



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

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

DOCKET No. 11-AFC-01

**PRESIDING COMMITTEE MEMBER'S ORDER ON PETITION TO INTERVENE**

Upon consideration of the Petition to Intervene filed by Petitioner, Corrections Corporation of America (CCA), the Presiding Member of the Committee designated to conduct proceedings in this matter makes the following findings:

On June 28, 2012, a Petition to Intervene was filed in the above-captioned proceeding on behalf of Corrections Corporation of America as follows:

**Corrections Corporation of America**  
**G. Scott Williams, Esq.**  
**c/o Seltzer Caplan McMahon Vitek**  
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California Energy Commission

**DOCKETED**  
**11-AFC-1**

TN # 66165

JUL 10 2012

1. The Petition was not timely filed. Pursuant to Title 20, California Code of Regulations, section 1207, Petitioner explained that good cause for the late filing existed because its attorney, G. Scott Williams, acted in reliance upon an understanding that the project Applicant would not object to certain conditions of certification set forth in the Noise and Hazardous Materials sections of the Final Staff Assessment (FSA) which would have established permissible noise emission levels for the Pio Pico Energy Center. In its filing dated June 26, 2012, Applicant indicated that it did in fact object and that the permissible noise levels should be higher.
2. Applicant filed a brief in opposition to the Petition. The opposition brief stated that Petitioner had been aware of this proceeding for some months and therefore could have filed a Petition to Intervene before the deadline.
3. In its Petition, CCA seeks leave to intervene for the limited purposes of addressing conditions of certification related to project noise and hazardous materials.
4. The FSA in this matter was issued on May 22, 2012. In the FSA, Staff set forth the proposed conditions of certification for all technical areas including Hazardous Materials and Noise. The Hazardous Materials and Noise Conditions were satisfactory to CCA. From the filings in this matter, it does not appear that CCA would have had any reason to think the Noise Conditions were not acceptable to Applicant until Applicant filed its evidence and testimony on June 26—one day after the deadline.

5. Upon learning of Applicant's objection to the Noise Conditions of Certification, CCA acted promptly to attempt to intervene in this matter.
6. While it would have been prudent for CCA to file a Petition to Intervene earlier, the Presiding Member finds that good cause has been shown for CCA to intervene in this matter for the limited purpose of attempting to resolve or adjudicate the issues related to the Noise Conditions of Certification.
7. The deadlines for conducting discovery and filing evidence and testimony have passed. This order does not provide for any extension of those deadlines. CCA's participation in the evidentiary hearings shall be limited to rebuttal and cross-examination.

**THEREFORE**, the Presiding Member of the Committee **ORDERS** that the Petition to Intervene in this matter be **GRANTED** for the limited purpose of attempting to resolve or adjudicate the issues related to the Noise Conditions of Certification. Petitioner shall 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, subject to the limitations set forth hereinabove. (Cal. Code Regs., tit. 20, § 1712.)

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.ca.gov](mailto:publicadviser@energy.ca.gov).

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

Dated: July 9, 2012, at Sacramento, California.

***Original Signed By:***

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CARLA PETERMAN  
Commissioner and Presiding Member  
Pio Pico AFC Committee



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COMMISSION OF THE STATE OF CALIFORNIA  
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**APPLICATION FOR CERTIFICATION  
FOR THE *PIO PICO ENERGY CENTER PROJECT***

**Docket No. 11-AFC-01  
PROOF OF SERVICE  
(Revised 7/10/2012)**

**APPLICANT**

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**APPLICANT'S CONSULTANTS**

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**INTERESTED AGENCIES**

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**ENERGY COMMISSION –  
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**ENERGY COMMISSION – PUBLIC  
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**DECLARATION OF SERVICE**

I, Maggie Read, declare that on, July 10, 2012, I served and filed a copy of the attached PRESIDING COMMITTEE MEMBER'S ORDER ON PETITION TO INTERVENE, dated July 9, 2012. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at:

[www.energy.ca.gov/sitingcases/piopico/index.html](http://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 one electronic copy to the e-mail 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.ca.gov](mailto:docket@energy.ca.gov)

**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  
[michael.levy@energy.ca.gov](mailto:michael.levy@energy.ca.gov)

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:***

\_\_\_\_\_  
Maggie Read  
Hearing Adviser's Office