

DOCKET

07-AFC-6

DATE July 14 2009

RECD. July 14 2009

STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

In the Matter of:

**The Application for Certification for the
CARLSBAD ENERGY CENTER
PROJECT**

Docket No. 07-AFC-6

**CARLSBAD ENERGY CENTER LLC'S OPPOSITION TO
POWER OF VISION'S PETITION TO COMPEL
RESPONSE TO DATA REQUESTS**

July 14, 2009

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Attorneys for CARLSBAD ENERGY CENTER LLC

STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

In the Matter of:

**The Application for Certification for the
CARLSBAD ENERGY CENTER
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Docket No. 07-AFC-6

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POWER OF VISION'S PETITION TO COMPEL
RESPONSE TO DATA REQUESTS**

Applicant Carlsbad Energy Center LLC ("Applicant") herein opposes Power of Vision's ("POV") Petition to Compel Response to Data Requests ("Petition"). As detailed below, POV's Petition should be denied because it is beyond the scope of the Carlsbad Energy Center Project's ("CECP") Application for Certification ("AFC") proceeding, unlikely to lead to the finding of relevant information, unduly burdensome to Applicant, and is untimely. Furthermore, POV's data request ("Request") serves no useful purpose and otherwise frustrates the AFC process.

I. BACKGROUND

On May 27, 2009, POV served Applicant with the Request, which stated that data provided by Applicant in its responses to Center for Biological Diversity's ("CBD") data requests (docketed and served to all parties on January 26, 2009)¹ presented a discrepancy. In the Request, POV asked Applicant to make available for inspection and possible copying by POV "the original documents wherein the [A]pplicant records hourly data on Encina Power

¹ POV's Request and Petition incorrectly state that Applicant's responses to CBD's data requests ("CBD Responses") were "dated January 2009, but not docketed until June 2, 2009." Attached hereto as Exhibit A is a copy of Applicant's California Energy Commission ("CEC") endorsed/docketed January 26, 2009 cover letter and Proof of Service to the CBD Responses, noting that the CBD Responses were served to all parties via email and U.S. mail. Attached as Exhibit B hereto is a copy of the CEC's docket log for this proceeding, which notes that Applicant docketed the CBD Responses on January 26, 2009.

Station [“EPS”] units 1 – 5 relating to times of operation, fuel consumption, and NOx emissions.” On June 19, 2009, Applicant objected to POV’s Request because it exceeded the scope of the CECP AFC proceeding, was unduly burdensome to Applicant, and was untimely.² Nevertheless, while maintaining its objections, Applicant provided a comprehensive response to POV in an effort to clarify any perceived discrepancies contained within the data presented in the CBD Responses. Applicant did not, however, allow inspection or copying of any corporate documents. Subsequently, on June 29, 2009, POV filed the Petition at issue herein seeking to compel Applicant to respond to its Request.

II. ARGUMENT

Applicant objects to the Request and opposes POV’s Petition on the grounds that the Request is untimely, lacks good cause, and seeks information that exceeds the scope of the CECP AFC proceeding. Additionally, responding to the Request would be unduly burdensome and would not produce relevant information different from that already provided by Applicant.

A. POV’s Request is Untimely.

CEC regulations require the submission of all requests for information not later than 180 days from the date the CEC determines an AFC is complete, unless the CEC committee conducting the AFC proceedings allows requests for information at a later time for good cause. (20 Cal. Code Reg. § 1716(e).) The CEC deemed CECP’s AFC complete on October 31, 2007. Based on this date, all requests for information were required to be filed before May 2008, except for good cause.

B. POV Lacks “Good Cause” for its Untimely Request.

POV’s Request is untimely by more than twelve months. POV intervened late in the CECP AFC proceeding and provides no reasonable justification for serving the Request on Applicant a few weeks prior to the date CEC staff anticipates issuing the Final Staff Assessment

² A copy of Applicant’s June 19, 2009 objection letter is attached hereto as Exhibit C and is incorporated herein by reference.

("FSA") for CECP. In addition, POV contends it is requesting information based on the CBD Responses, claiming such responses were docketed on June 2, 2009. However, the CBD Responses were docketed and served on all intervenors, agencies, and interested parties to this proceeding on January 26, 2009 - more than six months ago.³ Moreover, POV's "good cause" argument lacks merit.

POV's delay in intervening in the CECP proceeding – some thirteen months after the CECP AFC was complete – and the issuance of POV's Request seven months after CEC Staff issued the Preliminary Staff Assessment ("PSA") and approximately five months after Applicant docketed and served the CBD Responses– is not good cause for POV to issue the Request at this late stage of the CECP AFC process. Furthermore, POV's Request comes just a few weeks, if not days, before CEC Staff's anticipated release of the FSA.

In addition, POV erroneously contends that a "desire to independently evaluate the information that the applicant has provided to both the CEC and the San Diego Air Pollution Control District ... is good cause." (Petition at p. 2 (emphasis added).) POV also believes "good cause" exists to compel Applicant to respond to its Request "particularly in light of the number of errors and inconsistencies in the applicant's 'transcribed' data." (Petition at p. 2.) POV's "desire" to conduct an independent evaluation does not constitute "good cause," nor does POV explain how such a "desire" constitutes good cause. In fact, POV fails to demonstrate that good cause exists to require Applicant to further respond to POV's Request. As explained below, Applicant's June 19, 2009 clarification of the EPS data provided in the CBD Responses and given to SDAPCD in April 2009 negates any rationale that POV may have for further independent evaluation.

³ See footnote 1, *supra*.

C. POV's Data Request Exceeds the Scope of the Application for Certification Proceeding and Such Request Is Not Likely to Lead to the Finding of Relevant Information.

POV's Request seeks information not available to the public and is beyond the scope of the CECP AFC proceeding. Moreover, POV seeks to review voluminous data and documents regarding operations of the EPS that are not likely to lead to the finding of information relevant to the CECP AFC proceeding. POV requests that Applicant allow the review of years of EPS data, which would require Applicant's devotion of significant time and resources to gather and would not lead to any additional relevant information for the CECP AFC proceeding.

Specifically, POV requests access to years of EPS data kept in accordance with CEC and SDAPCD requirements. Summaries of the data are provided to each agency using specific compilation methods. The raw data used to produce these summaries are not publicly disclosed. However, the monitoring and reporting methods to calculate specific emissions data are provided to and approved by the SDAPCD – the agency charged with ensuring the EPS remains in compliance with state and federal air emissions regulations. Providing public access to raw data gathered by Applicant during normal operating procedures of an existing, operational facility is beyond the scope of the CECP AFC proceeding. Moreover, CEC regulations giving an intervenor the right to request additional information from an applicant do not allow for the level of unnecessary intrusion called for here.

Lastly, any "discrepancies" that POV mentioned in its Request were not discrepancies or errors in reporting at all. Instead, as noted in Applicant's June 19, 2009 response, the differing information related to hours and days of operation was simply the result of various reporting and recordkeeping criteria and methods between multiple reports. Since POV's only basis for its original Request was to allow POV to determine the accuracy of the data, Applicant's June 19, 2009 clarification of the monitoring and reporting associated with EPS units 1-5 leaves no subject for POV's Petition.

D. POV's Data Request is Unduly Burdensome.

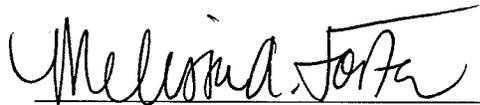
POV requests the right to access, inspect, and possibly copy voluminous data and documents retained for the past operation of EPS. As Applicant has previously informed POV, the documents it seeks to inspect are not assembled for such ready inspection. Rather, the documents and their underlying data are relied upon by Applicant's consultants when preparing specific reports required by the SDAPCD. To make these documents available would take significant time, resources, and personnel, and in the end, would not result in valuable data or information relevant to CECP's AFC proceeding. Summaries of the raw data that POV seeks to inspect are routinely provided as reports to the SDAPCD in compliance with EPS permit conditions, SDAPCD Rules, and the Clean Air Act. POV would not discover in the raw data any information that is not presented in Applicant's air emissions reports, which are public documents.

III. CONCLUSION

Applicant has made a strong demonstration that POV's Request is untimely and lacks good cause. The additional information requested by POV is not required by law and is unlikely to lead to the finding of additional relevant information. Requiring Applicant to respond to POV's Request would be unduly burdensome. As such, Applicant respectfully requests the Committee deny POV's Petition in its entirety.

Date: July 14, 2009

Stoel Rives LLP



John A. McKinsey
Melissa A. Foster
Attorneys for Applicant
CARLSBAD ENERGY CENTER LLC

EXHIBIT A
CARLSBAD ENERGY CENTER LLC'S RESPONSES TO CENTER FOR
BIOLOGICAL DIVERSITY'S DATA REQUESTS
(JANUARY 26, 2009)



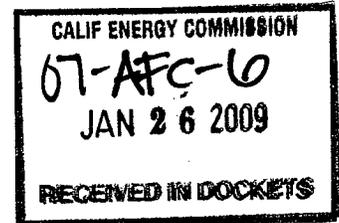
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January 26, 2009

KIMBERLY HELLWIG
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BY HAND DELIVERY

J. Mike Monasmith
Siting Project Manager
California Energy Commission
1516 Ninth Street MS-15
Sacramento, CA 95814



**Re: Carlsbad Energy Center Project (07-AFC-6)
Responses to Center for Biological Diversity's Data Responses**

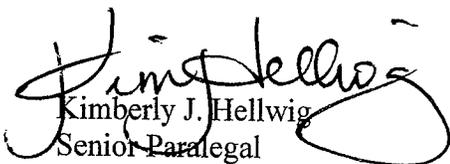
Dear Mr. Monasmith:

Pursuant to the Committee's December 26, 2008 ruling regarding intervenor Center for Biological Diversity's ("CBD") petition to compel data responses, Applicant Carlsbad Energy Center LLC timely submits the enclosed responses to CBD's data requests related to the Carlsbad Energy Center Project. Please note that the response to data request F1 has a corresponding several-hundred page attachment. While the attachment is contained on the disc provided to all parties, should any party wish to also receive a paper copy of Attachment DRF1-2, the Applicant will gladly provide it.

Should you have questions related to this submittal, please contact John McKinsey at (916) 447-0700.

