



**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

REVISED COMMITTEE SCHEDULING ORDER

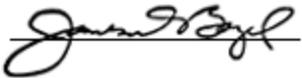
On October 31, 2007, the Application for Certification (AFC) was deemed data adequate for the twelve-month review process prescribed in Public Resources Code section 25540.6. The Committee conducted a public Informational Hearing on December 17, 2007, to discuss the schedule and other issues of concern. On January 2, 2008, November 12, 2008, and December 26, 2008, Committee Schedules were issued which set various milestones. Commission staff filed its Preliminary Staff Assessment on December 12, 2008. Staff now indicates that the Final Staff Assessment, shown in the December 26, 2009 schedule to be filed in late March 2009, will not be available any sooner than the end of May 2009, later still if the air district's Final Determination of Compliance (FDOC) is not filed by mid-May.

Given the significant public interest in this application, we issue the attached revised schedule to keep the public and parties apprised of the matter's progress. We may further modify the schedule at any time upon either our own motion or that of a party. [Cal. Code Regs., tit. 20, § 1709.7(c).] The schedule includes conditional status reports to determine whether case development is progressing satisfactorily, and to bring potential schedule delays or other relevant matters to our attention.

In our previous schedule we said that we might "establish a more detailed schedule for exchange of testimony and evidence, depending upon the complexity and number of unresolved issues." It now appears that we will be asked to decide several significant unresolved, hotly contested issues. As the Evidentiary Hearings approach, we take this opportunity to inform the parties of our general expectations regarding the exchange of evidence. The presentation of previously undisclosed evidence during the hearings is disruptive to the process and parties and will be avoided wherever feasible. The attached schedule contains milestones for the filing of both opening and rebuttal testimony. Evidence not identified and shared during that process will not be admitted unless a showing of good cause is made.

We remind and refer the parties to those portions of our December 26, 2008 Order regarding the preferred format for electronically filed and served documents and the ability for parties to indicate that they do not require a physical copy of any documents that are served on them electronically.

Dated May 11, 2009, at Sacramento, California.

A handwritten signature in black ink, appearing to read "James D. Boyd", written over a horizontal line.

JAMES D. BOYD
Vice Chair and Presiding Member
Carlsbad AFC Committee

A handwritten signature in black ink, appearing to read "Karen Douglas", written over a horizontal line.

KAREN DOUGLAS
Chairman and Associate Member
Carlsbad AFC Committee

**REVISED COMMITTEE SCHEDULE
FOR THE
CARLSBAD ENERGY CENTER PROJECT
(07-AFC-6)**

DATE	EVENT
October 31, 2007	AFC Data-adequate
December 17, 2007	Site Visit and Informational Hearing
December 21, 2007	Applicant files Responses to Staff Data Requests
Early January, 2008	Staff conducts Data Response/Issue Resolution Workshop
November 7, 2008	Local, State, and Federal Agency Draft Determinations, including Air District's Preliminary Determination of Compliance (PDOC) filed
December 12, 2008	Staff files Preliminary Staff Assessment (PSA)
January 7 - 8, 2009	Staff conducts PSA workshop
January 30, 2009	Local, State, and Federal Agency Final Determinations, filed
January 30, 2009 and every six (6) weeks thereafter until FSA filed	Parties file Status Reports
Mid-May, 2009	Air District's Final DOC (FDOC) filed
15 to 30 days after FDOC filed	Staff files Final Staff Assessment (FSA)
2 to 3 weeks after FSA filed	Staff conducts FSA workshop
3 weeks after FSA filed	Applicant's opening testimony, witness list, and preliminary identification of contested issues filed
5 weeks after FSA filed	Staff and other parties file opening testimony, witness lists, and preliminary identification of contested issues
6 weeks after FSA filed	All parties file rebuttal testimony, identify which materials referenced in or attached to other parties' opening testimony they want copies of, and file Prehearing Conference Statements
7 weeks after FSA filed	All requested material is served on all other parties
Tbd (7 to 8 weeks after FSA filed)	Prehearing Conference (PHC)
7 days after PHC	Committee issues hearing orders*
Tbd (1 to 2 weeks after PHC)	Evidentiary Hearings
6 to 8 weeks after Evidentiary Hearings close	Presiding Member's Proposed Decision (PMPD) issued for 30 day comment period
Tbd (near the end of PMPD comment period)	PMPD Committee Conference (Comment Hearing)
Shortly after PMPD comment period ends	Revised PMPD issued* for 15 day review period*
Tbd (shortly after PMPD or revised PMPD comment period ends)	Energy Commission Decision Adoption Hearing

Tbd = to be determined; * if necessary.

May 6, 2009