



**SOUTH BAY REPLACEMENT PROJECT, LLC**  
1735 Technology Drive Suite 820  
San Jose, CA 95110  
408-572-1300 main  
408-392-9757 fax

June 13, 2007

Bill Pfanner  
Project Manager  
California Energy Commission  
1516 Ninth Street  
Sacramento, California 95814

<b>DOCKET</b>	
<b>06-AFC-3</b>	
DATE	JUN 13 2007
RECD.	JUN 14 2007

Re: South Bay Replacement Project ("SBRP")

Dear Mr. Pfanner:

I am writing in response to your verbal request of May 21, 2007 to Bob Mason regarding the status of the South Bay Replacement Project (SBRP) Application for Certification (AFC) in light of the May 16, 2007 letter from Sierra Research on behalf of the SBRP to the San Diego County Air Pollution Control District (APCD) canceling the application for the Determination of Compliance/Authority to Construct for SBRP.

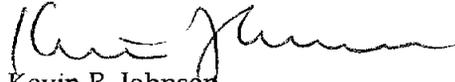
First, allow me to put the cancellation of SBRP's application to the APCD for the Determination of Compliance/Authority to Construct into its proper context. On April 17, 2007, we requested an extension from the APCD of its timeline for review of the application for Determination of Compliance/Authority to Construct. At that time, we were informed by APCD that procedurally, since it had already granted an extension of the application review timeline, that a second extension was not available pursuant to the APCD's procedures. Therefore, under the APCD's procedures, there were two options: 1) have APCD continue its review of the application (and continue to incur substantial cost); or 2) cancel the application. Based on recent actions of the City of Chula Vista, the Unified Port Authority of San Diego (Port), and others related to SBRP we decided to cancel the application.. However, we expressly reserved the right to restart the APCD's review of the application pending on the final evaluation of the totality of circumstances related to SBRP.

SBRP continues to work with various local interests to find an alternative site for SBRP. SBRP is also awaiting results of the SDG&E request for offers ("RFO") which may have a bearing on this and/or other projects in the area. Therefore, notwithstanding the cancellation of the APCD's review of the application for the Determination of Compliance/Authority to Construct, we do not believe that a formal suspension of the California Energy Commission's (CEC's) proceeding related to the SBRP AFC is necessary or appropriate pending the outcome of our discussions and the RFO. We expect these matters to be resolved over the next several weeks. The applicant understands that CEC Staff has temporarily suspended work on this application. South Bay Replacement Project, LLC will continue to keep the Commission and Staff informed as our work on this project goes forward so that Staff can plan its workload.

Also as mentioned in my March 28, letter, on April 4, 2006, LSP South Bay, LLC transferred all rights to SBRP, including rights associated with the AFC, to a new entity: South Bay Replacement Project, LLC.

Please do not hesitate to contact me at your convenience if you have any further questions or concerns.

Respectfully,

A handwritten signature in black ink, appearing to read "Kevin R. Johnson". The signature is fluid and cursive, with a large initial "K" and "J".

Kevin R. Johnson  
Vice President

c: Commissioner John L. Geesman, Presiding Member  
Commissioner Arthur Rosenfeld, Associate Member  
Service List

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE  
STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION  
FOR THE SOUTH BAY  
REPLACEMENT PROJECT

Docket No. 06-AFC-3  
PROOF OF SERVICE  
(Revised 6/6/07)

**INSTRUCTIONS:** All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

**DOCKET UNIT**

*Send the original signed document plus the required 12 copies to the address below:*

CALIFORNIA ENERGY COMMISSION  
DOCKET UNIT, MS-4  
Attn: Docket No. 06-AFC-3  
1516 Ninth Street  
Sacramento, CA 95814-5512

\* \* \* \*

In addition to the documents sent to the Commission Docket Unit, also send individual copies of any documents to:

**APPLICANT**

Kevin Johnson  
LS Power Generation, LLC  
1735 Technology Drive, Suite 820  
San Jose, CA 95110  
[KJohnson@LSPower.com](mailto:KJohnson@LSPower.com)

**COUNSEL FOR APPLICANT**

Chris Ellison  
Ellison, Schneider & Harris  
2015 H Street  
Sacramento, CA 95814  
[cte@eslawfirm.com](mailto:cte@eslawfirm.com)

**APPLICANT CONSULTANTS**

Robert Mason  
CH2M HILL  
3 Hutton Centre Drive, Suite. 200  
Santa Ana, CA 92707  
[robert.mason@ch2m.com](mailto:robert.mason@ch2m.com)

Sarah Madams  
CH2M HILL  
2485 Natomas Park Drive, Suite. 600  
Sacramento, CA 95833  
[smadams@ch2m.com](mailto:smadams@ch2m.com)

**INTERESTED AGENCIES**

Electricity Oversight Board  
770 L Street, Suite 1250  
Sacramento, CA 95814  
[esaltmarsh@eob.ca.gov](mailto:esaltmarsh@eob.ca.gov)

**INTERVENORS**

CALIFORNIA UNIONS FOR RELIABLE  
ENERGY (CURE)  
Marc D. Joseph  
Gloria D. Smith  
Adams Broadwell Joseph & Cardozo  
601 Gateway Boulevard, Suite 1000  
South San Francisco, CA 94080  
[mdjoseph@adamsbroadwell.com](mailto:mdjoseph@adamsbroadwell.com)  
[gsmith@adamsbroadwell.com](mailto:gsmith@adamsbroadwell.com)

Environmental Health Coalition  
Osa L. Wolff  
Kevin P. Bundy  
Shute, Mihaly & Weinberger, LLP  
396 Hayes Street  
San Francisco, CA 94102  
[wolff@smwlaw.com](mailto:wolff@smwlaw.com)  
[bundy@smwlaw.com](mailto:bundy@smwlaw.com)

Garret Shean  
Hearing Officer  
[gshean@energy.state.ca.us](mailto:gshean@energy.state.ca.us)

Bill Pfanner  
Project Manager  
[bpfanner@energy.state.ca.us](mailto:bpfanner@energy.state.ca.us)

Kerry Willis  
Staff Counsel  
[kwillis@energy.state.ca.us](mailto:kwillis@energy.state.ca.us)

Margret J. Kim  
Public Adviser  
[pao@energy.state.ca.us](mailto:pao@energy.state.ca.us)

### **ENERGY COMMISSION**

JOHN L. GEESMAN  
Presiding Committee Member  
[jgeesman@energy.state.ca.us](mailto:jgeesman@energy.state.ca.us)

ARTHUR ROSENFELD  
Associate Committee Member  
[pflint@energy.state.ca.us](mailto:pflint@energy.state.ca.us)

### **DECLARATION OF SERVICE**

I, Jeannette Harris, declare that on June 14, 2007, I deposited copies of the attached June 13, 2007 Letter from Kevin R. Johnson, South Bay Replacement Project, LLC to Bill Pfanner at the California Energy Commission re: SBRP, in the United States mail at Sacramento, CA with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

**OR**

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.

  
[signature]