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**STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

In the Matter of:)	
)	Docket No. 07-AFC-06C
The CARLSBAD ENERGY)	
CENTER PROJECT)	
)	

**PROJECT OWNER’S OPPOSITION TO ROBERT SARVEY
PETITION TO INTERVENE**

October 21, 2014

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I. BACKGROUND

On October 6, 2014, Robert Sarvey (“Mr. Sarvey” or “Petitioner”) filed a Petition to Intervene (the “Petition”) in the Carlsbad Energy Center Project (“CECP”) Petition to Amend (“PTA”) proceeding with the California Energy Commission (the “Commission”) pursuant to Section 1207 of Title 20 of the California Code of Regulations. Project owner, Carlsbad Energy Center LLC (“Project Owner”), herein responds to and opposes the Petition.

II. ARGUMENT

A. The Petition Does Not Meet the Requirements of Section 1207.

Section 1207 requires that a petitioner set forth “the grounds for the intervention, the position and interest of the petitioner in the proceeding, the extent to which the petitioner desires to participate in the proceedings, and the name, address, and telephone number of the petitioner.” (20 Cal. Code Regs. § 1207.) Petitioner fails to meet these requirements and, thus, the Commission should deny the Petition.

Specifically, Petitioner fails to state any relevant position and interest in the proceeding. Instead, Mr. Sarvey, who is not a resident of the City of Carlsbad, states that he has “two close friends that live in Carlsbad near the proposed facility” and simply suggests his interest is to “ensure that the environmental impacts of this proposed project do not impact their homes or their livelihood.” (Petition at p. 1.)

Petitioner need not be a party to the proceeding for the purposes of addressing environmental impacts to homes and livelihoods. The Commission's own regulations provide that the Commission cannot grant a certificate approving the project unless it finds that “the project will comply with all applicable standards, ordinances, and laws.” (20 Cal. Code Regs. §2030(d)(3).) Thus, the Commission already has a duty to address environmental impacts, regardless of whether Petitioner is involved in the proceeding. In light of this, Mr. Sarvey’s intervention in the proceeding will not add any value to the public.

In addition, as described above, Petitioner attempts to intervene on behalf of “two close friends that live in Carlsbad near the proposed facility.” (Petition at p. 1.) Mr. Sarvey does not reside in the Carlsbad area where the CECP is located nor does Mr. Sarvey have any specific interest in the CECP. The Petition fails to describe any specific effects the CECP may have upon Petitioner. Petitioner’s attempt to intervene on behalf of others is further evidence that Petitioner has no relevant position or interest in the proceeding.

Lastly, Petitioner’s status as a ratepayer is not relevant to the proceeding. The CECP proceeding is not a forum or setting involving ratepayers or for setting rates for energy in the State of California.

Because Petitioner fails to provide any relevant interest for intervening in this proceeding and therefore does not meet the requirements of section 1207, Project Owner respectfully requests the Commission deny the Petition.

B. The Presiding Member Should Use Her Discretion to Deny the Petition.

Title 20, California Code of Regulations, section 1207(c) states that the "...presiding member may grant leave to intervene to the extent he deems reasonable and relevant...." Thus, section 1207 clearly provides the Presiding Member express discretion to decide whether to grant party status in a siting proceeding. The criteria of "reasonable and relevant" suggest that the Presiding Member of a siting committee should evaluate the extent to which the proposed intervenor can participate in a meaningful way to the proceeding. Not only does this require having a relevant interest, but it would also require that the intervenor demonstrates the ability to adhere to the obligations and duties of parties.

In the instant case, Mr. Sarvey does not appear to have any requisite interest that compels he participate as a party to the proceeding. He can make comments and participate freely in the proceeding. But to grant Mr. Sarvey party status, would not serve the interests of the State of California and the Commission to timely and effectively evaluate the PTA for CECP.

III. CONCLUSION

For the reasons set forth above, the Presiding Member of the CECP PTA Siting Committee should deny Robert Sarvey's October 16, 2014 Petition to Intervene.

Dated: October 21, 2014

By: 

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