



February 12, 2010

VIA EMAIL AND U.S. MAIL

Paul Kramer
Hearing Officer
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

DOCKET	
07-AFC-6	
DATE	<u>FEB 12 2010</u>
RECD.	<u>FEB 16 2010</u>

Re: Carlsbad Energy Center Project, Docket #07-AFC-6, Statement of Issues to be Briefed

Dear Mr. Kramer:

Pursuant to your February 5, 2010 email, Intervenor Center for Biological Diversity files this Statement summarizing issues that should be addressed in the briefs:

- 1) Whether the project description is legally adequate.
- 2) Whether the greenhouse gas emissions of LNG should have been included in the calculation of the CECP's potential GHG emissions.
- 3) Whether the greenhouse gas emissions from the project should be determined significant.
- 4) Whether the environmental analysis improperly weighs the purported environmental benefits of the project in its determination that the CECP's greenhouse gas emissions will not be significant.
- 5) Whether the cumulative impacts analysis for greenhouse gases is legally adequate.
- 6) Whether the baseline for the greenhouse gas analysis is legally adequate.
- 7) Whether the environmental analysis should have discussed and analyzed the environmental effect of increasing greenhouse gas emissions or analyzed a threshold of significance.
- 8) Whether the project can satisfy the standards of Public Resources Code Section 25525.
- 9) Whether the environmental analysis should have analyzed feasible greenhouse gas mitigations.
- 10) Whether the alternatives analysis is legally adequate.

Yours very truly,

William B. Rostov
Staff Attorney



**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 1/27/2010)**

APPLICANT

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DECLARATION OF SERVICE

I, Jessie Baird, declare that on February 12, 2010, I served and filed copies of the attached STATEMENT OF ISSUES TO BE BRIEFED. The original of these documents, 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 documents have 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;

- X by personal delivery or by depositing in the United States mail at Oakland, 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.


