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11 Spencer et al.

DOCKET	
08-AFC-11	
DATE	<u>DEC 29 2009</u>
RECD.	<u>DEC 29 2009</u>

12 STATE OF CALIFORNIA
13 STATE ENERGY RESOURCES
14 CONSERVATION AND DEVELOPMENT COMMISSION

15 In the Matter of:

Docket No.: 08-AFC-11

16 APPLICATION FOR CERTIFICATION
17 CPV VACA STATION POWER PLANT

PETITION TO INTERVENE

18 Pursuant to sections 1207 and 1712 of Title 20 of the California Code of
19 Regulations Steven and Heidi Spencer; John and Ruth Ledford; and William and
20 Armando Lozano (collectively, "Petitioners"), hereby petition to intervene in the
21 proceeding now pending before this Commission on Competitive Power Venture's
22 application for certification ("AFC") of the CPV Vaca Station Power Plant ("Project"), a
23 666 megawatt (MW) natural gas-fired electric generating plant to be located near the
24 City of Vacaville.

25 Section 1207(a) grants "any person" the right to file a petition to intervene in a
26 proceeding on an application for certification of a jurisdictional thermal power plant. The
27 petition must set forth "the grounds for intervention, the position and interest of the
28 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." Section

1 1207(c) provides that the “presiding member may grant leave to intervene to any
2 petitioner to the extent he deems reasonable and relevant . . .”

3 Petitioners Steven and Heidi Spencer and John and Ruth Ledford own property
4 within 1,000 feet of the proposed site and 500 feet of the natural gas pipeline that will
5 transport fuel for the Project and the electric transmission line that will transmit the power
6 generated at the Project. Petitioners William and Armando Lozano also own property in
7 close proximity to the proposed site.

8 Petitioners’ properties are very likely to suffer significant loss of value because of
9 the Project’s adverse environmental impacts, and because of the likelihood of health
10 impacts from emissions, noise, visual and other impacts that are being identified with
11 regard to this Project.

12 Petitioners therefore oppose certification of the Project unless they are adequately
13 compensated for their property’s loss of value or their property’s value is maintained
14 through appropriate mitigation of the identified environmental impacts, including health
15 impacts. Petitioners will offer evidence in the proceeding on the adverse environmental
16 and economic impacts of the Project on their property. The Commission’s application
17 process provides for a balancing of the Project’s socioeconomic and environmental
18 impacts.

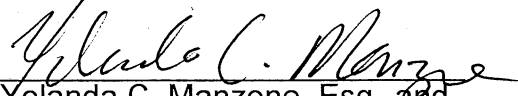
19 For the foregoing reasons, Petitioners respectfully request the Commission grant
20 their petition to intervene in this proceeding. Petitioners will participate fully as a party in
21 all phases of this proceeding, and anticipate presenting evidence of the Project’s
22 potential impact on their interests.

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Dated:

Respectfully submitted,


Yolanda C. Manzone, Esq. and
J. Dennis McQuaid, Esq.
Attorneys for Spencer et al.

Please serve all filings at the following address:


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Hanson Bridgett LLP
425 Market Street, 26th Floor
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With a Copy to:

Yolanda C. Manzone, Esq.
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425 Market Street, 26th Floor
San Francisco, CA 94105

DATED: December 29, 2009

HANSON BRIDGETT LLP

By: 
YOLANDA C. MANZONE
Attorneys for Plaintiffs
Spencer et al.

[Proof of Service and Declaration of Service Attached]

STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Commission

In the Matter of:) Docket No. 08-AFC-11
)
Application for Certification)
CPV VACA Station Power Plant) **DECLARATION OF SERVICE**
_____)

I, YOLANDA C. MANZONE declare that on Dec. 29, 2009, I served and filed copies of the attached *Petition to Intervene*, accompanied by a copy of the most recent *Proof of Service* list (most recent version is located on the proceeding's web page) with the Docket Unit OR with the presiding committee member of the proceeding. The document has been sent to the Commission AND the applicant, as well as the other parties in this proceeding (as shown on the *Proof of Service* list), in the following manner:

(Check all that Apply)

FOR SERVICE TO THE APPLICANT AND ALL OTHER PARTIES:

sent electronically to all email addresses on the Proof of Service list;

_____ by personal delivery or by depositing in the United States mail at [location: city and state] _____ with first-class postage thereon fully prepaid and addressed as provided on the *Proof of Service* list above to those addresses **NOT** marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

_____ depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 08-AFC-11
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

docket@energy.state.ca.us

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I declare under penalty of perjury that the foregoing is true and correct.

Yvonne C. Marzke
Name

12/29/09
Date