

DOCKETED

Docket Number:	15-AFC-01
Project Title:	Puente Power Project
TN #:	205157
Document Title:	Petition to Intervene on behalf of Environmental Coalition, Environmental Defense Center, and Sierra Club, Los Padres Chapter
Description:	N/A
Filer:	Brian Segee
Organization:	Environmental Defense Center
Submitter Role:	Intervenor
Submission Date:	6/24/2015 6:04:27 PM
Docketed Date:	6/25/2015

STATE OF CALIFORNIA

CALIFORNIA ENERGY COMMISSION

IN THE MATTER OF:)
) DOCKET NO. 15-AFC-01
)
) **PETITION TO INTERVENE ON BEHALF OF**
APPLICATION FOR CERTIFICATION OF) **ENVIRONMENTAL COALITION, ENVIRONMENTAL**
THE **PUENTE POWER PROJECT**) **DEFENSE CENTER, AND SIERRA CLUB, LOS PADRES**
NRG ENERGY) **CHAPTER**

Brian Segee (Bar No. 200795)
Environmental Defense Center
111 W. Topa Topa Street
Ojai, CA 93023
Telephone: (805) 640-1832
bsegee@environmentaldefensecenter.org

Attorney for Petitioners

PETITION TO INTERVENE

Environmental Coalition, Environmental Defense Center, and Sierra Club, Los Padres Chapter (collectively hereafter referred to as “petitioners”) hereby petition to intervene in the proceedings for the Puente Power Project, pursuant to sections 1207 and 1712 of Title 20 of the California Code of Regulations.

Section 1207(a) grants “any person” the right to file a petition to intervene in “any proceeding.” Section 1207(a) further directs that a petitioner for intervention “shall set forth the grounds for intervention, the position and interest of the petitioners in the proceedings, the extent to which the petitioner desires to participate in the proceedings, and the name, address, and telephone number of the petitioner.”

A. Grounds for Intervention and Position and Interest of Petitioners

Petitioners are non-profit, public interest environmental organizations.

Petitioner Environmental Coalition is a California public corporation. The Environmental Coalition is a confederation of citizens and local groups working together to protect the environment and the quality of life throughout Ventura County.

Petitioner Environmental Defense Center (“EDC”) is a California public benefit corporation. EDC engages in issues primarily within Ventura, Santa Barbara, and San Luis Obispo Counties. EDC protects and enhances the environment through education, advocacy, and legal action.

Petitioner Sierra Club, Los Padres Chapter is a local charter of Sierra Club, a public benefit corporation. The Sierra Club is a national environmental organization that protects communities, wild places, and the planet.

All Petitioners are dedicated to protecting the local and regional environment, including the coastal environment. The Puente Power Project, proposed by NRG Energy, would be the fourth fossil fuel power plant to be sited on the beach within the City of Oxnard. The Puente Power Project will negatively impact air quality and biological resources, will require significant amounts of fresh water, will negatively impact coastal water quality, will emit greenhouse gasses that contribute to climate change, and will be sited in a coastal area vulnerable to sea level rise. The Puente Power Project is also in conflict with state and local law, including but not limited to the City of Oxnard General Plan and Local Coastal Plan, and the California Coastal Act. These environmental harms and legal violations will directly and negatively harm the environmental and public health interests of Petitioners.

Petitioners are involved in other local and state proceedings related to the Puente Power Project. This involvement includes extensive participation in the City of Oxnard’s 2030 General Plan update, which culminated in 2011 and clearly states the City’s intention to prohibit new power plants in the coastal zone. Petitioners have continued their involvement,

including participation in the City's promulgation of an urgency moratorium ordinance on the approval of any discretionary permits for fossil fuel power plants within Oxnard's coastal zone in June 2014, and the one-year extension of that moratorium approved last month. Petitioners will also be actively involved in the City's Local Coastal Plan ("LCP") update, the public process component of which will proceed following the City's imminent completion of preliminary sea-level rise mapping. Petitioners' involvement will include participation in the City's hearing process, as well as the associated California Coastal Commission process to certify that LCP update. Although Petitioners have not formally intervened in the Public Utilities Commission proceedings on Southern California Edison's filing to approve its contract with NRG for the Puente Power Project, Petitioners intend to provide written comments during that proceeding, as well as oral comments at the July 15 public hearing.

In sum, Petitioners have been and will remain deeply involved in land use planning and environmental issues in Oxnard generally, and the issue of coastal power plants specifically. Petitioners respectfully request Intervenor status in these California Energy Commission proceedings based on a civic vision and desire to transition away from using Oxnard's priceless beaches as a "sacrifice zone" for such power plants, hazardous waste disposal facilities, and other industrial infrastructure.

B. Extent of Participation

If granted intervention Petitioners intend to participate as provided for by section 1712 of Title 20 of the California Code of Regulations. Accordingly, Petitioners may present witnesses, submit testimony and other evidence, cross-examine other witnesses, and file briefs and other appropriate documents relevant to the proceeding. § 1712(a). If granted intervention, Petitioners will also abide by their responsibilities to comply with filing and service requirements, evidentiary duties, and other applicable conditions that may be imposed by order of the presiding member. § 1712(c).

C. Petitioners' Contact Information

Environmental Coalition
P.O. Box 68
Ventura, CA 93002
(805) 640-0124

Sierra Club, Los Padres Chapter
P.O. Box 31241
Santa Barbara, CA 93130
(805) 965-9719

However, all filings (e-mail service preferred) should be served on Petitioners' counsel:

Brian Segee, Senior Attorney
Environmental Defense Center
111 W. Topa Topa Street

Ojai, CA 93023
(805) 640-1832
bsegee@environmentaldefensecenter.org

D. Conclusion

For the foregoing reasons, Petitioners Environmental Coalition, Environmental Defense Center, and Sierra Club, Los Padres Chapter respectfully request that the California Energy Commission grant their Petition to Intervene in this proceeding and allow them to participate as a party.

Dated: June 24, 2015

Respectfully Submitted,

/s/ Brian Segee

Brian Segee

Attorney for Petitioners Environmental
Coalition, Environmental Defense Center, and
Sierra Club, Los Padres Chapter