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7 Attorneys for Group Petitioners California
8 Pilots Association, San Lorenzo Village Homes Association,
9 Hayward Area Planning Association

DOCKET	
06-AFC-6	
DATE	NOV 16 2007
RECD.	NOV 16 2007

10 STATE OF CALIFORNIA
11 STATE ENERGY RESOURCES
12 Conservation and Development Commission

13 In the Matter of:
14 APPLICATION FOR CERTIFICATION FOR
15 THE EASTSHORE ENERGY CENTER

Docket No.: 06-AFC-6
GROUP PETITIONERS' PETITION TO
INTERVENE; and
PETITION RE FINANCIAL HARDSHIP

16 1. Pursuant to the Title 20 of the California Code of Regulations, section 1207, petitioner
17 is a group collectively referred to as "Group Petitioners" consisting of the following non-profit
18 corporations based in California:

- 19 a. California Pilots Association ("Calpilots")
- 20 b. San Lorenzo Village Homes Association
- 21 c. Hayward Area Planning Association ("Hapa")

22 Group petitioners seek to intervene in this proceeding in order to participate in the proceeding.

23 2. Group petitioners will be represented in this proceeding by the following individuals:

24 Jay White
25 Email: jwhite747@comcast.net;

26 Nancy Van Huffel and Wulf Bieschke
27 Email: Slzyha@aol.com and wulf@vs-comm.com; and

1 Suzanne Barba
2 Email: suzbarba@comcast.net

3 Mailing address:
4 San Lorenzo Village Homes Association
5 377 Paseo Grande San Lorenzo, CA 94580

6 Group petitioners reserve the right and entitlement to designate any person or entity to assist them
7 in these proceedings. Group Petitioners further agree to notify the Applicant and Commission of
8 additions or deletions to the Group list within ten days of when such changes occur.

9 3. Group petitioners are not members of a group or organization already a party to this
10 proceeding .

11 4. Group petitioners have an interest in this proceeding that is set forth in its attached
12 memorandum of points and authorities.

13 5. Group petitioners understand that they will receive all relevant documents in this
14 proceeding and that they will be responsible for supplying other parties with information and
15 documents properly requested, as well as complying with Orders of the presiding Committee.

16 6. Group petitioners reserve the right to present evidence and to cross-examine witnesses.

17 7. Counsel certifies that she has served the applicant's attorney of record in this proceeding
18 with this petition.

19 8. As Group petitioners consist of non-profit organizations with limited resources which
20 rely on volunteer and donations, Group petitioners further seek to be excused from filing 12 copies
21 with the Commission Docket Unit and serving by mail its papers on all other parties of record, as
22 compliance would create an undue financial hardship.

23 Dated: November 16, 2007

24 Respectfully Submitted,

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Jewell J. Hargleroad, Attorney for
Group Petitioners California
Pilots Association, San Lorenzo Village
Homes Association, and Hayward Area
Planning Association

1 GROUP PETITIONERS' SUPPORTING MEMORANDUM OF POINTS AND AUTHORITIES

2 POSITION AND INTEREST OF GROUP PETITIONERS

3 1. Group Petitioners represent the concerns of aviators and community organizations who
4 use the Hayward Airport and are concerned about the recent trend of attempting to locate large
5 thermal power plants near community local airports, such as was established near the Blythe
6 Airport in Blythe, California. Calpilots and the community organizations share a common interest
7 in assuring that aviators may safely and fully utilize the Hayward Airport without facing
8 hazardous conditions posed by "thermal plumes" resulting in the restriction of airspace and
9 thereby forcing aviators to invade airspace otherwise restricted by noise regulations inconsistent
10 with the community's land use designations, ordinances and regulations.

