



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

DOCKET

11-AFC-1

DATE DEC 16 2011

RECD. DEC 16 2011

**APPLICATION FOR CERTIFICATION FOR THE
PIO PICO ENERGY CENTER**

DOCKET No. 11-AFC-1

PRESIDING COMMITTEE MEMBER'S ORDER GRANTING PETITION TO INTERVENE

Upon consideration of the Petition to Intervene filed by Petitioner, Rob Simpson, the Presiding Member of the Committee designated to conduct proceedings in this matter makes the following findings:

On November 2, 2011, a Petition to Intervene was filed in the above-captioned proceeding on behalf of Rob Simpson by his attorney:

**April Rose Sommer
P.O. Box 6937
Moraga, CA 94570
aprilsummerlaw@yahoo.com
(510) 423-0676 Voice
(510) 590-3999 Fax**

1. The Petition was timely filed. In it, Petitioner stated that he was seeking to intervene in this proceeding pursuant to 20 C.C.R. § 1207 to insure that all applicable laws are followed and that the environment and human health are protected through these proceedings. He further stated that he will fully participate in the proceedings both as an individual citizen and as the Executive Director of the non-profit corporation Helping Hand Tools.
2. Both Staff and Applicant filed briefs in opposition to the Petition. The opposition briefs stated that Petitioner had failed to comply with Section 1207's requirement that a petitioner set forth the grounds for the intervention and the position and interest of the petitioner in the proceeding.
3. Petitioner responded to the opposition briefs in a filing which stated that Mr. Simpson's grounds for intervening and his position and interest in the proceeding were essentially the same as those that could be asserted by any resident of California, and pointing out Mr. Simpson's extensive record of intervention in Energy Commission siting cases.

4. The Commission has been liberal in granting intervenor status throughout its history, because vigorous public participation is essential to the success of our proceedings. The relevant regulation, Section 1207, contains no language setting forth the degree of specificity with which a petitioner must state the grounds for the intervention and the position and interest of the petitioner in the proceeding. That determination is left to the discretion of the presiding member of the committee, in this case Commissioner Peterman.
5. The Petition does set forth Mr. Simpson's grounds for intervening and his position and interest in the proceeding. That those grounds could be applicable to any resident of this state does not necessarily render the Petition defective. Rather, it points up two things: first, that Section 1207 is silent with respect to the degree of specificity required of a petitioner and, second, that the determination as to whether or not a petition to intervene meets the requirements of Section 1207 is left to the discretion of the presiding member in each case.
6. In this case there is no doubt that Mr. Simpson could have been more specific in stating his reasons for intervening, even if Section 1207 does not require it. It is reasonable to anticipate that Mr. Simpson's particular interest in this case will become evident through his participation. The presiding committee member has the authority under Sections 1203 (c) and 1712 to establish reasonable boundaries on the nature and extent of each party's participation and may do so regardless of the statements made in the petition.
7. Accordingly, I find that the Petition is sufficient to meet the requirements of Section 1207.

THEREFORE, the Presiding Member of the Committee **ORDERS** that the Petition to Intervene in this matter be **GRANTED** and that Petitioner be placed upon the Proof of Service List as an Intervenor. Petitioner may exercise the rights and shall fulfill the obligations of a party as set forth in Section 1712 of the Commission's regulations. (Cal. Code Regs., tit. 20, § 1712.) The deadlines for conducting discovery and other matters shall not be extended by the granting of this Petition.

The Energy Commission welcomes and values intervenor participation in its energy facility siting process. A link to the Commission's regulations is posted on the Energy Commission website page at <http://www.energy.ca.gov/siting/title20/index.html>. As an intervenor, Petitioner is required to file and serve documents on other parties and to follow the Commission's procedures and orders regarding presenting witnesses and evidence.

Petitioner is further required to review the rules regarding filings, the rules of evidence that apply at the evidentiary hearings and the rules prohibiting off the record contacts with Commissioners or the Hearing Adviser about the merits of a project. (Cal. Code Regs., tit. 20, §§ 1001 through 1217, 1712 et seq.)

Petitioner may obtain help with participating in the siting process from the Energy Commission's Public Adviser's Office at (916) 654-4489 or (800) 822-6228, or e-mail: **[publicadviser@energy.state.ca.us]**.

The Executive Director or his designee shall ensure that the Petitioner is immediately provided with a copy of the Application for Certification (AFC).

