ADAMS BROADWELL JOSEPH & CARDOZO
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037
TEL: (650) 589-1660
gsmith@adamsbroadwell.com

DANIEL L. CARDOZO
RICHARD T. DRURY
THOMAS A. ENSLOW
TANYA A. GULESSERIAN
MARC D. JOSEPH
OSHA R. MESERVE
SUMA PEESAPATI
GLORIA D. SMITH

OF COUNSEL
THOMAS R. ADAMS
ANN BROADWELL

SACRAMENTO OFFICE
520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4715
TEL: (916) 444-6201
FAX: (916) 444-6209

February 15, 2007

DOCKET
06-AFC-3
DATE FEB 15 2007
RECD. FEB 16 2007

Docket Office
California Energy Commission
Attn: Docket No. 99-AFC-8C (06-AFC-3)
1516 Ninth Street
Sacramento, CA 95814

Re: Docket No. 06-AFC-3

Dear Docket Office Clerk:

Enclosed are an original and twelve copies of Request for Extension of Time to Submit Data Requests by California Unions for Reliable Energy. Please docket, conform a copy and return the copy in the envelope provided.

Sincerely,

Gloria D. Smith

:bh
Enclosures

1933-015a

printed on recycled paper

STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

In the Matter of: The Application for Certification for the LSP SOUTH BAY, LLC SOUTH BAY REPLACEMENT PROJECT	Docket No. 06-AFC-3

REQUEST FOR EXTENSION OF TIME TO SUBMIT DATA REQUESTS BY CALIFORNIA UNIONS FOR RELIABLE ENERGY

February 15, 2007

Marc D. Joseph
Gloria D. Smith
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
(650) 589-1660 voice
(650) 589-5062 facsimile
mdjoseph@adamsbroadwell.com
gsmith@adamsbroadwell.com

Attorneys for the CALIFORNIA UNIONS FOR RELIABLE ENERGY

1933-014a

STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

In the Matter of: The Application for Certification for the LSP SOUTH BAY, LLC SOUTH BAY REPLACEMENT PROJECT	Docket No. 06-AFC-3

REQUEST FOR EXTENSION OF TIME TO SUBMIT DATA REQUESTS BY CALIFORNIA UNIONS FOR RELIABLE ENERGY

Pursuant to Section 1716 of Title 20 of the California Code of Regulations, California Unions for Reliable Energy ("CURE") request an extension of time until March 26, 2007, to submit data requests in this proceeding.

Section 1716 generally describes the process by which parties, the applicant, other agencies and the Commission formally obtain information in a licensing proceeding. CURE became a party to this proceeding on October 23, 2006.

Section 1716(e) specifies that all information requests must be made within 180 days from the date the Commission deems an application complete; but the committee may grant an extension of time based on good cause shown. Here the Commission deemed the application complete on

August 30, 2006. Accordingly, data requests in this proceeding are due on February 26, 2007. CURE respectfully requests a 28-day extension for the following reasons.

First, CURE's experts are expeditiously investigating numerous aspects of the project. Former EPA scientist Matt Hagemann is conducting in-depth analyses of potential hazardous contamination at the former LNG lands, the South Bay Power Plant site and adjacent parcels. These investigations entail personal communication and file review with regulatory agencies such as the Department of Toxic Substances Control ("DTSC") and the San Diego Regional Water Quality Control Board. Because these sites have been industrialized for many years, and regulatory agency involvement has been correspondingly long and complicated, the files for these sites are extensive. DTSC in particular has voluminous files in various formats dating back many years. Mr. Hagemann contacted DTSC several weeks ago to personally inspect project-related files but, as of this writing, DTSC has not been able to compile all of the various records for Mr. Hagemann's review. At this point, DTSC is unable to even provide Mr. Hagemann with a date on which he may review site-related documents. An extension would allow Mr. Hagemann to conduct his review to determine what information is already publicly available and what additional information is needed to properly characterize the project site before making data requests of LS Power.

Second, CURE is also considering data requests concerning project-related air quality issues. We just received LS Power's set 1-B data responses today, February 15, and are awaiting by mail the air modeling results which support LS Power's responses. It would be most efficient if CURE had an opportunity to fully review all of this information prior to preparing our data requests. That way, CURE's experts can focus their requests on any additional information needed and avoid duplication. Likewise, CURE's air quality expert will attend the Commission's air quality and public health workshop on February 26, 2007—the same day as data requests are due. Allowing CURE to submit data requests after the workshop will help us streamline any requests because we will not need information already produced. An extension of time will avoid these problems.

Finally, an extension will in no way delay this proceeding. As staff noted in its February 13, 2007, status report, the schedule for the proceeding has slipped by three to four months due to LS Power's untimely production of information covering several aspects of the project. Similarly, the Port has delayed its consideration of a lease-option contract with LS Power based on opposition to the project from the City of Chula Vista's mayor and city council. The City is investigating whether a power plant on bay front property is the best use of this land given all of the other development

proposed for Chula Vista Bay. The City's investigation and decision-making process is expected to take at least a month.

For the foregoing reasons, CURE respectfully requests that the Commission grant its request for a 28-day extension to submit data requests to LS Power in this proceeding to March 26, 2007.

Dated: February 15, 2007

Respectfully submitted,

Gloria D. Smith
Marc D. Joseph
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
(650) 589-1660 voice
(650) 589-5062 facsimile
mdjoseph@adamsbroadwell.com
gsmith@adamsbroadwell.com

Attorneys for the CALIFORNIA UNIONS FOR RELIABLE ENERGY

STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

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PROOF OF SERVICE

I, Bonnie Heeley, declare that on February 15, 2007, I deposited copies of the attached REQUEST FOR EXTENSION OF TIME TO SUBMIT DATA REQUESTS BY CALIFORNIA UNIONS FOR RELIABLE ENERGY in the United States mail at South San Francisco, California, with first class postage thereon fully prepaid and addressed to the following:

[See attached list]

I declare under penalty of perjury that the foregoing is true and correct. Executed at South San Francisco, California, on February 15, 2007.

Bonnie Heeley

Via mail:

CALIFORNIA ENERGY
COMMISSION
DOCKET UNIT
ATTN: Docket Unit 06-AFC-3
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

Via email:

docket@energy.state.ca.us
jgeesman@energy.state.ca.us
pflint@energy.state.ca.us
pao@energy.state.ca.us
gshean@energy.state.ca.us
bpfanner@energy.state.ca.us
kwillis@energy.state.ca.us
kjohnson@lspower.com
cte@eslawfirm.com
Robert.mason@ch2m.com
Sarah.madams@ch2m.com
mdjoseph@adamsbroadwell.com
speesapati@adamsbroadwell.com
wolff@smwlaw.com
bundy@smwlaw.com
laurah@environmentalhealth.org
mmeacham@ci.chula-vista.ca.us
pfanfera@portofsandiego.org
cteufel@coastal.ca.gov
esaltmarsh@eob.ca.gov