



**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 DENYING PETITION TO INTERVENE**

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

On July 5, 2012, a Petition to Intervene was filed in the above-captioned proceeding by:

**Bill Powers, P. E.  
4452 Park Blvd., Suite 209  
San Diego, CA 92116  
[bpowers@powersengineering.com](mailto:bpowers@powersengineering.com)**

1. This proceeding is nearing its end. Staff issued its Final Staff Assessment on May 22, 2012, and on June 15, 2012 the Committee issued a notice setting the date for the prehearing conference as July 9, 2012 and the evidentiary hearing as July 23, 2012.
2. That same notice also established June 25, 2012 as the deadline for filing a Petition to Intervene.
3. Title 20, California Code of Regulations, section 1207, governs the filing of Petitions to Intervene. That section provides that "the petition shall be filed no later than the prehearing conference or 30 days prior to the first hearing held pursuant to Sections 1725, 1748 or 1944 of this Chapter, whichever is earlier.
4. In this case, the first hearing held pursuant to Section 1748, the evidentiary hearing, is scheduled for July 23, 2012. Thus, 30 days prior to that date, or June 25, 2012, is the applicable deadline. The instant petition is therefore filed late.
5. Section 1207(c) does permit the Presiding Member of the Committee, in this case Commissioner Peterman, to grant a late-filed petition to intervene, but only

upon a showing of good cause. In the absence of a showing of good cause, the Presiding Member may not grant a late-filed petition to intervene.

6. In this case Mr. Powers did not attempt to show good cause in his petition. His petition sets forth his grounds for wanting to intervene, but is silent as to why he did not meet the deadline of June 25, 2012.
7. In an email sent in the afternoon of July 5, 2012 and entitled "Good Cause for Late Petition to Intervene" Mr. Powers states that he "did not anticipate that there would be no substantive discussion of the rooftop solar alternative or any other alternative high in the loading order such as energy efficiency and demand response, in the Pio Pico FSA" and that "The large number of concurrent projects has made it difficult to volunteer time on all of these projects." He further states that he reviewed the Pio Pico FSA earlier this week.
8. None of these statements establishes good cause for the late filing. The FSA was issued May 22, 2012, more than a month before the deadline for intervention. Mr. Powers' interest in the FSA is limited primarily to its discussion of the rooftop solar alternative. It would not have taken him long to check that section of the FSA to see if the discussion of that alternative was adequate in his opinion.
9. Accordingly, I deny the Petition to Intervene because it was filed late and there is no showing of good cause for the late filing.
10. Mr. Powers is free to attend the upcoming hearings and offer public comment.

**THEREFORE**, the Presiding Member of the Committee **ORDERS** that the Petition to Intervene in this matter be **DENIED**.

Under Section 1207(d) petitioner may appeal this decision to the full Commission within 15 days of the date hereof.

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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**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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**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 DENYING 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