursday, December 11, 2008.

Staff offers the following revised schedule for the Committee's consideration.

PROOF OF SERVICE (REVISED 11/19/08) FILED WITH
 ORIGINAL MAILED FROM SACRAMENTO ON 12/3/08
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Committee's Initial Schedule	Staff's Current Projected/Schedule	Hearing/Workshop/Planned Event or Filing
31-Oct-07	31-Oct-07	AFC data adequate
17-Dec-07	17-Dec-07	Informational Hearing and Site Visit
N/A	21-Nov-07	Staff transmits Data Request, Set 1
N/A	21-Dec-07	Applicant provides Data Responses, Set 1
8-Jan-08	24-Jan-08	Data Response and Issue Resolution Workshop 1
N/A	28-Feb-08	Staff transmits Data Request, Set 2
N/A	18-Mar-08	Applicant provides Data Responses, Set 2
N/A	26-Mar-08	Data Response and Issue Resolution Workshop 2
N/A	11-Apr-08	Staff files Status Report 1
N/A	8-May-08	Staff files Data Requests, Set 2A
N/A	29-Aug-08	Staff files Data Requests, Set 3
N/A	26-Sept-08	Staff files Data Requests, Set 3B
28-Feb-08	21-Nov-08	PDOC from San Diego County Air Pollution Control District
4-Apr-08	11-Dec-08	Staff files Preliminary Staff Assessment (PSA)
28-Apr-08	22-Dec-08	Local, state and federal agency final determinations and Air District FDOC
15-Apr-08	7-Jan-09	PSA Workshop (2 days)
30-May-08	21-Jan-09	Staff files Final Staff Assessment (FSA)
TBD	TBD	Evidentiary hearings*
TBD	TBD	Committee files proposed decision*
TBD	TBD	Hearing on the proposed decision*
TBD	TBD	Committee files revised proposed decision*
1-Nov-08	TBD	Commission Decision*

Shaded items above have been completed

*Committee determines this part of the schedule

cc: Docket (07-AFC-6), Proof of Service List



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
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APPLICATION FOR CERTIFICATION
FOR THE **CARLSBAD ENERGY
CENTER PROJECT**

Docket No. 07-AFC-6
PROOF OF SERVICE
(Revised 11/19/2008)

INSTRUCTIONS: All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 07-AFC-6
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DECLARATION OF SERVICE

I, Mineka Foggie, declare that on December 3, 2008, I deposited copies of the attached CarlsBad Energy Center Project (07-AFC-6) Status Report 3 in the United States mail at Sacramento, CA with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.

Original Signature in Dockets