12 2. Group Petitioners share the interest in assuring that school children and college students
13 are provided education in a healthy and safe environment, and that the communities'
14 neighborhoods have healthy and safe air. This project is located within a few miles of several
15 public and private elementary and high schools located in the San Lorenzo and Hayward School
16 Districts and the Chabot Junior College, a campus of the Chabot-Las Positas Community College
17 District. Based on Group Petitioners information and belief, the student population of Chabot
18 College alone exceeds 15,000 students, the population of San Lorenzo School District has grown
19 over the past five years and the Hayward School District maintains and operates several
20 elementary, middle and high schools, not including the student population of several local
21 parochial and private elementary and high schools. Based on Group Petitioners information and
22 belief, the population surrounding this project has substantially increased if not doubled over the
23 past ten years based on the information provided in the Hayward Area Recreational District's 2006
24 Master Plan.

26 3. The San Lorenzo Village Homes Association is a homeowners association of over
27 5,600 residences established in 1945 in unincorporated County of Alameda, located in the
28

1 unincorporated San Lorenzo District, adjacent to the City of San Leandro and the unincorporated
2 communities of the County of Alameda known as Cherryland and Ashland. San Lorenzo residents
3 and members of the Association share an interest in the San Francisco Bay shoreline, the
4 preservation of the Hayward San Lorenzo Bay Trail and its viewshed and air quality, and assuring
5 that the air quality and health and safety of its residents and neighbors are fully protected. San
6 Lorenzo further shares an interest in assuring that aviators of the Hayward Airport are not
7 presented hazardous conditions or that airspace which presently is not subject to noise ordinances
8 is protected and airspace protected by noise ordinances and regulations continue to be protected.
9

10 4. The Hayward Area Planning Association (HAPA) was formed in 1978 by citizens from
11 in the Hayward area (in addition to residents in the City of Hayward, adjacent unincorporated
12 Alameda County districts, such as Fairview and Castro Valley) to research, educate, and promote
13 better planning for open space, transit, smart growth, and sustainability. HAPA has about fifty-
14 five members, mostly local residents of the City of Hayward and unincorporated County. HAPA's
15 interests include advocating and promoting smart growth, reduced greenhouse gases, sustainable
16 energy resources, and less pollution.
17

18 EXTENT OF PARTICIPATION

19 5. Group petitioners intend to full participate in these proceedings, including in every
20 phase. Group petitioners intend to use additional discovery and evidentiary powers afforded to
21 parties, as well as reserve the right to present evidence and cross-examine witnesses.
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27 FINANCIAL HARDSHIP

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6. Group Petitioners further petition to be excused from filing twelve copies with the Commission Docket Unit of all filings and serving papers on all other parties of record. The basis for this request is that compliance with such requirements creates an undue financial hardship and burden as Group Petitioners are non-profit organizations, which generally rely on volunteers and voluntary donations when engaging in activities.

Dated: November 16, 2007

Respectfully Submitted,

Jewell J. Hargleroad, Attorney for
Group Petitioners California Pilots Association,
San Lorenzo Village Homes Association,
and Hayward Area Planning Association

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7 STATE OF CALIFORNIA

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10 In the Matter of:

Docket No.: 06-AFC-6

11 APPLICATION FOR CERTIFICATION FOR
12 THE EASTSHORE ENERGY CENTER

GROUP PETITIONERS' ATTORNEY
PROOF OF SERVICE

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14
15 **DECLARATION OF SERVICE**

16 I, Jewell J. Hargleroad, declare that on November 16, 2007 transmission via electronic mail
17 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
18 Service list below.

19 I declare under penalty of perjury that the foregoing is true and correct. Executed on this
20 16th day of November, 2007.

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Jewell J. Hargleroad, Attorney for
22 Group Petitioners California Pilots Association,
San Lorenzo Village Homes Association,
23 and Hayward Area Planning Association
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1 PROOF OF SERVICE LIST FOR APPLICATION FOR CERTIFICATION FOR THE
2 EASTSHORE ENERGY CENTER

3 CALIFORNIA ENERGY COMMISSION

4 Attn: Docket No. 06-AFC-6
5 1516 Ninth Street, MS-4
6 Sacramento, CA 95814-551 2
7 **docket@enerav.state.ca.us**

8 APPLICANT

9 Greg Trewitt, Vice President
10 Tierra Energy
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13 APPLICANT'S CONSULTANTS

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15 Vice President

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26 DOCKET

27 06-AFC-6

28 RECD. 1 5 2007

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11 **INTERVENORS**

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