Dated: December 16, 2011 at Sacramento, California.

A handwritten signature in cursive script that reads "Carla Peterman". The signature is written in black ink on a white background.

CARLA PETERMAN
Commissioner and Presiding Member
Pio Pico AFC Committee



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**APPLICATION FOR CERTIFICATION
FOR THE *PIO PICO ENERGY CENTER, LLC***

**Docket No. 11-AFC-1
PROOF OF SERVICE
(Revised 12/16/2011)**

APPLICANT

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INTERESTED AGENCIES

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PETITIONERS

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**ENERGY COMMISSION –
DECISIONMAKERS**

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cpeterma@energy.state.ca.us

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**ENERGY COMMISSION – PUBLIC
ADVISER**

Jennifer Jennings
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e-mail service preferred
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DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on, December 16, 2011, I served and filed copies of the attached PRESIDING COMMITTEE MEMBER'S ORDER GRANTING PETITION TO INTERVENE, dated December 16, 2011. The original document, filed with the Docket Unit or the Chief Counsel, as required by the applicable regulation, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [www.energy.ca.gov/sitingcases/piopico/index.html].

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

(Check all that Apply)

For service to all other parties:

- Served electronically to all e-mail addresses on the Proof of Service list;
- Served by delivering on this date, either personally, or for mailing with the U.S. Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "e-mail service preferred."

AND

For filing with the Docket Unit at the Energy Commission:

- by sending an original paper copy and one electronic copy, mailed with the U.S. Postal Service with first class postage thereon fully prepaid and e-mailed respectively, to the address below (preferred method); **OR**
- by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT
Attn: Docket No. 11-AFC-01
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:

- Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission
Michael J. Levy, Chief Counsel
1516 Ninth Street MS-14
Sacramento, CA 95814
mlevy@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, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Original Signed By:
RoseMary Avalos
Hearing Adviser's Office

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



TO: *All Parties*

Date: December 16, 2011

RE: **PIO PICO ENERGY CENTER PROJECT**

Proof of Service List

Docket No. 11-AFC-1

Attached is the ***newly revised*** Proof of Service List for the above-mentioned project, current as of December 16, 2011. Please pay particular attention to the ***new*** filing instructions.

Energy Commission regulations (Cal. Code Regs., tit. 20, § 1210) require, in addition to any electronic service, that a paper copy be served in person or by first class mail except where a party requests to receive an electronic copy when one is available. Individuals and groups on the Proof of Service list who prefer to receive filings by e-mail and do not require a paper copy shall inform the Hearing Officer assigned to the proceeding.

The Proof of Service list for this matter will delineate those individuals and groups and it is sufficient to serve those individuals with an e-mailed copy only. Those not so delineated must be served with a paper copy in addition to any e-mailed copy that the filing party chooses to provide. Signatures may be indicated on the electronic copy by "***Original Signed By***" or similar words. The original signed copy shall be filed with the Energy Commission's Dockets Unit.

Unless otherwise specified in a regulation, all materials filed with the Commission must also be filed with the Docket Unit. (Cal. Code Regs., tit. 20, § 1209(d).) Some regulations require filing with the Commission's Chief Counsel instead of the Docket Unit. For example, Section 1720 requires a petition for reconsideration to be filed with the Chief Counsel and served on the parties. Service on the attorney representing Commission staff does not satisfy this requirement. This Proof of Service form is not appropriate for use when filing a document with the Chief Counsel under Title 20, sections 1231 (Complaint and Request for Investigation) or 2506 (Petition for Inspection or Copying of Confidential Records). The Public Advisor can answer any questions related to filing under these sections.

New addition(s) to the Proof of Service are indicated in **bold font** and marked with an asterisk (*). Additionally, if two or more persons are listed on a Proof of Service List with a single address, only one physical copy of a document need be mailed to the address.

Use this newly revised list for all future filings and submittals. This Proof of Service List will also be available on the Commission's Project Web Site at:

[\[http://www.energy.ca.gov/sitingcases/piopico/index.html\]](http://www.energy.ca.gov/sitingcases/piopico/index.html)

Please review the information and contact me at mread@energy.state.ca.us, or (916) 654-3893, if you would like to be removed from the Proof of Service or if there are any changes to your contact information.

Maggie Read
Hearing Adviser's Office

Attachment