

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
 SACRAMENTO, CA 95814-5512
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Public Adviser's Office

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| DOCKET | |
| 11-AFC-1 | |
| DATE | DEC 02 2011 |
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In the Matter of:)
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 PIO PICO ENERGY CENTER)
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Docket No. 11-AFC-01

 Public Adviser's Support for
 Rob Simpson's Petition to Intervene

I write to support the Petition to Intervene submitted by Rob Simpson in the matter of the Pio Pico Energy Center (11-AFC-01). As the Public Adviser, I believe I have a responsibility to express my views in response to the Commission staff and project applicant's filed opposition to Mr. Simpson's petition. Mr. Simpson's petition to intervene meets the standards of the Commission's regulations and should be granted. The staff and applicant seek to impose other requirements on intervention which are neither proper nor contained in the Commission's regulations. I believe that a denial of Mr. Simpson's petition would send a negative message to members of the public with legitimate interests in Commission siting proceedings.

Mr. Simpson resides in Hayward and the proposed Pio Pico project in which he seeks intervention status is near San Diego. In opposing Mr. Simpson's petition, staff and applicant note the geographic distance between Mr. Simpson's home and the proposed project. They argue that Mr. Simpson must identify some connection or tie to the San Diego area to support his intervention request. The Commission's regulations do not require intervenors to reside near the project site or to identify specific ties to the area. Indeed, such a requirement would be inappropriate given that the Warren Alquist Act has deemed that projects of the size and type of Pio Pico are of such statewide importance that they require state, rather than local, review and licensing.

Both staff and applicant assert that Mr. Simpson has failed to assert sufficient position and interest in the proceeding to support his petition to intervene. Mr. Simpson stated his interest as ensuring that "all applicable laws are followed and that the environment and human health are protected through these proceedings." Mr. Simpson, and all potential intervenors, are well within their rights to be interested in the project's compliance with all applicable laws. The applicant suggests that there is no need for Mr. Simpson to intervene in order assure compliance with state law because it is the Commission's responsibility to ensure that the laws are followed. This argument might make sense in a perfect world where all interested parties share a common policy perspective and agree that the Commission always acts in perfect harmony with applicable law. In the real world, however, the Commission must exercise its discretion in applying law to fact in the face of strongly held differences of opinion. The intervention process is the only way that members of the public can meaningfully participate in the Commission's decision-making process. (For example, in Commission siting proceedings members of the public who are not intervenors do not have the opportunity to cross-examine other parties and

