City of Carlsbad
Office of the City Manager

June 5, 2009

DOCKET	
07-AFC-6	
DATE	June 05 2009
RECD.	June 05 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 #6

Dear Commissioners:

Pursuant to the Committee Scheduling Order dated December 26, 2008, the City of Carlsbad submits its City Status Report #6 for the Committee's consideration. This status report highlights several significant events which have occurred over the past six weeks including:

- Letter from Caltrans to staff clearly articulating the upcoming Interstate 5 Freeway Widening project.
- Identification of a prior California Energy Commission's (CEC) Issues and Alternatives Report, which includes the Carlsbad Energy Center Project's (CECP) proposed location.
- Widespread public opposition which continues to mount against this project.

Interstate 5 North Coast Corridor Widening Project

On May 6, 2009, Caltrans copied a letter to the CEC addressing the I-5 North Coast Corridor widening project (I-5 NCC). This letter, which reiterated prior comments made by Caltrans to the CEC, dispelled both the Applicant and staff's characterization that the widening of I-5 is speculative. Significant points of the May 6, 2009 letter as expressed by Caltrans include:

- "Implementation of the I-5 NCC project is not speculative."
- "Both the I-5 NCC Project and the LOSSAN rail projects are not only "probable", given their regional and inter-regional priority they are "likely."
- "All of the technical and environmental studies are completed."
- "Public release of the Draft Environmental Document is planned for the summer of 2009."
- "All four alternatives being formally studied in the I-5 NCC draft environmental document require the removal of the existing earth berm, associated landscape and acquisition of plant property."

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- "Moving the entire Interstate freeway to the east is not a cost effective solution to mitigate potential visual impacts and will not be included as part of the I-5 NCC project."
- "Neither the CEC staff nor NRG LLC's counsel appreciate how far along these complex transportation projects are in terms of delivery."

California Energy Commission's Issues and Alternatives Report

As outlined in the April 2009 City Status Report #5, the City identified that the Encina Power Station (EPS) site, which includes the proposed location for the CECP, was part of a San Diego Gas & Electric (SDG&E) Notice of Intent (NOI) filing in 1989 (89-NOI-1). SDG&E's NOI indentified five sites, including two coastal locations, the EPS in Carlsbad and South Bay in Chula Vista.

Included in Status Report #5 were selections from a report by the California Coastal Commission which determined that a second power plant at the EPS site was not consistent with the Coastal Act. The City has subsequently docketed the full report with the CEC.

Since filing Status Report #5, the City has discovered a related CEC Issues and Alternatives Report that addresses the SDG&E NOI filing. This Issues and Alternatives report clearly identifies several areas of staff concerns with the proposed locations, such as the inability of another power plant at the EPS to conform to local land use LORS (Page Exec-4):

"Regarding the two coastal sites, Encina and South Bay, the proposed project is not likely to be in conformance with the general or applicable specific plans of Carlsbad and Chula Vista."

And the probable visual impacts from an additional power plant (Page Exec-7):

"The proposed project is likely to cause significant visual impacts at any of the three San Diego County sites."

The City believes that information contained in the CEC's Issues and Alternatives Report is relevant and instructive for the CECP proceeding and the City will be filing the full report with the CEC in the near future.

Public Involvement

There continues to be widespread and growing public involvement in this proceeding. Intervenor Power of Vision has collected and docketed more than 2000 signatures from citizens around the region who are opposed to the proposed plant. The city recognizes the immense public engagement on this issue and anticipates very energetic meetings later this year.

Schedule

While there are a number of unresolved issues, the City stands ready to proceed with the evaluation of the CECP at the Commission's direction.

Respectfully submitted,

Joe Garuba
Municipal Projects Manager

JG:ad

cc: Proof of Service List (Revised 5/11/2009)

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 5/11/2009)

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*indicates change

DECLARATION OF SERVICE

I, Andrea Dykes, declare that on June 5, 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:

__X__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:

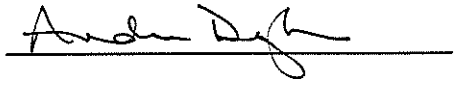
__X__**sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);**

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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