Respectfully submitted,

Stoel Rives LLP


Kimberly J. Hellwig
Senior Paralegal

KJH:kjh

Enclosure

cc: See Proof of Service

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION
FOR THE **CARLSBAD ENERGY CENTER
PROJECT**

Docket No. 07-AFC-6 PROOF OF
SERVICE
(As of 1/12/2009)

Applicants Responses to Intervenor Center for Biological Diversity's Date Requests

CALIFORNIA ENERGY COMMISSION
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1516 Ninth Street, MS-15
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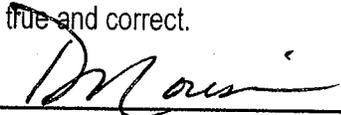
DECLARATION OF SERVICE

I, Denise M. Morison, declare that on January 26, 2009, I deposited copies of Applicant's Responses to Intervenor Center for Biological Diversity's Data Requests in the United States mail at Sacramento, California, with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail 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.



Denise M. Morison

Hecox, Elizabeth

From: Hellwig, Kimberly J.
Sent: Tuesday, June 02, 2009 10:49 AM
To: Hecox, Elizabeth
Subject: FW: Carlsbad Energy Center Project (07-AFC-6)
Attachments: Cover Lrt.pdf; CECP_CBD_Data_Response_Final.pdf

Can you please place this in the binders behind the tab for January 26, 2009 CBD responses

Kimberly J. Hellwig | Senior Paralegal
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 Please consider the environment before printing this email.

From: Morison, Denise M.
Sent: Monday, January 26, 2009 3:06 PM
To: 'docket@energy.state.ca.us'; 'david.lloyd@nrgenergy.com'; 'tim.hemig@nrgenergy.com'; 'megan.sebra@ch2m.com'; 'McKinsey, John A.'; 'e-recipient@caiso.com'; 'jgaru@ci.carlsbad.ca.us'; 'rball@ci.carlsbad.ca.us'; 'allanori@comcast.net'; 'smith@adamsbroadwell.com'; 'wrostov@earthjustice.org'; 'rob@redwoodrob.com'; 'powerofvision@roadrunner.com'; 'siekmann1@att.net'; 'dratliff@energy.state.ca.us'; 'jboyd@energy.state.ca.us'; 'kldougla@energy.state.ca.us'; 'pkramer@energy.state.ca.us'; 'mmonasmi@energy.state.ca.us'; 'publicadviser@energy.state.ca.us'; 'robert.mason@ch2m.com'
Subject: FW: Carlsbad Energy Center Project (07-AFC-6)

The attached document will be submitted to the California Energy Commission Docket Unit this afternoon. Service, pursuant to the attached cover letter, will follow to the identified intervenors and interested agencies.

Respectfully submitted,

Denise M. Morison
Case Assistant/Docketing Clerk
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Power of Vision

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May 27, 2009

Mr. Mike Monasmith
Siting Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

RE: Carlsbad Energy Center Project (07-AFC-6)
POV Data Request #1

Dear Mr. Monasmith,

We have reviewed two documents submitted on behalf of the applicant, one a letter to you dated January 26, 2009 from Stoel Rives with its accompanying "Center for Biological Diversity Data Responses" dated January 2009 prepared by CH2MHILL (which documents somehow seemed to escape the docketing procedure), the other a (docketed) letter dated April 20, 2009 from Stoel Rives with an accompanying report from Sierra Research entitled, "2007 - 2008 Fuel Use and NOx Emission Information", also dated April 20, 2009.

In the "Center for Biological Diversity Data Responses", Table DRC3-1 indicates that the operating hours/yr for the five Encina Power Station Units as:

	Unit	hrs/yr
2007		
	1	1,328
	2	891
	3	1,753
	4	2,773
	5	3,483
2008		
	1	301
	2	886
	3	1,765
	4	3,902
	5	6,627

However, the applicant submitted higher operating hours/year to the San Diego Air Pollution Control District (SDAPCD) in their Rule 69 Compliance Reports for years 2007 and 2008, as follows:

	Unit	hrs/yr
2007		
	1	1,476
	2	997
	3	1,795
	4	2,918
	5	3,546

2008	
1	373
2	982
3	1,891
4	4,093
5	6,749

The discrepancy between these two sets of figures is unexplained.

Furthermore, in parsing through the Sierra Research report entitled, "2007 - -2008 Fuel Use and NOx Emission Information", we find that the days of operation/yr are (to the best of our knowledge):

	Unit	days/yr
2007		
	1	63
	2	42
	3	85
	4	132
	5	166
2008		
	1	11
	2	39
	3	84
	4	182
	5	287

Note that from the kWhrs produced, as indicated in this report, one can deduce that on many of the days, the units operated only briefly, not the full 24 hours. Nevertheless, by dividing the operating hours/yr given by the "Center for Biological Diversity Data Responses", Table DRC3-1 or the operating hours/year reported by NRG to the San Diego Air Pollution Control District (SDAPCD) in their Rule 69 Compliance Reports by the days of operation derived from the Sierra Research report entitled, "2007 - - 2008 Fuel Use and NOx Emission Information", we discover a number of cases where the units would have had to (miraculously?) operated more than twenty four hours a day. For example if we divide the 373 hours/yr that Unit 1 operated in year 2008 (according to the Rule 69 Compliance Report) by the 11 days/yr, we get that this unit had to operate 33.9 hrs/day! For the other units and year of operation, the operating hours/day calculations range from 21 to 25.2 hours per day.

Because of the anomalies indicated above in the applicant's reported data, and in order to determine whether other data reported by the applicant as far back as the year 2002, including that reported for emissions, are accurate, Power of Vision (POV) hereby requests that the original documents wherein the applicant records hourly data on Encina Power Station units 1 – 5 relating to times of operation, fuel consumption, and NOx emissions be made available for inspection and possible copying by POV and other parties to this application. Since such original records may be voluminous, we suggest such inspection be made at the plant site where the records originated.

Sincerely yours,

Arnold Roe, Ph.D\
Power of Vision

EXHIBIT B
CALIFORNIA ENERGY COMMISSION'S DOCKET LOG FOR THE
CARLSBAD ENERGY CENTER PROJECT (07-AFC-6)
(AS OF JUNE 30, 3009)



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Carlsbad Power Plant Project

Docket Number 07-AFC-06

PLEASE NOTE: This Docket Log is only a **listing** of all the documents filed in a proceeding. It was not set up to have links to all documents filed in a proceeding. Not all documents are available on line. The major documents for this proceeding are on the "documents page." Please click on the link to the documents page from the proceeding's main page.

If you would like copies of a document listed on this docket log, please contact:

Dockets Unit
916-654-5076
E-mail: DOCKET@energy.state.ca.us

Each docket log is updated Friday, but only if items have been added that week.

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52134	06 / 23 / 2009	CEC / M. Monasmith	Stoel Rives / K. Hellwig	Correspondence to Dr. Steve Moore, San Diego Air Pollution Control District	12
52095	06 / 19 / 2009	Power of Vision / A. Roe	Stoel Rives / E. Hecox	Applicants Objections to Power of Vision's Data Request #1	6
52074	06 / 18 / 2009	CEC / M. Monasmith	City of Carlsbad / J. Garuba	City of Carlsbad June 12th NRG Letter	4
52073	06 / 18 / 2009	Stoel Rives, LLP / J. McKinsey	CEC / M. Jones	CEC's Response to Carlsbad Energy Center, LLC Application for Confidentiality	3
52001	06 / 12 / 2009	US Environmental Protection Agency / G. Rios	Power of Vision / J. Baker	Power of Vision Letter to the Environmental Protection Agency (EPA)	5
51964	06 / 12 / 2009	CEC / M. Monasmith	City of Carlsbad / A. Dykes	City of Carlsbad Letter to U.S. Environmental Protection Agency (EPA)	5
51871	06 / 08 / 2009	CEC / M. Monasmith	Stoel Rivers / E. Hecox	Applicant Prevention of Significant Deterioration Non-Applicability Determination Request	147
51892	06 / 05 / 2009	US Env Protection Agency / G. Rios	NRG / G. Piantka	Applicant PSD Non-Applicability Determination Request	145
51854	06 / 05 / 2009	CEC / K. Douglas & J. Boyd	CEC / M. Monasmith	Status Report #7	2
51853	06 / 05 / 2009	CEC / K. Douglas & J. Boyd	City of Carlsbad / J. Garuba	City's Status Report #6	5
51852	06 / 05 / 2009	CEC / K. Douglas & J. Boyd	Stoel Rives / J. McKinsey	Applicant's Status Report	4
51819	06 / 04 / 2009	CEC / K. Douglas & J. Boyd	Intervenor / K. Siekman	Status Report 7 Letter NRG & Attachments	15
51774	06 / 02 / 2009	CEC / M. Monasmith	City of Carlsbad / A. Dykes	City of Carlsbad Submitting May 6th Letter from Caltrans	6
51771	06 / 01 / 2009	CEC / J. Boyd	Power of Vision / J. Baker	Intervenor Power of Vision Status Report	3
51770	05 / 27 / 2009	CEC / M. Monasmith	Power of Vision / A. Roe	Power of Vision Data Request #1	4
51737	05 / 19 / 2009	CEC / M. Monasmith	Stoel Rives / J. McKinsey	New Application Submittal for Confidential Records - Sotel Rives	5
51572	05 / 14 / 2009	CEC / Docket Unit	SDGE / T. Miller	San Diego Gas & Electric(SDGE) Comments on Preliminary Staff Assessment	3
51526	05 / 11 / 2009	CEC / Docket Unit	CEC / J. Bryon	Revised Committee Scheduling Order	5
51511	05 / 11 / 2009	CEC / Docket Unit	CEC / J. Boyd / J. Byron	Committee Ruling on Intervenor City of Carlsbad's Petition to Compel Data Responses	4
51488	05 / 08 / 2009	Stoel Rives / A. Cook	CEC / M. Jones	CEC Response to Application for Confidentiality - Emission Reduction Credits	2
51421	05 / 04 / 2009	CEC / M. Monasmith	StoelRives / K. Hellwig	Applicant's VOC Emission Reduction Credits	4
51397	05 / 01 / 2009	CEC / P. Kramer	Stoel Rives / J. A. McKinsey	Applicant's Response to the Petition to Compel Response to Data Requests	19
51355	04 / 29 / 2009	CEC / M. Monasmith	City of Carlsbad	Letter regarding Prior California Coastal Commission Site Analysis for Encina Power Station	150
51351	04 / 29 / 2009	CEC / M. Monasmith	Stoel Rivers / Kimberly Hellwig	Applicant's Supplemental Health Risk Assessment	54
51329	04 / 28 / 2009	CEC / Docket Unit	EarthJustice / J. Baird	Center for Biological Diversity's Position in Support of Carlsbad's Petition to Compel Data Requests	4
51328	04 / 28 / 2009	CEC / Docket Unit	EarthJustice / J. Baird	Center for Biological Diversity's Second Status Report	4

