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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

**PETITIONS TO AMEND THE
CARLSBAD ENERGY CENTER
PROJECT**

**Docket No. 07-AFC-06C
Order No.14-1210-4**

**ENERGY COMMISSION ORDER AFFIRMING COMMITTEE ORDER PARTIALLY
APPROVING ROBERT SARVEY'S PETITION TO INTERVENE**

This order follows the Energy Commission's December 10, 2014, hearing on the appeal¹ filed by Robert Sarvey (Petitioner) of the Carlsbad Amendments Committee's October 31, 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, public health, and alternatives.

We make the following findings and orders:

Findings

1. On October 6, 2014, Petitioner filed a Petition to Intervene³ in the above-captioned proceeding.
2. On October 23, 2014, the Committee held a public hearing during which Petitioner and the parties presented arguments in favor of and against granting the Petition and regarding the scope of Mr. Sarvey's intervention.
3. On October 31, 2014, the Committee filed an order partially granting Petitioner's petition, giving him intervenor status but limiting that participation to topic areas of air quality, greenhouse gas emissions, public health, and alternatives.
4. Intervention is granted in the Committee's discretion to the degree that it finds intervention reasonable and relevant. (Cal. Code Regs., tit. 20, § 1207(c).)
5. No provision of law creates a due process right to intervene.
6. 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.
7. Petitioner has not demonstrated that the project would affect his personal interest. Petitioner has further failed to establish that he would bring information or expertise that would help the Committee render a proposed decision beyond the already-

¹ TN 203342, filed November 17, 2014

² TN 203296

³ TN 203169

approved areas of air quality, greenhouse gas emissions, public health, and alternatives. 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.

8. Petitioner's participation as an intervenor in prior Energy Commission proceedings does not of itself convince us that his participation as an intervenor on additional topic areas is warranted. He has not identified specific topics of concern or described relevant expertise. Each power plant siting case presents unique issues and facts; general performance in an unrelated case does not predict future contributions.
9. The Committee has stated its intention to review the scope of intervention for all intervenors following the publication of the Preliminary Staff Assessment.⁴ Petitioner (and other intervenors) thus have an opportunity to request an expanded (or reduced) scope of participation.
10. The existing scope of Petitioner's participation as an intervenor does not affect his ability to make public comments in the proceeding on any topic.

ORDERS

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

1. Mr. Sarvey's appeal of the October 31, 2014, Committee order partially granting his petition to intervene is DENIED.
2. The October 31, 2014, Committee order is AFFIRMED.
3. This Order is adopted, issued, effective, and final on December 10, 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 203377, November 25, 2014, memo regarding Specific Topics for Discussion at the December 3, 2014 Committee Conference, paragraph 2.a.: "The parties shall review the PSA and be prepared, during the January status conference, to describe the issues that remain of concern to them and any topics that they propose be discussed at staff PSA workshops. The Committee may adjust the scope of any intervenor's participation to conform to the interests of the intervenor and the efficient and effective conduct of the proceeding. If, after reviewing the PSA, an intervenor desires to expand the scope of its intervention, its status report shall describe the additional topics, the basis for the expansion, including the intervenor's interest in the new topic(s), the potential effects upon intervenor's interests, and any special knowledge or expertise the intervenor would bring to the proceeding."

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 December 10, 2014.

AYE: Douglas, McAllister, Hochschild, Scott

NAY: None

ABSENT: Weisenmiller

ABSTAIN: None

Dated: December 10, 2014, at Sacramento, California.

Original Signed By:

Harriet Kallemeyn
Secretariat
California Energy Commission