

STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission

DOCKET 07-AFC-6
DATE APR 17 2012
RECD. APR 18 2012

In the Matter of:)
Application for Certification for the)
Carlsbad Energy Center Project (CECP))
_____)

Docket No. 07-AFC-6

Terramar Comments to the Revised Presiding Member's Proposed Decision

(To be completed and docketed by April 27, 2012)

April 17, 2012

Kerry Siekmann
Intervener Terramar
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STATE OF CALIFORNIA
CALIFORNIA ENERGY COMMISSION

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Summary

Terramar thanks the Committee for all the additional time and effort spent to evaluate the Carlsbad Energy Center Project (CECP). The process is now in its fifth year and so much has changed in the world of power and energy during that time. Terramar understands that this is not a static process and at some point a decision must be made and so the Committee has docketed its Revised Presiding Member's Preliminary Decision (RPMPD).

We have questions and comments to present at the April 19, 2012 hearing. These will be followed by written comments. Due to the vast size of the RPMPD, Terramar could not prepare our comments ahead of the hearing date.

1. Terramar will provide comments regarding the Project Description and suggest errors be corrected in this section of the RPMPD.
2. Terramar will provide comments regarding the California Environmental Quality Act (CEQA) analysis performed by CEC Staff. Terramar's comments will include a suggestion that CEQA analysis be reevaluated and errors corrected.
3. Terramar will provide comments regarding the declaration by CEC that they are the Fire Code Official. CEC's decision to declare themselves the Fire Code Official is in direct opposition to the Carlsbad Fire Chief. Terramar fears this puts the Carlsbad Fire Department in harm's way concerning fire fighting at the CECP site.

4. Terramar will provide comments regarding erroneous information in the Alternatives Section of the RPMPD. Terramar suggests the section should be revised and evaluated based on correct information.
5. Terramar has questions and comments regarding the Compliance section, the GHG section, Air Quality section, Waste Management section, Worker Safety section, Soil and Water section, Land Use section, Noise and Vibration section, and Visual Resources section of the RPMPD.
6. Terramar will provide comments regarding the RPMPD override decision. The RPMPD decision was to be “based exclusively upon the record”¹ and Terramar will provide evidence otherwise.

¹ RPMPD, Introduction, p.1-1

DECLARATION OF SERVICE

I, Kerry Siekman declare that on April 17, 2012, I served and filed a copy of the attached RPM PD COMMENTS this document is accompanied by the most recent Proof of Service list, located on the web page for this project at: www.energy.ca.gov/sitingcases/carlsbad/index.html.

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit or Chief Counsel, as appropriate, in the following manner:

(Check all that Apply)

For service to all other parties:

- Served electronically to all e-mail addresses on the Proof of Service list;
- Served by delivering on this date, either personally, or for mailing with the U.S. 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 marked "hard copy required."

AND

For filing with the Docket Unit at the Energy Commission:

- by sending an original paper copy and one electronic copy, mailed with the U.S. Postal Service with first class postage thereon fully prepaid and e-mailed respectively, to the address below (preferred method); **OR**
- by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT
 Attn: Docket No. 07-AFC-6
 1516 Ninth Street, MS-4
 Sacramento, CA 95814-5512
docket@energy.state.ca.us

OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:

- Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission
 Michael J. Levy, Chief Counsel
 1516 Ninth Street MS-14
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mlevy@energy.state.ca.us

I declare under penalty of perjury under the laws of the State of California 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.

Kerry Siekman



**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 3/27/2012)**

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