51317	04 / 28 / 2009	CEC / M. Monasmith	City of Carlsbad / K. Crawford	Fire Department's Request for for Information	30
51295	04 / 24 / 2009	CEC / K. Douglas	CEC / M. Monasmith	Status Report #6	2
51291	04 / 24 / 2009	CEC / K. Douglas & J. Boyd	Stoel Rives LLP / J. M. Warmuth	Applicant's Status Report (April 2009)	7
51288	04 / 24 / 2009	CEC / K. Douglas & J. Boyd	City of Carlsbad / J. Garuba	City's Status Report #5	5
51263	04 / 24 / 2009	CEC / M. Monasmith	Stoel Rives / M. A. Foster	Supplemental Fire Risk Assessment	44
51210	04 / 21 / 2009	CEC / M. Monasmith	POV / J. Baker	Power of Vision Comments on Fuel Use & NOx Emissions Submitted to CEC	2
51194	04 / 20 / 2009	CEC / M. Monasmith	Stoel Rives / Elizabeth Hecox	2007 / 2008 Fuel Use and NOx Emissions Information	98
51190	04 / 18 / 2009	CEC / Docket Unit	Terramar Assn. / K. Siekmann	K. Siekmann Comments to City of Carlsbad's Request for Information	2
51220	04 / 17 / 2009	CEC / Docket Unit	Public / D. Olson	Doug Olson E-mail RE to not Allow NRG West to Build a Second Power Plant	10
51149	04 / 17 / 2009	CEC / Docket Unit	CEC / P. Kramer	Petition to Compel Reply & Status Report Deadlines	2
51143	04 / 17 / 2009	CEC / M. Monasmith	Power of Vision / J. Baker	Letter in Opposition	3
51140	04 / 17 / 2009	CEC / Docket Unit	Power of Vision / J. Baker	Petition to Compel Response to Data Request	3
51114	04 / 16 / 2009	CEC / Docket Unit	Public / A. Thompson	City of Carlsbad Petition to Compel Response to Data Requests	9
51030	04 / 10 / 2009	San Diego County Air Pollution Control District / R	Stoel Rives / A. Cook	San Diego County Air Pollution Control District Confidential Designation of Document	3
51003	04 / 09 / 2009	CEC / M. Jones	Stoel Rives / A. Cook	Application for Confidential Records - Stoel Rives	3
50960	04 / 09 / 2009	CEC / M. Monasmith	Stoel Rives Kimberly Hellwig	California Independent Systems Operator's Board of Governors Decision on Elimination of Dual Fuel Requirements for San Diego Area (October 28, 2008)	5
50959	04 / 09 / 2009	CEC / M. Monasmith	Stoel Rives / Kimberly Hellwig	California Independent Systems Operator Memorandum regarding Decision on Elimination of Dual Fuel Requirement for San Diego Area (October 20, 2008)	8
50958	04 / 09 / 2009	CEC / M. Monasmith	Stoel Rives / Kimberly Hellwig	Federal Energy Regulatory Commission's Notice of Termination of Original Rate Schedule (Dual Fuel Agreement) (December 11, 2008)	6
50949	04 / 09 / 2009	City of Carlsbad / Joseph Garuba	Stoel Rives / John A. McKinsley	Applicant's Objections to City of Carlsbad's Data Requests Set 4	4
50944	04 / 09 / 2009	CEC / Docket Unit	CEC / J. Boyd / K. Douglas	Committee Order Denying Change of Ownership Petition (Without Prejudice)	2
51302	04 / 08 / 2009	CEC / PAO	Resident / C. Kaiser	E-mail from Ms. C. Kaiser	1
51035	04 / 08 / 2009	CEC / Docket Unit	CEC / M. Monasmith	E-mails RE Opposed to Building a new Power Plant	2
50948	04 / 08 / 2009	CEC / M. Monasmith	Stoel Rives / John Mc Kinsley	Notice of Submittal of Application for Designation of Confidential Records	6
50925	04 / 08 / 2009	CEC / M. Monasmith	Stoel Rives / K. Hellwig	Applicant's Requested Change to Proof of Service	3
50924	04 / 08 / 2009	CEC / M. Monasmith	Stoel Rives / K. Hellwig	Applicant's Letter to Support San Diego Regional Chamber of Commerce	4
50898	04 / 02 / 2009	CEC / Public Advisors Office	Public / Brian and Teresa Larson	Public Comments from Brian and Teresa Larson	1
50740	03 / 30 / 2009	Tim Heming	Fire Chief of Carlsbad / K. Crawford	City of Carlsbad Fire Chief's Response to NRG's Letter	4
50899	03 / 29 / 2009	CEC / Public Advisors Office	Public / Joanne Simmons	Public Comments from Joanne Simmons	1
50897	03 / 29 / 2009	CEC / Public Advisors Office	Mary Beth Duehr	Public Comments from Mary Beth Duehr re Carlsbad Project	1
50680	03 / 25 / 2009	Public Advisor's	Public	E-mails Regarding Public Comments	2
50678	03 / 23 / 2009	CEC / Docket Unit	CEC / M. Monasmith	E-mails Re Public Comments	3
50633	03 / 23 / 2009	Carlsbad Energy Center, LLC / T. Hemig	City of Carlsbad / A. Dykes	City of Carlsbad Fourth Submittal of Data Request (#142-151)	5
50526	03 / 16 / 2009	CEC / J. Boyd / K. Douglas	City of Carlsbad / Joe Garuba	City Status Report # 4	4
50524	03 / 16 / 2009	CEC / Commissioners	CEC / M. Monasmith	Memorandum: Status Report # 5	3
50498	03 / 13 / 2009	CEC / M. Monasmith	Stoel Rives / K. Hellwig	San Diego Air Pollution Control District Compliance Certification	6
50497	03 / 13 / 2009	CEC / M. Monasmith	Stoel Rives / K. Hellwig	Summary of Cumulative Impact Air Quality Modeling	4
50495	03 / 13 / 2009	CEC / M. Monasmith	Stoel Rives / K. Hellwig	Fire Code Compliance Table and Emergency Site Access Route Diagram	11
50494	03 / 13 / 2009	CEC / J. Boyd & K. Douglas	Stoel Rives LLP / K. Hellwig	Applicant's Status Report	6
50487	03 / 11 / 2009	CEC / M. Monasmith	Aspeneg / W. Walters	E-mail between M. Monasmith and W. Walters Regarding Air Modeling File	2
50578	03 / 10 / 2009	San Diego Regional Chamber of Commerce / B. Hadd	Kerry Siekmann	Letter from Intervenor Seikmann	2
50459	03 / 10 / 2009	CEC / M. Monasmith	City of Carlsbad / Kevin Crawford	Request for Information from Carlsbad Fire Department	3
50437	03 / 10 / 2009	CEC / M. Monasmith	Stoel Rives / K. Hellwig	Press Release from San Diego Regional Chamber of Commerce	4
50435	03 / 10 / 2009	CEC / M. Monasmith	Stoel Rives / K. Hellwig	Docketing of Correspondence from Bruce Wolfe	4

