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STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

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| In the Matter of: |) | |
| Petition to Remove Obsolete Facilities |) | Docket No. 07-AFC-06C |
| To Support Construction of the |) | |
| Carlsbad Energy Center |) | |
| |) | |
| And Petition to Amend the Carlsbad |) | |
| Energy Center Project |) | |
| _____ |) | |

**ROBERT SIMPSON’S RESPONSE TO ROBERT SARVEY’S MOTION TO REQUIRE
THE FILING OF A NEW AC**

Intervenor Robert Simpson hereby responds to support Robert Sarvey’s Motion to Require the Filing of a New AFC (TN 203893), filed on March 16, 2015. Mr. Sarvey’s assertions that the Applicant should be required to file a new AFC in order to make the ratepayers whole for their substantial funding of this proceeding should be fully adopted by the Commission to ensure that the interests of the ratepayers are properly represented in this and future proceedings. The funding of an applicant’s project licensing should be borne by the applicant, not the ratepayers.

Mr. Simpson would like to add that the failure of the applicant (i.e. Carlsbad Energy Center, aka NRG) to fund its own application, and the precedent doing so sets for future applicants, has a chilling effect on intervenors such as Mr. Sarvey, Mr. Simpson, Terramar, Power of Vision, and others. Simply put, participating in proceedings such as this is costly for small advocacy groups. Intervenor receive no compensation for their participation even though they often make substantial contributions to the knowledge and shape of the proceeding. Hundreds, if not thousands, of hours are spent by each of these small groups in the hope that they might have some impact on the outcome. These small groups do not have the time and resources to keep pace with applicants who are typically large, well-funded corporations seeking to spend billions on their projects. The net effects is that, without a promise of compensation for their

time and service, these small groups are outspent and worn down by NRG's attorneys and experts, and ultimately have a difficult time participating with any sense of equal-footing. Intervenors who provide a substantial contribution to proceedings before the Commission should receive fair compensation for their time and effort. The California Public Utilities Commission already has a system in place doing just this for many of the reasons already discussed.¹

The Commission should approve Mr. Sarvey's motion not only because it would treat the ratepayers fairly for the money spent examining NRG's application, but it could also signal a way to provide some form of compensation for intervenors who substantially contribute to this and future proceedings. Compensating the ratepayers as well as the intervenors in a fair and just manner would help increase the quantity and quality of participation in Commission proceedings.

Respectfully Submitted,

/s/ Robert Simpson

March 17, 2015

¹ See the California Public Utility Commission's website detailing their Intervenor Compensation Program at <http://www.cpuc.ca.gov/PUC/IntervenorCompGuide/>.