



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
ORDER No. 11-0630-1

**COMMISSION ORDER ON MOTIONS OF
CENTER FOR BIOLOGICAL DIVERSITY, ROBERT SIMPSON,
AND CARLSBAD ENERGY CENTER, LLC**

This Commission Order addresses four motions pending prior to or made during the Energy Commission's consideration of the Presiding Member's Proposed Decision (PMPD) and Errata on June 30, 2011.

ORDER

The Commission **ORDERS** the following:

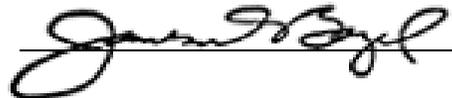
1. On June 29, 2011, the **Center for Biological Diversity** filed a New Motion for Evidentiary Hearing regarding greenhouse gas issues, cumulative impacts and alternatives analysis including all issues related to SDG&E's application for approval of Power Purchase Agreements with three power plant projects. We **GRANT** the motion with respect to evaluation of the impact of the three new projects on our cumulative impacts and alternatives analysis. In addition, we **REMAND** the matter to the Carlsbad AFC Committee to take evidence and revise the PMPD as needed on those issues and in addition 1) issues associated with Conditions **Land-2** and **Land-3** and their environmental impacts, and 2) the grid reliability issues raised by the comments from CAISO during the June 30, 2011, Business Meeting. The Committee may, in its discretion, consider other issues, with or without additional hearings.
2. The **Center for Biological Diversity** filed a Petition for Reconsideration of the Commission's denial of its June 8, 2011 Motion to Take Official Notice and Re-Open the Evidentiary Record. The Petition is **MOOT** to the extent that the proposed additional evidence can be offered at the Evidentiary Hearing described above. As to evidence not relevant to those issues, if any, the Petition is **DENIED**.

3. The **Center for Biological Diversity** filed a Motion for Clarification and Motion to Set Appropriate Date for the Commission's Final Hearing (in essence, a motion for additional time under Section 1753 of the Commission's regulations. That motion is **MOOT** as a newly revised PMPD will be issued after the conclusion of the new Evidentiary Hearings described above for a minimum 15-day comment period.
4. On June 30, 2011, **Robert Simpson** filed a Motion for Preemptive Rescission of Certification and Objections to Modification of Verification Provisions by CEC Staff. Both are **DENIED** as premature as no Certification has been approved thus far, nor are there any conditions in effect today whose verifications could be modified.
5. On June 28, 2011, the Applicant, **Carlsbad Energy Center, LLC** filed a letter requesting that pages 1 -14 of the City of Carlsbad's June 27, 2011, Comments be disregarded. This request is **DENIED** as the Commission generally considers comments from all sources in this proceeding.

Dated: June 30, 2011, at Sacramento, California.



ROBERT B. WEISENMILLER
Chairman



JAMES D. BOYD
Vice Chair



KAREN DOUGLAS
Commissioner



CARLA PETERMAN
Commissioner



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**APPLICATION FOR CERTIFICATION
FOR THE CARLSBAD ENERGY
CENTER PROJECT**

**Docket No. 07-AFC-6
PROOF OF SERVICE
(Revised 5/18/2011)**

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DECLARATION OF SERVICE

I, Maggie Read, declare that on July 6, 2011, I served and filed copies of the attached Commission Order on Motions of Center for Biological Diversity, Robert Simpson, and Carlsbad Energy Center, LLC, dated June 30, 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:

[\[http://www.energy.ca.gov/sitingcases/carlsbad/index.html\]](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:

- sent electronically to all email addresses on the Proof of Service list;
- by personal delivery;
- 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:

- 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.

Original signed by: _____
Maggie Read
Hearing Adviser's Office