50424	03 / 06 / 2009	EarthJustice / William Rostov	Sempra Energy / Taylor O. Miller	Letter regarding Data Requests on Carlsbad Energy Use of SDG&E Supplied Natural Gas	3
50420	03 / 05 / 2009	CEC / M. Monasmith	City of Carlsbad / Joe Garuba	Letter regarding necessary alignment of the improved Vista / Carlsbad Sewer Interceptor and Rail Trail for docking	9
50411	03 / 05 / 2009	CEC / M. Monasmith	Public / Bruce Wolfe	E-mail Regarding B. Wolfe Public Views on Carlsbad Project	1
50289	02 / 26 / 2009	CEC / M. Monasmith	City of Carlsbad / A. Dykes	City of Carlsbad - North County Times Editorial	5
50249	02 / 24 / 2009	Earthjustice / W. Rostov	Sempra Energy / T. Miller	Intervenor Center for Biological Diversity re: data requests.	10
50203	02 / 19 / 2009	CEC / M. Monasmith	Stoel Rives / K. Hellwig	Applicant's Responses to Staff Data Request Set 4 (112-158)	38
50173	02 / 18 / 2009	CEC / Docket Unit	CEC / M. Read	All Parties Letter: Newly Revised POS with new filing Instructions	4
50110	02 / 13 / 2009	CEC / M. Monasmith	Stoel Rivers / Kimberly Hellwig	February 11, 2009 Letter from Sierra Research to Dr. Steve Moore SDAPCD regarding Revised NOx Emission Baseline Calculations for CECF with attachments	7
50106	02 / 13 / 2009	CEC / M. Monasmith	StoelRivers / Kimberly Hellwig	February 11, 2009 Letter from Sierra Research to Dr. Steve Moore SDAPCD regarding NOx Emission Reduction Credits for CECF	7
50026	02 / 09 / 2009	CEC / Docket Unit	CEC / M. Read	Committee Order Denying City of Carlsbad Motion for Staff Revised PSA	4
50017	02 / 06 / 2009	CEC / M. Monasmith	Earthjustice / W. Rostov	Center for Biological Diversity Comments on the Preliminary Staff Assessment	7
50098	02 / 05 / 2009	CEC / M. Monasmith	Department of Transportation / A. Kosup	Caltrans Comments on the Preliminary Staff Report Assesment	2
50247	02 / 04 / 2009	CEC / Docket Unit	CEC / M. Monasmith	RECORD OF CONVERSATION about Waste Management PSA, Aboveground Petroleum Storage Act	20
49983	02 / 04 / 2009	CEC / M. Monasmith	Public / David Spenser	Public D. Spenser Comments Regarding Power Plant Project	1
50010	02 / 02 / 2009	SDG&E / T. Miller	Earthjustice / W. Rostov	Center for Biological Diversity's Data Request to San Diego Gas & Electric	6
50009	01 / 30 / 2009	CEC / M. Monasmith	City of Carlsbad / J. Garuba	City of Carlsbad Comments on Preliminary Staff Assessment	47
49951	01 / 30 / 2009	CEC / M. Monasmith	Stoel Rives / E. Hecox	Applicant's Comments to Preliminary Staff Assessment	41
49950	01 / 30 / 2009	CEC / M. Monasmith	Adams Broadwell Joseph & Cardozo / B. Heeley	Comments on the Preliminary Staff Assessment	36
49949	01 / 30 / 2009	CEC / Docket Unit	Energy Resources Conservation / K. McKinsey	MOTION FOR A REVISED STAFF PSA AND PROJECT SCHEDULE RELIEF	13
49948	01 / 30 / 2009	CEC / J. Boyd & K. Douglas	Stoel Rives / J. McKinsey	Applicant's Status Report	7
49947	01 / 30 / 2009	CEC / M. Monasmith	Earthjustice / W. Rostov	Center for Biological Diversity Comments on the Preliminary Staff Assessment	4
49946	01 / 30 / 2009	CEC / J. Boyd & K. Douglas	CEC / M. Monasmith	Carlsbad Status Report 4	4
49945	01 / 30 / 2009	CEC / J. Boyd	Edmond W. Dominguez & Bonnie J. Dominguez	E-mail Regarding Edmond & Bonnie Dominguez Comments on Resiting the Facility	1
49938	01 / 30 / 2009	CEC / Docket Unit	CEC / J. Pries	Staff Response to Motion for Revised Preliminary Staff Assessment	4
49935	01 / 30 / 2009	CEC / Docket Unit	City of Carlsbad Secretary / Robin Nuschy	City of Carlsbad Status Report #3	4
49934	01 / 30 / 2009	CEC / Docket Unit	POV / Julie Baker	Power of Vision Comments on the Preliminary Staff Assessment	9
49956	01 / 28 / 2009	CEC / M. Monasmith	Public / Kerry Siekmann	K. Siekmann Comment Re Preliminary Staff Assessment for the CECF	7
49922	01 / 28 / 2009	CEC / M. Monasmith	Dept. of Transportation / Jacob Annstrong	Letter from the California Department of Transportation Re Carlsbad Energy	1
49908	01 / 28 / 2009	All Parties & Intervenor	Stoel Rives / Kimberly Hellwig	Service of Responses to Center for Biological Diversity's Data Responses	4
49889	01 / 27 / 2009	CEC / Docket Unit	Adams Broadwell Joseph & Cardozo / G. D. Smith	Response in Support of Motion for Revised PSA and Project Schedule Relief by California Unions for Reliable Energy	11
49867	01 / 26 / 2009	CEC / M. Monasmith	Stoel Rives / K. Hellwig	Carlsbad Responses to Center for Biological Diversity's Data Responses	382
49838	01 / 23 / 2009	CEC / M. Monasmith	Oceanside / P. Pertz	Pam Pertz E-mail Comments on Carlsbad Power Plant	1
49833	01 / 22 / 2009	CEC / Docket Unit	Public / Julie Baker	Intervener Request for Revised Preliminary Staff Assessment	3
49815	01 / 22 / 2009	Enviornmental & New Buisness / T. Hemig	CEC / M. Monasmith	CARLSBAD ENERGY CENTER PROJECT AIR QUALITY DATA REQUEST SET 4	5
49806	01 / 22 / 2009	CEC / M. Monasmith	City of Carlsbad / J. Garuba	Carlsbad Energy Center Data Responses Set 3C- No Response by Applicant	3
49770	01 / 20 / 2009	CEC / M. Monasmith	Public / David & Rebecca Storkson	D. & R. Storkson Comment on Proposed Carlsbad Power Plant	2
49747	01 / 20 / 2009	CEC / J. Boyd	City of Carlsbad / Alan Thompson	City of Carlsbad Motion for a Staff Revised PSA & Project Schedule Relief	8
49731	01 / 16 / 2009	CEC / M. Monasmith	Stoel Rives / D. M. Morison	Editorial Publication from the San Diego Union-Tribune and North Coast Times	5
49686	01 / 12 / 2009	CEC / Docket Unit	CEC / J. Boyd & K. Douglas	Committee Order Granting Petition to Intervene	2
49679	01 / 09 / 2009	Public / S. Debauche	NCTD / E. Singer	NCTD Comment Letter	1

49720	01 / 08 / 2009	CEC / M. Monasmith	FAA / David Butterfield	FAA Flight Standards Presentation	20
49642	01 / 07 / 2009	CEC / Docket Unit	CEC / M. Read	All Parties	1
49640	01 / 07 / 2009	CEC / Docket Unit	CEC / J. Boyd & K. Douglas	Committing Order Granting Petition to Intervene	4
49629	01 / 06 / 2009	San Diego APCD / S. Moore	CEC / D. Edwards	Comments on Preliminary Determination of Compliance	7
49626	01 / 06 / 2009	CEC / Docket Unit	R. Simpson	Comments on the San Diego Air Pollution Control District's PDOC	14
49600	01 / 05 / 2009	CEC / M. Monasmith	Stoel Rives / K. J. Hellwig	Applicant's Comments on San Diego Air Pollution Control District's Preliminary Determination of Compliance	34
49587	01 / 05 / 2009	CEC / M. Monasmith	California Coastal Commission / T. Luster	Letter RE City of Carlsbad Inability	10
49576	01 / 02 / 2009	CEC / M. Monasmith	Public / Lowell Grimaud	Public Comments for L. Grimaud Regarding Carlsbad Power Plant	1
49548	12 / 30 / 2008	CEC / Docket Unit	Energy Resources Conservation & Development Commis	Petition to Intervene by the City of Carlsbad & the Redevelopment Agency of the City of Carlsbad	7
49545	12 / 29 / 2008	CEC / M. Monasmith	City of Carlsbad / R. R. Ball	Comments on Preliminary Staff Assessment & Notice of Intention to Intervene in the Proceeding	10
49538	12 / 29 / 2008	CEC / M. Monasmith	Stoel Rives / A. Cook	Applicant's Record of Conversation with California Department of Fish and Game Representative	4
49537	12 / 29 / 2008	CEC / M. Monasmith	Public / Carole Olsen	E-mail from Carlsbad Citizen - OPPOSED to Carlsbad Energy Center	2
49594	12 / 28 / 2008	CEC / M. Monasmith	SDCAS / J. Royle	PSA Comment Letter	3
49530	12 / 26 / 2008	CEC / Docket Unit	CEC / J. Boyd & K. Douglas	Committee Ruling on Intervenor Power of Vision's Request to Delay Staff Workshop	2
49529	12 / 26 / 2008	CEC / Docket Unit	CEC / J. Boyd & K. Douglas	Revised Committee Scheduling Order	3
49528	12 / 26 / 2008	CEC / Docket Unit	CEC / J. Boyd & K. Douglas	Committee Ruling on Intervenor Center for Biological Diversity Petition to Compare Data Responses	8
49527	12 / 26 / 2008	CEC / Docket Unit	CEC / J. Boyd & K. Douglas	Committee Ruling on Intervenor Power of Vision's Request to Delay Staff Workshop; Committee Ruling on Intervenor Power of Vision's Request to Delay Staff Workshop; and Revised Committee Order	16
49532	12 / 24 / 2008	CEC / Docket Unit	State & Energy Resource Conservation & Development	Petition for Intervention	2
49526	12 / 22 / 2008	CEC / Docket Unit	Public / C. Miller	Intervenor Petition to Intervention	3
49499	12 / 22 / 2008	CEC / M. Jones	Sidney Austin LP / M. Fiala	Petition for Approval of Post-Certification Change of Indirect Ownership	9
49562	12 / 19 / 2008	CEC / J. Adams	Dept of Transportation / S. Hesnard	Caltrans Aeronautics Lette Regarding Air Safety - CECP	2
49421	12 / 16 / 2008	CEC / Docket Unit	CEC / M. Monasmith	E-mails RE Carlsbad Power Plant	2
49405	12 / 15 / 2008	CEC / M. Monasmith	Resident / Griff Henshaw	Resident G. Henshaw Comments Re Carlsbad Energy	1
49413	12 / 11 / 2008	CEC / Members of the Public	CEC / T. O' Brien	Notice of Availability PSA for the CECP	8
49412	12 / 11 / 2008	CEC / Agency Distribution List	CEC / T. O. Brien	Request for Agency Comments on the Preliminary Staff Assessment for the Proposed CECP	4
49411	12 / 11 / 2008	CEC / All Libraries	CEC / E. Knight	Document handling for the Carlsbad Energy Center Project (07-AFC-6) and posting of Public Notice.	1
49347	12 / 10 / 2008	CEC / M. Monasmith	StoelRives / K. Hellwig	Letter Re Confirmation of Notice of Preliminary Decision	6
49331	12 / 09 / 2008	CEC / Docket Unit	Power of Vission / Julie Baker / Arnold Roe	Request for Delay for Public Hearing	2
49330	12 / 09 / 2008	Docket Unit	Power of Vision / Julie Baker / Arnold Roe	Petition to Dockets Letters: Letter Date Dec 5th to P. Kruer and Letter Dated Dec 5th to S. Moore SDG&E	6
49308	12 / 08 / 2008	CEC / M. Monasmith	StoelRives / K. Hellwig	Resident Letter Re Carlsbad Energy Center	4
49240	12 / 03 / 2008	CEC / Docket Unit	CEC / M. Read	Memo Re Revised Proof of Service List	1
49239	12 / 03 / 2008	CEC / Docket Unit	CEC / J. Boyd	Notice of Hearing on Intervenor Center for Biological Diversity's Petition to Compel Data Responses	4
49235	12 / 03 / 2008	CEC / J. Boyd / K. Douglas	Stoel Rivers / J. McKinsey	Applicant's Status Report	4
49284	12 / 02 / 2008	CEC / M. Monasmith	City of Carlsbad / Joe Garuba	City of Carlsbad Review of NRG's Fire Risk and Emergency Response Assesment Report / CECP	4
49327	12 / 01 / 2008	CEC / Docket Unit	Public / J. Fitzpatrick	J. Fitzpatrick Comments Re Carlsbad Energy Center	1
49200	12 / 01 / 2008	CEC / Docket Unit	CEC / M. McLean	Record of Conversation	1
49206	11 / 30 / 2008	CEC / Docket Unit	CEC / M. Monasmith	E-mails RE Carlsbad Power Plant	5
49128	11 / 24 / 2008	CEC / Public Advisers Office	Resident / Mark Peterson	Resident Emailed Comments Re Proposed Power Plant	1
49130	11 / 21 / 2008	CEC / Docket Unit	Julie Baker & Arnold Roe	Response in Support of Motion to Compel	2
49104	11 / 21 / 2008	CEC / M. Monasmith	San Diego APCD / T. Weeks	Preliminary Determination of Compliance	116
49101	11 / 21 / 2008	CEC / Docket Unit	Public / A. Dykes	Response in Support of Motion to Compel by the City of Carlsbad	4
49092	11 / 21 / 2008	CEC / Docket Unit	Public / A. Roe	Response In Support of Motion to Compel	2
49129	11 / 20 / 2008	CEC / P. Kramer	Stoel Rivers /	Applicants Response to Center for Biological Diversity's Petition for Order Directing Response to Data Requests	13
49073	11 / 20 / 2008	CEC M. Monasmith	City of Carlsbad J.	Results of the FAA Feasibility Report Regarding Alternate Sites	5

