

DOCKET	
07-AFC-6	
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Attorney for Intervenor
 Center for Biological Diversity

STATE OF CALIFORNIA
 State Energy Resources
 Conservation and Development Commission

In the Matter of:)	
)	DOCKET NO: 07-AFC-6
)	
CARLSBAD ENERGY CENTER PROJECT)	CENTER FOR BIOLOGICAL
)	DIVERSITY’S SUPPORT FOR CITY OF
)	CARLSBAD’S MOTION TO STRIKE
)	STAFF MEMORANDUM (REPLY BRIEF)
)	OF FEBRUARY 2, 2012
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The Center for Biological Diversity (“Center”) supports the Motion of City of Carlsbad to Strike Staff Memorandum (Reply Brief) of February 2, 2012. For the reasons articulated in the Center’s Objection to Staff’s Improper Filing, dated February 8, 2012, the Center joins the City’s Motion. The Center notes that the reasoning in Terramar’s Objection also supports striking the Memorandum.

The City of Carlsbad alternatively argued that if the Committee does not strike the Memorandum, a schedule for reply briefs from all parties should be set. In its February 8th Objection to the Staff Memorandum, the Center notified the Committee that the Center would file a reply brief on March 8th. However, since the City has now made a motion to strike the

Memorandum, it is unclear whether the Center's reply will be necessary. Since responses to the City's Motion are not due until February 27th (20 Cal. Code Regs. § 1716.5) and a decision may not be issued until sometime after that date, the Center now seeks a new due date for all reply briefs including the Center's. The Center hereby requests that, if the Committee does set a schedule for reply briefs, reply briefs be due four weeks after the date of the Committee's order. This would give parties a length of time to reply that is similar to the amount of time Staff took to file its unauthorized memorandum after the last official deadline.

DATED: February 22, 2012



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