

DOCKETED	
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Project Title:	NorthTown Backup Generating Facility (NTBGF)
TN #:	268284
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STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

Application for Small Power Plant
Exemption
**NORTHTOWN BACKUP
GENERATING FACILITY**

DOCKET NO: 25-SPPE-02

**OPPOSITION TO CENTER FOR
BIOLOGICAL DIVERSITY'S
PETITION TO INTERVENE**

GIC San Jose LLC (Applicant) files this Opposition to Center For Biological Diversity's (CBD) Petition To Intervene in the NorthTown Backup Generating Facility Small Power Plant Exemption (SPPE) process¹. The ability to intervene in an SPPE proceeding was eliminated in 2022 when the California Energy Commission (CEC) modified its regulations eliminating an SPPE Application from the rules and regulations applicable to an adjudicatory process². Specifically the CEC eliminated regulatory provisions requiring establishment of a Committee, a Presiding Member and an assigned Hearing Officer as well as the requirement of evidentiary hearings. Without a Committee and evidentiary hearings, the process is no longer adjudicatory thereby eliminating the existence of "parties" to the proceeding. Therefore, as stated in Section 1936 (c) of Title 20 Code of California Regulations, the process by which SPPE Applications are considered by the CEC is the traditional CEQA process in accordance with Public Resources Code Section 21000 et.seq. That process does not allow formal intervention as a party.

¹ TN 268281

² See CEC Initial Statement of Reasons TN 244072 docketed in Rulemaking Proceeding 21-OIR-4, page 1 Introduction, second paragraph.

CBD cites proceedings in which it was previously granted intervention. All of proceedings cited were adjudicatory Application For Certification (AFC) proceedings and none involved Applications for an SPPE.

For these reasons intervention is simply unavailable and therefore the Petition should be denied. GIC San Jose LLC does not question the right of CBD to provide comments in accordance with the CEQA process.

Dated: January 21, 2026

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Scott A. Galati", is written over a horizontal line.

Scott A. Galati
Counsel to GIC San Jose LLC