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49069	11 / 20 / 2008	CEC / P. Kramer	StoelRives / J. McKinsey	Applicant's Response to Center for Biological Diversity's Petition	13
49068	11 / 20 / 2008	CEC / M. Monasmith	StoelRives / K. Hellwig	SDG&E Company Correspondence Re 230kV Switchyard	4
49098	11 / 18 / 2008	CEC / Docket Unit	Public / A. Dykes	City of Carlsbad Proposed Alternative Project Locations for the Carlsbad Energy Center	6
49023	11 / 17 / 2008	CEC / M. Monasmith	Dept. of Transportation / J. Armstrong	Caltrans District 11 Comment Letter to CEC	7
49017	11 / 17 / 2008	CEC M. Monasmith	Stoel Rives D. Morison	CarlsBad Energy Center Project Response to CURE's Document Request	4
48983	11 / 12 / 2008	CEC / Docket Unit	CEC / M. Read	Deadlines re Carlsbad Petition for Order to Respond to Data Requests	2
48962	11 / 12 / 2008	CEC / Docket Unit	CEC / M. Read	All Parties Proof of Service List	1
48959	11 / 12 / 2008	CEC / Docket Unit	CEC / K. Douglas & J. Boyd	Revised Committee Scheduling Order	3
48958	11 / 12 / 2008	CEC / Docket Unit	CEC / M. Read	Committee Order Granting Petition to Intervention	4
48956	11 / 12 / 2008	CEC / Docket Unit	Bonnie Heeley	Response in Support of Motion to Compel by California Unions for Reliable Energy	7
48960	11 / 10 / 2008	CEC / Docket Unit	Public / Earth Justice W. B. Rostov	Declaration of William Rostov in Support of the Center for Biological Diversity's Petition Order Directing Responses to Data Request	49
48948	11 / 10 / 2008	CEC / Docket Unit	CEC / M. Monasmith	E-mail RE Carlsbad Power Plant Proposal--Opposed	20
49006	11 / 07 / 2008	CEC / M. Monasmith	StoelRives / K. Hellwig	Fire Risk & Emergency Response Assessment Report	26
48970	11 / 07 / 2008	CEC / Elena Miller	Julie Baker	Public Email Comments from Julie Baker	1
48907	11 / 04 / 2008	CEC / J. Boyd	City of Carlsbad / J. Garuba	Carlsbad City Status Report #2	5
48880	11 / 04 / 2008	CEC / M. Monasmith	StoelRives / K. Hellwig	San Diego Regional Water Quality Control Board Letter Re Carlsbad NPDES Permit Application	5
48869	11 / 03 / 2008	CEC / J. Boyd	StoelRives / J. McKinsey	Applicant's Status Report	8
48974	10 / 30 / 2008	CEC / Public Advisor's Office	Marc Doyle	Public Email Comments	1
48831	10 / 30 / 2008	CEC / M. Monasmith	StoelRives / A. Cook	City of Carlsbad Request for Easements	24
48829	10 / 22 / 2008	SDG&E / J. Avery	Joe Garuba	Supplement to Carlsbad & Opposition to the Proposed Switchyard Relocation	8
48690	10 / 21 / 2008	CEC / M. Monasmith	Stoel Rivers / K. Hellwig	Responses to Data Requests 126 through 131	16
50895	10 / 20 / 2008	ISO Board of Governors	California ISO / Gary DeSazo	Memorandum regarding Decision on elimination on dual fuel requirement for San Diego area starting in 2009	4
48852	10 / 14 / 2008	CEC /	Julie Baker / Arnold Roe	Petition for Intervention	5
48754	10 / 14 / 2008	CEC / J. Boyd, K. Douglas, P. Kramer	CEC / M. Monasmith	Status Report #2	4
48750	10 / 14 / 2008	EarthJustice / W. Rostov	StoelRives / J. McKinsey	Applicant's Objection to Center for Biological Diversity's Data Requests	5
48578	10 / 14 / 2008	CEC / M. Monasmith	StoelRives / K. Hellwig	City Data Responses Set 3B	18
48575	10 / 14 / 2008	CEC / Docket Unit	CEC / M. Read	Order Granting Petition to Intervene & new Proof of Service List	5
48557	10 / 14 / 2008	CEC / Docket Unit	CEC / J. Boyd	Committee Order Re Status Report	3
48504	10 / 10 / 2008	CEC / M. Monasmith	Public / A. Dykes	Letter of Opposition	4
48478	10 / 07 / 2008	CEC / M. Monasmith	City of Carlsbad / J. Garuba	Visual Impacts and Site Constraints	9
48272	10 / 01 / 2008	CEC / Docket Unit	Public / R. Simpson	PETITION FOR INTERVENTION	4
48211	09 / 26 / 2008	Earthjustice / W. Rostov	Earthjustice / J. Baird	Data Request for Carlsbad	7
48185	09 / 25 / 2008	CEC / M. Monasmith	StoelRives / K. Hellwig	Additional Acute Health Hazard Modeling Analysis	14
48184	09 / 25 / 2008	CEC / M. Monasmith	StoelRives / K. Hellwig	Letter Re Supervisor Slater-Price and South Vista Communities	5
48177	09 / 25 / 2008	CEC / M. Elliott	EDS / L. Rayner	Public Comments Re Carlsbad Energy Center Project	1
48181	09 / 22 / 2008	CEC / J. Boyd	Public / J. Epstin	Public Comments for Carlsbad Energy	1
48160	09 / 19 / 2008	CEC / Docket Unit	CEC M. Monasmith	Carlsbad Energy Data Request, Set 3B	15
48195	09 / 17 / 2008	CEC / J. Pfannenstiel	San Diego County / P. Slater-Price	Comments Re NRG's Proposed Plan	1
48050	09 / 17 / 2008	NRG Energy / T. Hemig	CEC / M. Monasmith	Carlsbad Energy Center Project Data Request Set 3A	3
48011	09 / 12 / 2008	CEC / M. Monasmith	Stoel Rives / K. J. Hellwig	Responses to Data Request Set 3	25
48001	09 / 11 / 2008	CEC / M. Monasmith	City of Carlsbad / A. Dykes	City of Carlsbad Third Submittal of Data Request	15
47995	09 / 10 / 2008	CEC / M. Monasmith	City of Carlsbad / S. Donnell	Letter Re Sewer Replacement Project	7
47967	09 / 10 / 2008	CEC / R. Avalos	CEC / J. Boyd	Committee Order Granting Petition to Intervene	4
48180	09 / 08 / 2008	CEC / J. Boyd	Public / D. Carlee	Comments Re Carlsbad Energy Center Project	1
48070	09 / 08 / 2008	CEC / Docket Unit	Preserve Calavera / D. Nygaard	Letter for review of the alternative sites proposed for replacing the Encina power plant.	1
47913	09 / 04 / 2008	CEC / M. Monasmith	Stoel Rives / K. J. Hellwig	Rain Permit Application RE Carlsbad Energy Center Project	10
47899	09 / 03 / 2008	CEC / M. Monasmith	Stoel Rives / K. Hellwig	Letter for K. Hellwig Re: Carlsbad Energy Center Project	4
48179	09 / 02 / 2008	CEC / J. Boyd	South Vista / S. Jackel	Comments from South Vista Communities Re Carlsbad Energy	1
47833	08 / 29 / 2008	NRG / Tim Hemig	CEC / M. Monasmith	Data Requests Set 3	5
47857	08 / 28 / 2008	CEC / M. Elliott	Public / D. & C. Beaumont	Letter from D. & C. Beaumont Re: Carlsbad Energy Center Project	2

