

DOCKETED

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Project Title:	Carlsbad Energy Center - Compliance
TN #:	203272
Document Title:	Energy Commission Order Affirming Committee Order Partially Approving Rob Simpson's Petition to Intervene
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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
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**PETITIONS TO AMEND THE
CARLSBAD ENERGY CENTER
PROJECT**

**Docket No. 07-AFC-06C
Order No.14-1029-2**

**ENERGY COMMISSION ORDER AFFIRMING COMMITTEE ORDER PARTIALLY
APPROVING ROB SIMPSON'S PETITION TO INTERVENE**

This order follows the Energy Commission's October 29, 2014 hearing on the October 6, 2014¹ appeal filed by Rob Simpson (Petitioner) of the Carlsbad Amendments Committee's September 23, 2014 order² partially granting his petition to intervene. Petitioner appeals that portion of the order that limits his participation as an intervenor to the topics of air quality, greenhouse gas emissions, and public health.

We make the following findings and orders:

Findings

1. On August 7, 2014, Petitioner filed a Petition to Intervene³ in the above-captioned proceeding.
2. On September 23, 2014 the Committee assigned to conduct proceedings regarding the Carlsbad amendment petitions filed an order partially granting Petitioner's petition, giving him intervenor status but limited to the topic areas of air quality, greenhouse gas emissions, and public health.
3. On October 6, 2014, Petitioner filed a document containing six motions and requests, one of which is an appeal of the Committee's order partially granting his petition to intervene. That appeal is the subject of this order.
4. Petitioner's October 6, 2014 filing also contained three requests seeking the same relief—that the scope of Petitioner's intervention be expanded from the three approved topics described above to include all of the topics considered in the Committee's review of the amendment petitions. The Committee treated the three requests as a single request. It conducted a hearing on the request and other pending motions on October 23, 2014. Petitioner appeared with counsel and argued the merits of his request.

¹ TN 203166

² TN 203091

³ TN 202888

5. On October 27, 2014, the Committee issued its decision⁴ denying Petitioner's request to expand the scope of his intervention.
6. No provision of law provides Petitioner with a due process right to intervene.
7. Intervention is granted in the Committee's discretion to the degree that it finds intervention reasonable and relevant.
8. The Presiding Member or Committee may impose conditions on all intervenors' participation in the hearings in order to promote the orderly conduct of the proceeding.
9. Petitioner has not demonstrated that the project would affect any personal interest he has or that he would bring information or expertise that would help the Committee render a proposed decision beyond the already approved areas of air quality, greenhouse gas emissions, and public health. The existing scope of Petitioner's participation as an intervenor permits him to introduce relevant evidence and conduct cross-examination in topic areas whose impacts can extend beyond the project vicinity.
10. The existing scope Petitioner's participation as an intervenor does not affect his ability to make public comments in the proceeding.

ORDERS

Therefore, the Commission **Orders** the following:

1. Mr. Simpson's appeal of the September 23, 2014 Committee order partially granting his petition to intervene is DENIED.
2. The September 23, 2014, Committee order is AFFIRMED.
3. This Order is adopted, issued, effective, and final on October 29, 2014.
4. Reconsideration of this Order is governed by Public Resources Code section 25530.
5. Judicial review of this Order is governed by Public Resources Code section 25531.

IT IS SO ORDERED

⁴ TN 203262

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the California Energy Commission held on October 29, 2014.

AYE: Weisenmiller, Douglas, McAllister, Hochschild, Scott

NAY: None

ABSENT: None

ABSTAIN: None

Dated: October 29, 2014, at Sacramento, California.

Harriet Kallemeyn
Secretariat
California Energy Commission