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Intervenor Power of Vision

STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Commission

In the Mater of:	)	DOCKET # 07-AFC-6
	)	
	)	Power of Visions Comments on
CARLSBAD ENERGY CENTER PROJECT	)	Land Conditions 2 & 3
	)	
	)	

Power of Vision does not see why we should make comments on an issue that is not formally before the Carlsbad Committee. At the September 13th meeting of the Carlsbad Committee of the California Energy Commission, the applicant indicated they were unhappy with Land Conditions 2 & 3, but specifically stated that they were NOT making a motion for their deletion. Short of such a motion, and recognition of such motion by the Committee for further review, it is premature to deal with this question.
However, if such a motion were made and recognized by the Committee, then it would be appropriate to discuss such motion at a public hearing, similar to the one at which Land Conditions 2 & 3 were first adopted.

Further, if the applicant were to make a motion for removal of Land Conditions 2 & 3, such a motion would be outside the scope of items dictated by the Commission for the next hearing, (at such a public hearing, POV would present its full arguments on why deletion of Land Conditions 2 & 3 reintroduces the issues of compliance with the South Carlsbad Coastal Redevelopment Agency's requirement for extraordinary public benefit. Even with the addition of Land Conditions 2 & 3, it is questionable whether the additions rise to the level of benefit required. It is the Carlsbad Housing and Redevelopment Agency, in their discretion, to determine if Land 2 & 3 are acceptable conditions and meet the requirement. Otherwise the CEC must override scheduled for September 19, 2011). Therefore, if such a motion by the applicant were to be added to the agenda, then all parties should have the same ability to propose new agenda items. Among one such possible new agenda item would be the issue of the economic viability of the CECP. This issue has not been part of the proceedings up to this point, but at the September 13th meeting of the Carlsbad Committee, the applicant raised this issue as a reason for deleting Land Conditions 2 & 3.

> *"And we realize that all we had done was taken and imposed tens of millions if not hundreds of million dollars of costs onto the project. And the only way to go forward would be to put them on the pro forma for this project. Which would mean those costs would have to be applied to the rates that the project would generate, either burdening the rate payers, or more likely, making the project unviable and incapable of getting a long-term power procurement."*[1]

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[1] *Pg 8, September 13, 2011 Carlsbad Committee meeting transcript.*

Further, the CEC has not responded to the Center for Biological Diversity's (CBD) motion, which was the purpose for the September 19th hearing. The applicant subsequently filed a motion in support of CBD's request for a continuance, stating:

> "Applicant herein respectfully requests a postponement of the CECP licensing process, including the requirements of the August 10, 2011 Revised Committee Scheduling Order, until… "Applicant can work with EPA on a new PSD applicability determination for CECP, in line with the EPA's July 18, 2011 correspondence. By submitting this Motion, Applicant seeks to postpone the CECP licensing process until such time that the Committee will be able to incorporate accurate findings and conclusions regarding CECP's conformity with applicable federal PSD regulations based on evidence in the record for this proceeding."[2]

We concur with the applicant's statement that the licensing process be postponed until such time that the Committee will be able to incorporate accurate findings and conclusions regarding CECP's conformity with applicable Federal PSD regulations based on evidence in the record for this proceeding.

On a side note, the Commission may be interested in a recent article that appeared in the North County Times concerning Land Conditions 2 & 3. A link, as well as a hard copy, are included. http://www.nctimes.com/news

Julie Baker & Arnold Roe

Julie Baker

Arnold Roe, PhD

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[2] CARLSBAD ENERGY CENTER LLC'S MOTION TO JOIN CENTER FOR BIOLOGICAL DIVERSITY'S REQUEST TO DELAY THE SEPTEMBER 19, 2011 EVIDENTIARY HEARING. Filed with the CEC August 25, 2011

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA
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APPLICATION FOR CERTIFICATION FOR THE *CARLSBAD ENERGY CENTER PROJECT*

Docket No. 07-AFC-6
PROOF OF SERVICE
(Revised 9/19/2011)

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*indicates change

DECLARATION OF SERVICE

I, Julie Baker , declare that on Sept 23, 2011, I served and filed copies of the attached Power of Vision Comments on Land Conditions 2 & 3, dated Sept 23, 2011. 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 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;

by personal delivery;

X by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date 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, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Julie Baker

*indicates change

CARLSBAD: City urges state panel to force removal of old power plant

By BARBARA HENRY bhenry@nctimes.com | Posted: Tuesday, September 20, 2011 3:00 pm | (15) Comments

Carlsbad city officials are asking the state to reject a new power plant planned just east of the aging Encina Power Station or force the company behind the proposal to keep its promise to tear down the seaside Encina station once the new plant is built.

The company, NRG Energy, asked the state last week to be released from an agreement it made with Carlsbad earlier this year to dismantle the hulking power station, near the corner of Carlsbad Boulevard and Cannon Road.

If NRG is allowed to renege on that commitment, then Carlsbad isn't going to get any benefit out of the company's much-discussed plans for the new power plant, city officials said Tuesday. The city has strongly opposed that project.

Their comments came just before the City Council, in its role as the city's Housing and Redevelopment Commission, unanimously backed a resolution stating the proposed power plant doesn't meet the city's property redevelopment standards and shouldn't get permits.

Carlsbad doesn't have permit authority over large power plant projects. The authority rests with the state Energy Commission.

In an email to city officials last week announcing NRG's request, an official with the Energy Commission wrote that the company argued that "demolition and removal of the existing Encina power plant would make it difficult, due to financial considerations to build" the new project.

Kerry Siekmann of the Terramar Association, a homeowners group that represents the coastal homes near the Encina plant, told the City Council that she attended the state hearing and was shocked by NRG's request.

"Basically, what happened to us was a full-on ambush," she told the council Tuesday.

Reached via telephone later in the afternoon, NRG spokeswoman Lori Neumann said her company made its request because Carlsbad hasn't honored its part of the agreement. As part of the deal, Carlsbad agreed that it would stop opposing the project and work with the company on demolition plans, she said.

"The city has not ceased its opposition and has not engaged in … discussions" about removing the old plant, she said.

Carlsbad officials and NRG representatives have been sparring for several years over the company's proposal to put a new power plant on the eastern end of the Encina site between the railroad tracks and Interstate 5.

City officials have said that there is no need to put an air-cooled plant on prime coastal and lagoon property. They want to see the Encina site redeveloped, and have suggested having tourist services, shops and housing in the area.

NRG officials have said that they want to free up the front end of their property for

redevelopment, but argue that the back end near the railroad tracks is a perfect spot for power plant development.

After NRG notified the state that it would like to get out of the plant-removal agreement, the Energy Commission told Carlsbad officials that they had until this Friday to submit comments on the request. Because of that quick deadline, Carlsbad added the special meeting onto the normal monthly workshop session, city officials said Tuesday.

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Read more: http://www.nctimes.com/news/local/carlsbad/article_4bbc61e1-a14e-5286-96ea-c25fc4af7f52.html#ixzz1YoxCJ35x