47784	08 / 28 / 2008	CEC / Docket Unit	Earthjustice / W. B. Rostov	Letter of Petition for Intervention for Carlsbad Energy Project	5
47781	08 / 27 / 2008	CEC / M. Monasmith	Stoel Rivers / Kimberly Hellwig	Revised Emissions Baseline Calculations for Units 1-3 at Encina Power Station	7
47771	08 / 27 / 2008	CEC / Docket Unit	CEC / M. Monasmith	Letter from R. Ball fro Carlsbad Energy Center Project	4
47811	08 / 26 / 2008	CEC / J. Boyd	Residence / B. Norton	Public Comments of B. Norton for Carlsbad Energy Center Project	1
47807	08 / 26 / 2008	CEC / J. Boyd	Residence / J. Norton	Public Comments of J. Norton for Carlsbad	1
49480	08 / 25 / 2008	CEC / Docket Unit	CEC / M. Monasmith	ROC Heather Blair / Aspen Envirionmetal and Marci Koski Fish and Wild Life Biologist	1
47812	08 / 25 / 2008	CEC / J. Boyd	Residence / B. & C. Farrell	Public Comments of B. & C. Farrell for Carlsbad Energy Project	1
47779	08 / 25 / 2008	CEC / J. Boyd	Ellen Baur	Letter of Support	1
47778	08 / 25 / 2008	CEC / J. Boyd	Gerhaud A. Baur	Letter of Support for the Proposed Carlsbad	1
47738	08 / 25 / 2008	CEC / Docket Unit	CEC / M. Elliott	Letter RE: Carlsbad Energy Center Project	2
47715	08 / 25 / 2008	CEC / Docket Unit	CECP / JA. McKinsey	Lack of Issues Related to Coastal Commission Non-Participation	6
47731	08 / 23 / 2008	CEC / Docket Unit	CEC / M. Elliott	Letter from E. H. Hmerta for Carlsbad Energy Center Project	1
47730	08 / 23 / 2008	CEC / Docket Unit	CEC / M. Elliott	Letter for D. Kent for Carlsbad Energy Center Project	1
47729	08 / 23 / 2008	CEC / Docket Unit	CEC / M. Elliott	Letter from B. Stafford for Carlsbad Energy Center Project	1
47728	08 / 23 / 2008	CEC / Docket Unit	CEC / M. Elliott	Letter for F. Hara for Carlsbad Energy Center Project	1
47727	08 / 23 / 2008	CEC / Docket Unit	CEC / M. Elliott	Letter for V. T. Balance for Carlsbad Energy Center Project	1
47726	08 / 23 / 2008	CEC / Docket Unit	CEC / M. Elliott	Letter for A. Kent for Carlsbad Energy Center Project	1
47725	08 / 23 / 2008	CEC / Docket Unit	CEC / M. Elliott	Letter from S. Minaglia for Carlsbad Energy Project	1
47724	08 / 23 / 2008	CEC / Docket Unit	CEC / M. Elliott	Letter from R. Worhl for Carlsbad Energy Project	1
47722	08 / 23 / 2008	CEC / Docket Unit	CEC / M. Elliott	Carlsbad Energy Center Project	1
47691	08 / 22 / 2008	CEC / M. Monasmith	City of Carlsbad / J. Garuba	Project Inconsistency with City of Carlsbad Land use Ordinances and Policies	7
47674	08 / 22 / 2008	CEC / Docket Unit	CEC / M. Elliott	Letter for P. & R. Bauer RE: Power Plant	1
47673	08 / 22 / 2008	CEC / Docket Unit	CEC / M. Elliott	Letter for F. & D. Ritter RE: Carlsbad Energy Center Project	2
47669	08 / 22 / 2008	CEC / Docket Unit	CEC / M. Elliott	Letter e-mailed RE: Carlsbad Power Plant	2
47668	08 / 22 / 2008	CEC / Docket Unit	CEC / J. Boyd	Letter of Rita Harper RE: Carlsbad Power Plant	1
47666	08 / 21 / 2008	CEC / Docket Unit	CEC / M. Elliott	Public Comment of L. & F. Dowling RE: Carlsbad Power Station	1
47661	08 / 21 / 2008	CEC / M. Monasmith	Stoel Rivers / K. Hellwig	Letter of Support	5
48182	08 / 18 / 2008	Public / D. Rowley	CEC / J. Pfannenstiel	Letter Re Comments on Carlsbad	1
47678	08 / 18 / 2008	CEC / Docket Unit	CEC / J. Boyd	Letter for J. Feller on Carlsbd Energy Center Project	1
47616	08 / 18 / 2008	CEC / M. Monasmith / Docket Unit	R. Ball	Review of Application for Certification of the Proposed Carlsbad Energy Center Project	4
47586	08 / 15 / 2008	CEC / M. Monasmith	Stoel Rives LLP / K. Hellwig	National Pollutant Discharge Elimination System Permit Application submitted to the San Diego Regional Water Quality Control Board	181
47714	08 / 13 / 2008	CEC / Docket Unit	SD / G. Cox	Letter from G. Cox for Modernizing and Replacing Aging Power Infrastructure	1
47627	08 / 13 / 2008	CEC / J. Byron / Docket Unit	D. Wenman	Citizen's Comments on Carlsbad Energy Center Project	1
47528	08 / 12 / 2008	CEC / M. Monasmith	Stoel Rives LLP / K. Hellwig	County of San Diego's Approval of Site Work Plan	4
47527	08 / 12 / 2008	CEC / M. Monasmith	Stoel Rives LLP / K. Hellwig	Letter of Support	4
47501	08 / 11 / 2008	CEC Docket Unit	CEC Eric Knight	Notice of receipt of Supplement Infomation for the CarlsBad Project- Property	3
47500	08 / 11 / 2008	CEC Docket Unit	CEC Eric Knight	Request for Agency Participation in the Review of the CarlsBad AFC- Supplemental Infomation	2
48183	08 / 08 / 2008	CEC / J. Pfannenstiel	San Diego / D. Jacob	Letter from D. Jacob Re Carlsbad Energy	1
47485	08 / 08 / 2008	CEC / M. Monasmith	City of Carlsbad / R. Ball	Letter Regarding City of Carlsbad's Inability to Obtain the Suitability Report from the California Coastal Commission	7
47376	07 / 31 / 2008	All Parties	CEC / R. Avalos	All Parties Letter with updated POS List	3
47291	07 / 30 / 2008	CEC Mike Monasmith	K.Hellwig	Letter to San Diego Air Pollution Control District(Nox Emission Reduction Credits)	16
47565	07 / 29 / 2008	CEC / J. Pfannenstiel	Member of the Public / D. Rowley	D. Rowley's comments regarding proposed Carlsbad project	2
47468	07 / 29 / 2008	CEC / J. Byron	Ocean Hills Country Club / D. Rowley	Comment Letter from D. Rowley from Ocean Hills Country Club regarding Carlsbad	2
47429	07 / 29 / 2008	CEC . J. Boyd	OHCC / D. Rowley	Comments of D. Rowley from Ocean Hills County Club RE: Location of new energy center in Carlsbad	2
47372	07 / 29 / 2008	CEC / M. Monasmith	City of Carlsbad /	City of Carlsbad ROC with Caltrans staff re: future, potential I-5 widening impacts for CECP, POS attached	4
47257	07 / 25 / 2008	CEC / M. Monasmith	Stoel Rives LLP / J. McKinsey	Project Enhancement and Refinement Document (12 copies); Effects on Bio Resources of Agua Hedionda Lagoon (4 copies); Revised AQ Modeling Files (6 CDs); Cal ISO Study Report (5 copies)	849
47016	07 / 11 / 2008	CEC / Mike Monasmith	Municipal Projects Manager / Joe Garuba	Confirmation of Power Plant Specifications plus POS	3
46945	07 / 08 / 2008	CCC / P. Douglas	City of Carlsbad / J. Garuba	Letter RE the Reconsideration of Coastal Commission Review of Carlsbad	4
46876	07 / 01 / 2008	CEC / M. Monasmith	SR / K. Hellwig	Non-Cancer Acute Health Hazard HRA Remodeling	13

46812	06 / 27 / 2008	CEC / M. Monasmith	Adams Broadwell Joseph & Cardozo / G. D. Smith	CURE's comments concerning land use-planning component of the Commission Staff's evaluation	4
46706	06 / 16 / 2008	CEC / M. Monasmith	Stoel Rives LLP / J. McKinsey	Authority to Construct - Monitoring Plan	14
46613	06 / 05 / 2008	CEC / M. Monasmith	Stoel Rives / K. Hellwig	Data Responses, Set 2A (#113-124) to Staff's Data Requests, and Revised AQ Modeling files May 13, 2008	55
46576	06 / 03 / 2008	CEC / M. Monasmith	Stoel Rives LLP / J. McKinsey	Project Consistency with City of Carlsbad Land Use Ordinances	14
46494	05 / 29 / 2008	CEC / M. Monasmith	SR / K. Hellwig	Letters of Project Support	6
46465	05 / 22 / 2008	CEC / Docket Unit	CEC / M. Monasmith	Report of Conversation - Waste Management PSA, Tank Demolition / Soil Remediation	2
46194	05 / 07 / 2008	CEC / M. Monasmith	Stoel Rives / K. Hellwig	Response to City of Carlsbad's April 25, 2008 Memorandum / Status Report 1	10
46181	05 / 06 / 2008	T. Hemig	M. Monasmith	Carlsbad Energy Center Project (07- AFC-6) Data Request, Set 2A	7
46114	05 / 01 / 2008	CEC / M. Monasmith	COC / R. Patchett	Letter from the City of Carlsbad RE: Land Use Information	32
46070	04 / 29 / 2008	CEC / M. Monasmith	SR / M. Foster	Site Preparation and Construction Stormwater Management and Pollution Prevention Plan	520
46036	04 / 25 / 2008	CEC / J.D. Boyd / K. Douglas / P. Kramer	City of Carlsbad / J.Garuba	CARLSBAD ENERGY CENTER PROJECT (07-AFC-6) CITY STATUS REPORT 1.	5
46024	04 / 25 / 2008	CEC / J. Boyd / K. Douglas / P. Kramer	City of Carlsbad / J. Garuba	City of Carlsbad's Status Report 1	3
45927	04 / 17 / 2008	CEC / M. Monasmith	Stoel Rives / K. Hellwig	Carlsbad Energy Center Project (07-AFC-6) Emmissions Baseline Calculations for the Existing Boiler Units Submitted to San Diego Air Pollution Control District	10
45925	04 / 17 / 2008	CEC / M. Monasmith	CEC / K. Hellwig	Carlsbad Energy Center Project (07-AFC-6) Offsite Alternatives Analysis	34
45886	04 / 11 / 2008	CEC / J. Boyd / K. Douglas	CEC / M. Monasmith	Memorandum- CEC Status Report 1, POS attached	6
45851	04 / 03 / 2008	CEC / P. Kramer	Member of the Public / M. Monroy	E-mail regarding Agua Hedionda Lagoon	1
45778	03 / 26 / 2008	City of Carlsbad / D. Neu	CEC / D. Edwards	Letter from CEC D. Edwards to City of Carlsbad D. Neu	5
45844	03 / 25 / 2008	CEC / R. Johnson	Dept. of Transportation / J. Armstrong	Caltrans' Comments on the Application for Certification of the Proposed Carlsbad Energy Center	4
45682	03 / 19 / 2008	CEC / All Parties	CEC / M. Read	revised POS List	3
45674	03 / 18 / 2008	CEC / M. Monasmith	SR / K. Hellwig	Data Responses, Set 2 9#76-112) to Staff's Data Requests	91
45654	03 / 14 / 2008	CEC / Docket Unit	CEC / T. O'Brien	Notice of Staff Workshop #2 on Data Responses and Issues Resolution for the Carlsbad Energy Center Project	5
45705	03 / 12 / 2008	CEC / Docket Unit	CEC / J. Pfannenstiel	Energy Commission Order No. 08-0312-6 RE: Siting Committees	4
45479	02 / 28 / 2008	NRG Energy, Inc / T. Hemig	CEC / M. Monasmith	Carlsbad Energy Center Project (07-AFC-5) Data Request, Set #2	14
45467	02 / 20 / 2008	CEC / M. Monasmith	City of Carlsbad / J. Garuba	Clarification to CEC on Carlsbad Municipal Water District Projected Reclaimed Water Supply	6
45272	02 / 06 / 2008	CEC / M. Monasmith / CofC / J. Garuba	Stoel Rives / J. McKinsey	Responses to City of Carlsbad's Data Requests, Set 1A (#49-61)	38
45596	02 / 05 / 2008	All Parties	CEC / M. Read	Order Granting Permission to Intervene and New POS List	8
45363	02 / 01 / 2008	CEC / P. Richins	San Luis Rey Band of Mission Indians / Russel Romo	Comments on proposed Energy Center and Request for copy of EIR for this project.	3
45226	02 / 01 / 2008	CEC / M. Monasmith	Stoel Rives LLP / J. McKinsey	Carlsbad Energy Center LLC's response to Questions proposed by Mr. Wesley Marx, resident of the City of Carlsbad	13
45166	01 / 25 / 2008	CEC / M. Monasmith	City of Carlsbad / R. Ball	Letter Regarding Carlsbad Energy Center Data Requests	2
44667	01 / 22 / 2008	CEC / Docket Unit	ABJC / S. Peesapati	Petition to Intervene by California Unions for Reliable Energy	6
44341	01 / 15 / 2008	CEC / Docket Unit	Wesley Marx	Email Comments of W. Marx	1
44102	01 / 09 / 2008	CEC / Docket Unit	CEC / T. O'Brien	Notice of Data Response & Issue Resolution Staff Workshop	5
43928	01 / 02 / 2008	CEC / All Parties	CEC / M. Read	Carlsbad Energy Center Project Scheduling Order and New POS	5
43887	12 / 26 / 2007	CEC / M. Monasmith	Stoel Rives / H. Naygen for K. Hellwig	Supplemental Air Modeling Information Submitted to the San Diego County Air Pollution Control District (Application Numbers 985745-985748)	144
43889	12 / 20 / 2007	CEC / M. Monasmith	City of Carlsbad / J. Garuba	City of Carlsbad Second Submittal Data Requests (# 49-# 61)	4
43841	12 / 20 / 2007	CEC / Docket Unit	CH2MHill / R. Mason	Report on Soil Remediation Encina Power Plant Attachment DR73-2 to Data Responses	320
43840	12 / 20 / 2007	CEC / Docket Unit	CH2MHill / R. Mason	Interconnection System Impact Study Attachment DR53-1 to Data Responses	146
43839	12 / 20 / 2007	CEC / Docket Unit	SR / J. McKinsey	Responses to Staff's Data Requests, Set 1	244
43838	12 / 20 / 2007	CEC / Docket Unit	CH@MHill / R. Mason	Electronic Modeling Files	1
43837	12 / 20 / 2007	CEC / Mike Monasmith	CH2MHill / R. Mason	Phase II Attachment DR73-1 for Environmental Site Assesment	427
43825	12 / 19 / 2007	CEC / M. Manasmith	SR / K. Hellwig	Applicant's Power Point Presentation from Site Visit & Information Hearing	24
43835	12 / 18 / 2007	San Diego County Air Pollution Control District /	NRG / T. Hemig	Supplemental Information from NRG and CEC Modeling Files	130
43802	12 / 18 / 2007	Mark Mojado	CEC / P. RICHINS	Proposed new Power Plant in San Diego County	1
43801	12 / 18 / 2007	Clint Linton	CEC / P. Richins	Proposed new Power Plant in San Diego County	1

