

DOCKET
06-AFC-6
DATE NOV 09 2007
RECD. NOV 09 2007

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2 Brian Washington [146807]
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7
8 STATE OF CALIFORNIA
State Energy Resources
9 Conservation And Development Commission

10 In the Matter of:

Docket No.: 06-AFC-6

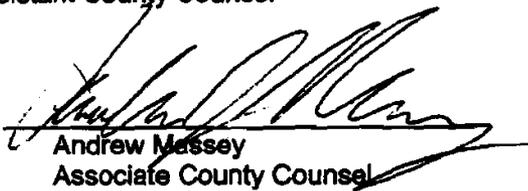
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12 **APPLICATION FOR CERTIFICATION FOR
THE EASTSHORE ENERGY CENTER**

PETITION FOR INTERVENTION
AS AN AGENCY OR INDIVIDUAL

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19
20 DATED: November 9, 2007

RICHARD E. WINNIE, County Counsel in
and for the County of Alameda, State of
California

BRIAN E. WASHINGTON,
Assistant County Counsel

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25 By 
Andrew Massey
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10 APPLICATION FOR CERTIFICATION FOR
11 THE EASTSHORE ENERGY CENTER

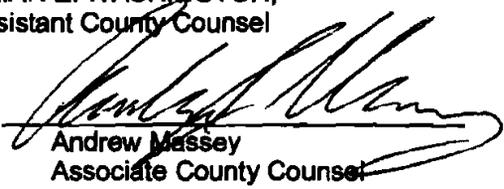
PETITION FOR INTERVENTION
AS AN AGENCY OR INDIVIDUAL

- 12 1. The following agency hereby petitions to intervene in the above-captioned proceeding:
13 County of Alameda
- 14 2. Petitioner will be represented in this proceeding by:
15 Chris Bazar, Cindy Horvath
Alameda County Community Development Agency,
224 West Winton Ave., Rm 110, Hayward CA 94544
- 16 3. Petitioner is not a member of a group or organization already a party to this proceeding.
17 4. Petitioner has an interest in this proceeding that is articulated in the attached Memorandum of
18 Points and Authorities.
19 5. Petitioner understands that it will receive all relevant documents in this proceeding and that it
will be responsible for supplying other parties with information and documents properly
20 requested, as well as complying with Orders of the presiding Committee.
21 6. Petitioner certifies that it has served a copy of this Petition upon the Applicant's attorney-of
record in this proceeding.

22 DATED: November 9, 2007

RICHARD E. WINNIE, County Counsel in
and for the County of Alameda, State of
California

23 BRIAN E. WASHINGTON,
24 Assistant County Counsel

25 By 
26 Andrew Massey
Associate County Counsel

27 Attorneys for County of Alameda

28 Check box if continuation pages are attached.
(Proof of Service Must be attached)

1 RICHARD E. WINNIE [68048]
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Assistant County Counsel
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8 STATE OF CALIFORNIA
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11 In the Matter of:
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14 **APPLICATION FOR CERTIFICATION FOR
THE EASTSHORE ENERGY CENTER**

Docket No.: 06-AFC-6
PETITION FOR INTERVENTION
AS AN AGENCY OR INDIVIDUAL
Memorandum of Points and Authorities

15
16 **PETITION TO INTERVENE BY COUNTY OF ALAMEDA**
17 **Memorandum of Points and Authorities**

18 Pursuant to sections 1207 and 1712 of Title 20 of the California Code of Regulations, the
19 County of Alameda ("the County") petitions to intervene in this proceeding.

20 **I. Standard for Petition to Intervene**

21 Section 1207(a) provides that "[a]ny person may file . . . a petition to intervene in any
22 proceeding" provided said petition sets forth "the grounds for the intervention, the position and
23 interest of the petitioner in the proceeding, the extent to which the petitioner desires to
24 participate in the proceedings, and the name, address, and telephone number of the petitioner."

25 Pursuant to § 1207(c), "[t]he presiding member may grant leave to intervene to any petitioner to
26 the extent he deems reasonable and relevant, but may grant a petition to intervene filed after
27 the deadline . . . only upon a showing of good cause by the petitioner."
28

1 The Notice of Prehearing Conference and Evidentiary Hearing Dates issued October 17,
2 2007 provides that petitions for intervention must be filed prior to November 19, 2007.
3 Therefore, the County's petition is timely, and does not require a showing of good cause.

4 **II. The County's Significant Concerns with Eastshore Necessitate Its Participation as**
5 **a Party**

6 Alameda County is a large, charter county located on the east side of the San Francisco
7 Bay. Home to nearly 1.5 million people, County government works to ensure public health,
8 safety, welfare and environmental quality. As a consequence of its unique role as a provider of
9 regional government services, the County is interested in Eastshore's potential impact on the
10 County's land use efforts; the health, safety and welfare of County residents, including residents
11 of unincorporated areas of the County; and the region's environment.

12 The applicant proposes to construct the Eastshore Energy Center ("Eastshore") on land
13 in the City of Hayward, which is located within Alameda County. Although the City of Hayward
14 has land use authority over the proposed site, Eastshore will be adjacent to unincorporated
15 areas of Alameda County, including areas within the County's Redevelopment Agency's Mt.
16 Eden Redevelopment Plan. Thus Eastshore may affect the County's land use planning.

17 The nearby unincorporated area of the County is home to residents for whom the County
18 acts as the direct provider of government services. Eastshore's impact on the health, safety
19 and welfare of these residents may in turn impose additional strains on existing County
20 government services. That possible impact includes the effect of air pollutants and noise on
21 residents' health, further burdens on traffic congestion in Alameda County, and the need for
22 County emergency services providers to respond to accidents at Eastshore that threaten public
23 safety.

24 Finally, the County has concerns about Eastshore's potential detrimental effect on the
25 environment. Air pollution from Eastshore may despoil the County's lakes, streams and
26 groundwater; damage sensitive wildlife and plant habitat; and contribute to global warming. The
27 County may have to spend a significant funds to counteract these negative consequences of
28 constructing the Eastshore facility.

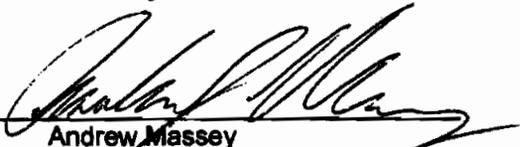
1 **III. The County Intends to Fully Participate in the Proceedings**

2 Given its extensive list of concerns with the Eastshore proposal, the County intends to
3 fully participate in every phase of the proceedings. In addition, the County plans to make use of
4 the additional discovery and evidentiary powers afforded to parties. The County also reserves
5 its right to present evidence and cross-examine witnesses.

6 DATED: November 9, 2007

RICHARD E. WINNIE, County Counsel in
and for the County of Alameda, State of
California

BRIAN E. WASHINGTON,
Assistant County Counsel

By 
Andrew Massey
Associate County Counsel

Attorneys for County of Alameda

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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION
FOR THE EASTSHORE ENERGY CENTER
IN CITY OF HAYWARD
BY TERRA ENERGY

Docket No. 06-AFC-6

PROOF OF SERVICE
(Revised 10/12/2007)

INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 06-AFC-6
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

APPLICANT

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Bill Pfanner, Project Manager
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Caryn Holmes, Staff Counsel
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Public Adviser
pao@energy.state.ca.us

DECLARATION OF SERVICE

I, Dalia Liang declare that on 11/9/07, I deposited copies of the attached Petition for Intervention as an Agency or Individual in the United States mail at Oakland, CA with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above. Individual.

OR

Transmission via electronic mail was consistent with the requirements of the California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

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

Dalia Liang