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Friday, September 25, 2009

Commissioner James Boyd
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Re: Carlsbad Energy Center Project
Docket No. 07-AFC-6

Dear Commissioner Boyd:

DOCKET 07-AFC-6

DATE 9/25/2009

RECD. 9/25/2009

Further Petition to Compel Data Responses

We thank the Commissioners for their partial granting our Data Request of May 27, 2009 and subsequent Petition to Compel Responses to Data Requests dated June 29, 2009 and look forward to receiving from the Applicant the information specified in your Order of September 15, 2009.

Unfortunately, your Order did not include the data we requested for the years 2002 and 2003, which is prior to the installation of the electronically generated data from the CEMS for Units 1 through 3. Access to the data from this period is of prime importance to us for our analysis of the pollution offsets and required ERCs for this project, since the 2002 and 2003 period is when the largest emissions occurred, and even a small anomaly in the data from this period will have a marked effect on the offsets.

Producing the original hourly data on times of operation, Kw output, fuel consumption and NOx emissions for Encina Power Station Units 1 through 3 for only this brief 15 – 18 month period should not be overly burdensome to the Applicant.

We therefore urge the Commission to Amend their Ruling of September 15, 2009 to include the 2002 – 2003 period.

Sincerely,

Julie Baker
Arnold Roe, PhD

Cc: 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 9/15/2009)**

APPLICANT

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DECLARATION OF SERVICE

I, Julie Baker, declare that on **September 25, 2009**, I served and filed copies of the attached, **Further Petition to Compel Data Response**, dated **September 25, 2009**. 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: [\[http://www.energy.ca.gov/sitingcases/carlsbad/index.html\]](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
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I declare under penalty of perjury that the foregoing is true and correct.

Julie Baker