43800	12 / 18 / 2007	Mel Vernon	CEC / P. Richins	Proposed new Power Plant in San Diego County	1
43799	12 / 18 / 2007	Cultural Resources / Nick Elliot	CEC / P. Richins	Proposed new Power Plant in San Diego County	1
43798	12 / 18 / 2007	Co Chair Carmen Mochado	CEC / P. Richins	Proposed new Power Plant in San Diego County	1
43811	12 / 17 / 2007	CEC / Commissioners	Carlsbad Chamber of Commerce / T. Owen	Letter of support for NRG West's Carlsbad Energy Center Conceptual Plan	1
43722	12 / 13 / 2007	CEC / Docket Unit	SR / J. McKinsey	Response to Staff's Issues Identification Report	7
43624	12 / 07 / 2007	CEC / J. Boyd / J. Geesman / P. Kramer	CEC / J. Reede	Issues Identification Report	10
43615	12 / 04 / 2007	Aspen / H. Blair	CA Dept Fish and Game / M. Fluharty	Record of Conversation Between CEC and CA Dept of Fish and Game	3
43495	11 / 27 / 2007	CEC / Docket Unit	CEC / H. Blair	ROC & Email from USFWS	5
43473	11 / 21 / 2007	NRG Energy, Inc. / T. Heming	CEC / J. Reede	Data Requests #1-73	23
43878	11 / 20 / 2007	CEC / R. Johnson	Cal State Fullerton / F. Johnson	Comments of Cal State Fullerton on Proposed Construction of Carlsbad Project	1
43409	11 / 16 / 2007	CEC / Interested Parties	CEC / Geesman / Boyd	Notice of Public Site Visit and Informational Hearing	7
43287	11 / 08 / 2007	California State Senate / M. Wyland	CEC / B.B. Blevins	Legislative Letter to California State Senator Mark Wyland	2
43286	11 / 08 / 2007	California State Assembly / M. Garrick	CEC / B.B. Blevins	Legislative Letter to Assemblyman Martin Garrick	2
43285	11 / 08 / 2007	City of Carlsbad / Mayor C. Lewis	CEC / B.B. Blevins	Legislative Letter to Mayor Claude Lewis, City of Carlsbad	2
43283	11 / 08 / 2007	San Diego County / R. Roberts	CEC / B.B. Blevins	Legislative Letter to Ron Roberts, Chairman of San Diego County Board of Supervisors	2
43282	11 / 08 / 2007	San Diego County / B. Horn	CEC / B.B. Blevins	Legislative Letter to San Diego County Board of Supervisors	2
43388	11 / 07 / 2007	CEC / J. Reede	DTSC / G. Holmes	DTSC Comments on the Preparation of a Supplemental EIR	6
43480	11 / 02 / 2007	COS / A. Consul	CEC / J. Reede	Received copy of Agency Distribution List from County of San Diego County Clerk / Recorder's Office	1
43332	11 / 02 / 2007	CEC / Docket Unit	Ronald Ballard	Remarks on Notice of Receipt in Opposition	3
43197	11 / 02 / 2007	Libraries	CEC / R. Johnson	Document Handling for AFC Supplemental Information	4
43194	11 / 02 / 2007	Agency Distribution List	CEC / R. Johnson	Request for Agency Participation - Supplemental Information	2
43193	11 / 02 / 2007	CEC / Docket Unit	CEC / R. Johnson	Notice of Receipt-Supplement A to the AFC	3
43274	10 / 31 / 2007	CEC / Docket Unit	CEC / J. Pfannenstiel	Commission Appointment of Committee for the Carlsbad AFC	1
43158	10 / 31 / 2007	CEC / All Commissioners	CEC / J. Pfannenstiel	Hearing Officer Assignment for Carlsbad Energy Center Project	1
43085	10 / 24 / 2007	CEC / J. Reede	City of Carlsbad Planning Department / C. DeCarlo	Letter from City of Carlsbad re Issues of Concern	9
42997	10 / 24 / 2007	CEC / J. Pfannenstiel / J. Boyd / A. Rosenfeld / J. Geesman	CEC / B.B. Blevins	Revised Data Adequacy Recommendation	56
42984	10 / 24 / 2007	CEC / J. Reede	CH2M HILL	CECP Data Adequacy Supplement A	224
42983	10 / 24 / 2007	CEC / J. Reede	CH2MHILL	Attachment WR-1A, Waste Discharge Requirements	82
42998	10 / 23 / 2007	CEC / B.B. Blevins	SR / M. Foster	Application for Designation of Confidential Cultural Resources Assessment Records	14
42995	10 / 23 / 2007	SR / J. McKinsey	CEC / B.B. Blevins	Cultural & Paleontological Resources application approved for confidentiality	2
42890	10 / 17 / 2007	Carlsbad Energy Center / T. Hemig	San Diego County Air Pollution Control District /	Letter Regarding Application Status	1
42851	10 / 16 / 2007	CEC / B. B. Blevins	California Coastal Commission / P. Douglas	Review of Projects Subject to the Application For Certification	3
42855	10 / 11 / 2007	CEC / B.B. Blevins	SR / J. McKinsey	Application for Designation of Confidential Records for Carlsbad, Cover Letter ONLY	6
42714	10 / 09 / 2007	CEC / Commissioners	CEC / B.B. Blevins	Data Adequacy Recommendation	86
42630	10 / 03 / 2007	CEC / J. Reede	Stoel Rives / K. Hellwig	Certification of Representation for Facility ORIS Code 0302	19
42518	09 / 25 / 2007	CEC / J. Reede	Stoel Rives, LLP / K. Hellwig	Carlsbad Energy Center Project (07-AFC-6) Courtesy Copies Data Adequacy Checklists	85
42360	09 / 19 / 2007	CEC / J. Reede	Stoel Rives / K. Hellwig	Application for an Authority to Construct	152
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42348	09 / 17 / 2007	Agency Distribution List	CEC / R. Johnson	Request for Agency Participation in the Review of the Carlsbad Energy Center Project AFC	4
42347	09 / 17 / 2007	Libraries	CEC / R. Johnson	Document Handling for the Carlsbad Energy Center Project-Application for Certification (07-AFC-6)	4
42346	09 / 17 / 2007	Interested Parties / Property Owners	CEC / R. Johnson	Notice of Receipt-Application for Certification-Carlsbad Energy Center (07-AFC-6)	3
42304	09 / 11 / 2007	CEC / Dockets Unit	CH2M Hill / K. Daul / D. Golles	AFC - Appendix 5.14A, Phase I ESA	396
42303	09 / 11 / 2007	CEC / Docket Unit	Carlsbad Energy Center LLC	AFC - CECP Appendix 5.4A Representative Seismic Geological and Geological Report Data	184
42302	09 / 11 / 2007	CEC / Dockets Unit	Carlsbad Energy Center LLC / CH2M Hill / R. Mason	AFC - Appendix 5.15D, Industrial SWPPP	117

