

STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission

DOCKET	
07-AFC-6	
DATE	<u>8/19/2009</u>
RECD.	<u>8/19/2009</u>

In the Matter of:

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

Docket No. 07-AFC-6

**CARLSBAD ENERGY CENTER LLC'S RESPONSE TO
SOUTH CARLSBAD REDEVELOPMENT AGENCY'S
PETITION TO INTERVENE**

August 19, 2009

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STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

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

Docket No. 07-AFC-6

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SOUTH CARLSBAD REDEVELOPMENT AGENCY
OF THE CITY OF CARLSBAD'S PETITION TO INTERVENE**

Carlsbad Energy Center LLC ("Applicant") submits this Response to South Carlsbad Redevelopment Agency of the City of Carlsbad's (the "Agency") Petition to Intervene ("Petition") in the above-referenced proceeding. The Agency submitted its Petition on August 5, 2009, nearly two years after Applicant filed its Application for Certification for the Carlsbad Energy Center Project ("CECP"). For the reasons noted below, Applicant agrees with California Energy Commission ("CEC") Staff's recommendation to deny the Agency's Petition.

In its Petition, the Agency accurately notes the City of Carlsbad (the "City") was granted intervenor status on January 12, 2009. While the City recognizes it "failed to ask for intervenor status for the [Agency]" at the time the City file its Petition, Applicant believes the Agency's interests have been fully and adequately represented by the City throughout this proceeding.

On August 12, 2009, the CEC Staff responded to the Agency's Petition correctly noting the City has raised issues regarding the Agency's position throughout this proceeding. In

addition, the City has raised the same concerns the Agency claims to have and intends to present for the remainder of the CECP proceeding.

On August 14, 2009, the Agency replied to CEC Staff's response claiming that its responsibilities are "very different from the interests of the City ... although the interests of the two entities may be similar on many issues." In fact, the City has raised the Agency's concerns and presented its positions many times throughout this proceeding. To claim that the City's and Agency's interests are now different is contrary to the very actions and posture the City has presented previously.

Finally, the City's counsel professes it will represent both the Agency's and City's interests during the proceeding. As CEC Staff points out in its response, the City and the Agency's counsel are one in the same. Further, the same persons representing the City would also represent the Agency. Thus, it would appear there is no reason why the Agency's interests would not and cannot be properly and adequately represented by the City. Moreover, adding the Agency as a separate party to this proceeding at this late date would burden the hearing and decision process with unnecessary layers of comments.

For these reasons, Applicant respectfully requests the Agency's Petition be denied.

Date: August 19, 2009

Stoel Rives LLP

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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
Response to South Carlsbad Redevelopment Agency's Petition to Intervene**

CALIFORNIA ENERGY COMMISSION
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DECLARATION OF SERVICE

I, Elizabeth Hecox, declare that on August 19, 2009, I deposited copies of the aforementioned document in the United States 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