

**DOCKET**

**07-AFC-3**

DATE MAR 10 2010

RECD. MAR 11 2010

1 COMMUNITIES FOR A BETTER ENVIRONMENT

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6 Attorneys for Intervenor

COMMUNITIES FOR A BETTER ENVIRONMENT

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8 **STATE OF CALIFORNIA**  
9 **Energy Resources**  
10 **Conservation and Development Commission**

11 In the Matter of: )  
12 )  
13 CPV Sentinel Energy Project )  
14 Power Plant Licensing Case )  
15 )  
16 )

DOCKET NO: 07-AFC-03.

**PETITION TO INTERVENE BY  
COMMUNITIES FOR A BETTER  
ENVIRONMENT**

17 Petitioner, Communities for a Better Environment ("CBE"), states:

18 1. CBE petitions to intervene in the above-entitled proceeding.

19 2. Petitioner is located at:

5610 Pacific Blvd., Suite 203  
Huntington Park, California 90255

21 and can be contacted through its counsel:

22 Shana Lazerow (State Bar No. 195491)  
23 1440 Broadway, Suite 701  
24 Oakland, California 94612  
25 slazerow@cbeval.org  
26 Tel: (510) 302-0430 x 18  
27 Fax: (510) 302-0438

28 3. CBE has an interest in the proceeding. CBE is a public interest organization and a California not-for-profit corporation with thousands of members in California. CBE's mission is to achieve environmental health and justice for communities of color and working-class

1 communities. CBE strives to accomplish its mission by organizing in historically disempowered  
2 communities, by facilitating public participation in administrative decision-making processes,  
3 and by ensuring implementation of laws that protect public health when public agencies consider  
4 permitting polluting facilities, such as power plants.

5 4. CBE has been actively engaged in power plant issues in Southern California since  
6 2000, when it intervened in the CEC proceeding concerning Sunlaw's application to license the  
7 Nueva Azalea power plant in South Gate (00-AFC-3).

8 5. Since 2006, CBE has been working around issues that are implicated at this time in  
9 the CPV Sentinel proceeding.

10 6. Specifically, CPV Sentinel's Final Determination of Compliance, issued March 2,  
11 2010 ("3/2/10 FDOC"), relies on emission reduction credits ("ERCs" or "Offsets") the validity  
12 of which CBE has challenged in several venues. When the South Coast Air Quality  
13 Management District ("AQMD") twice attempted to adopt rules to create ERCs and sell them to  
14 power plant projects, including this facility, CBE vigorously opposed those rules. CBE and its  
15 allies brought suit, and prevailed on its claims that AQMD had failed adequately to analyze the  
16 rules. CBE also opposed, and is currently challenging in court, the CPV Sentinel-sponsored  
17 legislation on which AQMD relied to issue the 3/2/10 FDOC.

18 7. The Sentinel-sponsored legislation mandates that this Commission conduct an  
19 independent inquiry into the validity of Offsets offered to support the 3/2/10 FDOC.

20 8. The interests CBE seeks to further in this action, namely, environmental justice and  
21 the protection of the environment, are the organization's central purposes and goals. For these  
22 reasons, CBE respectfully requests the right to participate in the above-captioned matter as a  
23 party-intervenor.

24 9. This petition presents good cause for CBE's intervention at this time. The question  
25 of validity of Offsets was not clearly implicated in the proceeding until AQMD issued the 3/2/10  
26 FDOC. This petition is made shortly after its issuance.

27 10. CBE requests the right to present evidence and to cross-examine witnesses.

28 11. Documents served on CBE electronically need not also be served by mail. Please

1 serve CBE electronically through its counsel:

2 Shana Lazerow (slazerow@cbeocal.org)  
3 1440 Broadway, Suite 701  
4 Oakland, California 94612  
5 Tel: (510) 302-0430  
6 Fax: (510) 302-0438

7 DATED: March 10, 2010

\_\_\_\_\_ Original signed \_\_\_\_\_  
8 Shana Lazerow, CBE Staff Attorney  
9 Attorneys for Intervenor  
10 COMMUNITIES FOR BETTER ENVIRONMENT

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**Declaration of Service**

I, Shana Lazerow declare that on March 10, 2010, I served and filed copies of the document entitled

CBE Petition to Intervene CPV Sentinel Power Plant Project (07-AFC-03)

The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[<http://www.energy.ca.gov/sitingcases/sentinel/index.html>]

The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

**For service to all other parties:**

XX sent electronically to all email addresses on the Proof of Service list;  
XX by personal delivery or by depositing in the United States mail at Oakland, California 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:**

XX 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. 07-AFC-3  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
docket@energy.state.ca.us

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 10, 2010, at Oakland, California.

         Original signed \_\_\_\_\_  
Shana Lazerow