42300	09 / 11 / 2007	CEC / Docket Unit	Carlsbad Energy Center LLC	AFC - Air Quality Modeling Files	1
42301	09 / 11 / 2007	CEC / Dockets Unit	Carlsbad Energy Center LLC / CH2M Hill / R. Maçon	AFC - Appendix 5.15C, Construction SWPPP	139
42299	09 / 11 / 2007	CEC / Docket Unit	Carlsbad Energy Center LLC / T. Hemig	Application for Certification for the Carlsbad Energy Center Project	1000
42891	01 / 04 / 2007	CEC / J. Reede	SDCAPCD / S. Moore	Supplemental Air Permit Application Information	53
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51497	//	CEC / Docket Unit	CEC / M. Monasmith	Report of Conversation(ROC) - USFWS Potential Impacts from Desalination	1
51496	//	CEC / Docket Unit	CEC / M. Monasmith	Report of Conversation(ROC) - Potential Impacts from Desalination	1
50682	//	CEC / Docket Unit	CEC / M. Monasmith	E-mails Re Public Comments	9
50681	//	CEC / Docket Unit	CEC / M. Monasmith	E-mails Re Public Comments	3
50679	//	CEC / Docket Unit	CEC / M. Monasmith	E-mails Re Public Comments	4
50412	//	CEC / M. Monasmith	SANDAG / Negar Vahidi	Lossan Rail Corridor International Improvements Fact Sheet	2
50223	//	CEC / Docket Unit	Jon Warren Inc / Jon Warren	J. Warren Comments Regarding Carlsbad Power Plant Coast	2
49518	//	CEC / Docket Unit	CEC / T. O' Brien	Preliminary Staff Assessment Notice of Workshop	3
49463	//	CEC / Docket Unit	CEC / M. Monasmith	Notice of Extension	1
48971	//	CEC / Public Advisor Office	Carlsbad Residents	14 Public Email Comments	14
48250	//	CEC / Boyd	Morie Rose	Public Comments of Morie Rose	1
47806	//	CEC / J. Boyd	Residence / D. & J. Quints	Letter of Support for the proposed Carlsbad Energy Project	1
47780	//	CEC / J. Boyd	Gloria M. Maupin MD	Letter of Support	1

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EXHIBIT C
CARLSBAD ENERGY CENTER LLC'S OBJECTIONS TO
POWER OF VISIONS DATA REQUEST
(JUNE 19, 2009)



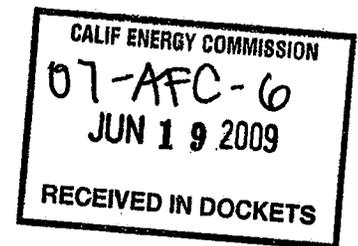
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June 19, 2009

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VIA EMAIL AND US POSTAL SERVICE

Arnold Roe, Ph.D.
Power of Vision
PO Box 131302
Carlsbad, CA 92013



**Re: Carlsbad Energy Center Project (07-AFC-6)
Applicants Objections to Power of Vision's Data Request #1**

Dear Dr. Roe:

On or about June 1, 2009, Applicant Carlsbad Energy Center LLC ("Applicant") received a request for data from Power of Vision ("POV") related to the Carlsbad Energy Center Project ("CECP"). In its letter, POV asked to inspect and copy Encina Power Station ("EPS") records providing hourly data on the times of operation, fuel consumption, and NOx emissions for EPS Units 1 through 5.

Applicant objects to POV's data request on several grounds. First, POV's data request is untimely. Second, the information requested by POV exceeds the scope of the CECP application for certification ("AFC") proceeding and will not lead to the finding of relevant information. Lastly, POV requests inspection of documents that are numerous in volume and, therefore, is an unduly burdensome request.

Applicant recognizes POV's right as an intervenor to this proceeding, as well as Applicant's duty to respond to all timely and relevant data requests related to CECP. (20 Cal. Code Regs. § 1207, 1216(b).) However, Applicant objects to POV's late filing of any data requests for CECP. Under the California Energy Commission's ("CEC") regulations, all requests for information shall be submitted no later than 180 days from the date the CEC determines an AFC is complete, unless the CEC committee conducting the AFC proceedings allows requests for information at a later time for good cause. (20 Cal. Code Regs. § 1716(e).) The CEC found the CECP AFC was complete or "data adequate" on October 31, 2007. Therefore, all requests for information from the CEC or other parties to this AFC proceeding were required to be filed before May 2008, except for good cause. POV's data request is untimely and no good cause exists to allow further requests for information.



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In addition, POV's request exceeds the scope of the proceeding and the information sought will not add value to the AFC process. POV has requested original records of operational data for EPS Units 1 through 5 for years of operation that are not relevant to CECP. To the extent that POV holds the opinion that operational data from 2007 and 2008 is relevant to this proceeding, Applicant has already provided a great deal of 2007 and 2008 data for Units 1 through 5 in response to Center for Biological Diversity data requests and in response to questions from the San Diego Air Pollution Control District ("SDAPCD"). CEC regulations giving any intervenor the right to request additional information of an applicant are not intended to allow an intervenor to enter an applicant's facility to review raw data from the applicant's operation of related facilities, simply because an intervenor doubts the veracity of information that the applicant has already provided. It is inappropriate for POV to question Applicant's candor in providing information regarding CECP and EPS, particularly given the facts supporting the data reported for Units 1 through 5, explained below.

Further, POV's request to inspect documents related to hourly data, relied upon to produce reports to SDAPCD, is an unreasonable and overly burdensome request. The documents POV seeks to inspect are not publicly available. Rather, the documents are relied upon by Applicant's consultants when preparing specific reports required by SDAPCD. To make these documents available would take significant time, resources, and personnel and, in the end, would not result in valuable or relevant information.

Notwithstanding the foregoing objections, Applicant provides the following clarification on the monitoring and reporting methods at EPS, which should assist POV with understanding the data provided for Units 1 through 5. Applicant's consultant, Sierra Research, has reviewed the hourly and/or daily data used to compile the operating hour totals for EPS Units 1 through 5 in 2007 and 2008 which POV notes in its letter. It is necessary to take several factors into consideration when comparing various sets of EPS data:

- Operating hours listed in the Center for Biological Diversity Data Responses, Table DRC3-1, were derived from the facility's CAB I Availability reports, which only count hours when the units are producing power, or megawatts (MW), during normal operation. However, the SDAPCD Rule 69 Compliance reports count operating hours as all hours when fuel is flowing to the units, meaning during periods of startup, shutdown, and normal operations, which explains why the Rule 69 operating hours per year are always greater than the hours listed in the CAB I Availability reports for the same unit and year. For instance, out of the 1,476 operating hours listed in the Rule 69 report for Unit 1 in 2007, no power was generated during 141 of the hours, meaning those hours were excluded from the operating hour total in the CAB I Availability report. Similarly, for



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Unit 3 in 2008, power was not generated during 106 out of the 1,891 hours listed in the Rule 69 report. In both of these examples, the majority of the difference in operating hours, 148 hours and 126 hours respectively, between the two data sources is explained by the difference in reporting methods used for the CAB I Availability reports and the Rule 69 reports.

- The CAB I Availability and Rule 69 reports are based on different data sources at the facility. Operating hours for the CAB I Availability reports are obtained through daily manual readings taken by facility personnel from fuel use meters on the units. Conversely, operating hours contained in the Rule 69 reports are derived from electronic data logging systems. As a result, differences in the clocks used for both recording methods, as well as the precision of the recordkeeping, lead to minor differences in the recorded daily operating times. In the examples discussed above, the recording method differences, when accumulated over the course of a year, added up to 7 hours for Unit 1 in 2007 and 20 hours for Unit 3 in 2008.

Combining the differences attributable to multiple reporting and recording methods explains 100% of the difference between the operating hours listed in the Center for Biological Diversity Data Responses, Table DRC3-1, and the hours in the Rule 69 reports. As a result, the operating hours listed in both reports are correct and simply represent different methods of counting operating hours.

The second issue presented by POV deals with EPS's days of operation per year. First, POV compared the hours from the Rule 69 report, which contains all hours during which fuel was flowing, with the "2007 – 2008 Fuel Use and NOx Emissions Information" report prepared by Sierra Research, which only counted hours of power production. As a result, POV compared datasets derived from different reporting methods, producing inaccurate hour per day calculations. POV should have compared the Sierra Research day counts with the Center for Biological Diversity Data Responses hour counts. For all units and years, except Unit 1 in 2008, this comparison results in values that are less than the limit of 24 hours per day; therefore, the data are accurate and should not be changed.

With respect to the 2008 day count for Unit 1, analysis of the raw data confirmed that power was generated on 11 days. However, the hours of operation count, 301 in the Center for Biological Diversity Data Responses document, is incorrect. The hour count mistakenly contains 96 hours of operation time during the first four days of 2008, likely due to a typographical error in the manually maintained operational log or during data entry into electronic records. As a result, the hour total should be 205, producing a very reasonable value of 18.6 hours of operation per day.



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for Unit 1 in 2008. Additionally, a review of facility records confirmed that Unit 1 did not operate until late-April 2008 and Rule 69 and additional reports accurately show that no fuel was burned and the unit did not generate any power in January 2008, meaning the error did not impact the unit's fuel use, power output, or emissions totals for the year.

Pursuant to the above information, the operating hour differences presented by POV are not errors in reporting, but simply the result of various reporting and recordkeeping criteria and methods between multiple reports. POV's only reason for requesting inspection of Applicant records was to "determine whether other data reported by the applicant as far back as the year 2002 ... are accurate" Given the clarification provided here regarding the monitoring and reporting for EPS Units 1 through 5, Applicant sees no need for POV to inspect and copy Applicant's records of hourly data, as requested.

With these objections and the afore-described clarification, Applicant has no further intent to respond to POV's data request at this time.

Very truly yours,

John A. McKinsey

JAM:kjh

cc: See Attached Proof of Service

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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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 5/19/2009)

Carlsbad Energy Center Project

Applicant's Objections to Power of Vision's Data Requests #1

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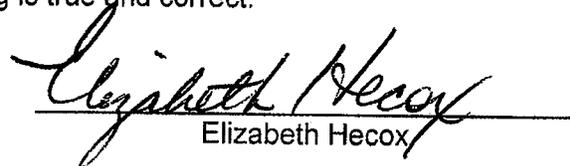
DECLARATION OF SERVICE

I, Elizabeth Hecox, declare that on June 19, 2009, I deposited copies of the aforementioned document in the United State mail at 980 Ninth Street, Suite 1900, Sacramento, California 95814, 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.


Elizabeth Hecox

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 7/07/2009)

**Carlsbad Energy Center LLC's
Opposition to Power of Vision's Petition to Compel Responses to Data Requests**

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 07-AFC-6
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

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DECLARATION OF SERVICE

I, Elizabeth Hecox, declare that on July 14, 2009, I deposited copies of the aforementioned document in the United State mail at 980 Ninth Street, Suite 1900, Sacramento, California 95814, with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

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