



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
08-AFC-1

DATE	June 11 2009
RECD.	June 11 2009

IN THE MATTER OF:

APPLICATION FOR CERTIFICATION FOR THE
AVENAL ENERGY PROJECT

DOCKET No. 08-AFC-1

COMMITTEE ORDER GRANTING AND DENYING PETITIONS TO INTERVENE

Upon consideration of the Petitions to Intervene filed recently by Petitioners Center on Race, Poverty & The Environment (CRPE), Tehipite Chapter, Sierra Club, Rob Simpson, and Charles M. Ashley the Committee designated to conduct proceedings in this matter makes the following findings:

1. On June 5, 2009, the Petitions to Intervene in the above-captioned proceeding were filed by:

Center on Race, Poverty & the Environment
Attn: Ingrid Brostrom
47 Kearny Street, Suite 804
San Francisco, CA 94108
(415) 346-4179 Voice
(415) 436-8723 Facsimile
ibrostrom@crpe-ej.org

Tehipite Chapter, Sierra Club
Attn: John Flaherty, Chair
P.O. Box 5396
Fresno, CA 93755-5396
(408) 464-5141 Voice
kjohnflaherty@yahoo.com

2. On June 8, 2009, a Petition to Intervene in the above-caption proceeding and a Request to Stay Proceedings Pending Commission Posting of Final Determination of Compliance (FDOC) was filed by:

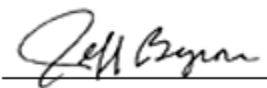
Rob Simpson
Environmental Consultant
27126 Grandview Avenue
Hayward, CA 94542
(510) 909-1800
rob@redwoodrob.com

3. On June 10, 2009, a Petition to Intervene in the above-caption proceeding was filed by:

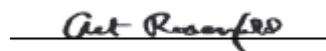
Charles M. Ashley
31277 Watts Valley Road
Tollhouse, CA 93667

4. In a response filed on June 10, 2009, Applicant stated it did not oppose the Petitions to Intervene filed on June 5, 2009.
5. The Petitions filed on June 5 and June 8, 2009, were timely filed and contain the information required by section 1207 of the Commission's regulations (Cal. Code Regs., tit. 20, § 1207);
6. Petitioners' interests appear relevant to this proceeding.
7. However, the Petition to Intervene filed on June 10, 2009, by Charles M. Ashley, was filed after the legal deadline and is not timely. Section 1207 (b) of the Commission's regulations (Cal. Code Regs., tit. 20 § 1207 (b)) requires petitions to intervene in power plant cases to be filed either 30 days prior to evidentiary hearings or by the Prehearing Conference, whichever is earlier. Evidentiary hearings in this case begin on July 7, 2009, making June 8, 2009 the last day to file a timely petition to intervene.
8. **THEREFORE**, the Committee **ORDERS** that the timely filed Petitions to Intervene in this matter be **GRANTED** to the extent that Petitioners shall be placed upon the Proof of Service List as Intervenors. Petitioners 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 in this case are past and other matters shall not be extended by the granting of these Petitions. Therefore, Petitioner Simpson's Request to Stay Proceeding is specifically **DENIED**. Parties may participate in all remaining events in the case as shown on the attached schedule issued by the Committee on April 24, 2009.
9. The Commission has no provision for hardship status petitions. Petitioners' will be **REQUIRED** to file all documents with the Docket Unit by filing a single original hard copy and one electronic copy and to serve all documents upon all parties electronically using the email addresses provided on the Proof of Service list.
10. Further, the Executive Director or her designee shall ensure that Petitioners are immediately provided with a copy of the Application for Certification (AFC).

Dated June 11, 2009 at Sacramento, California



JEFFREY D. BYRON
Commissioner and Presiding Member
Avenal AFC Committee



ARTHUR H. ROSENFELD
Commissioner and Associate Member
Avenal AFC Committee

REVISED SCHEDULE

**Avenal Energy Project
April 24, 2009**

DATE	EVENT
June 1, 2009	Staff Files Final Staff Assessment
June 8, 2009	All other parties file testimony
June 15, 2009	All parties file rebuttal testimony
June 22, 2009	All parties file Prehearing Conference Statements
June 30, 2009	Prehearing Conference*
July 7, 2009	Evidentiary Hearing*
Pending	Presiding Member's Proposed Decision (PMPD)
Pending	Committee Conference on PMPD
Pending	Energy Commission Hearing--Final Decision

***DETAILED INSTRUCTIONS FOR THESE EVENTS WILL BE SENT TO ALL PARTIES
IN A SEPARATE PUBLIC NOTICE OF THE EVENTS.**



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 AVENAL ENERGY PROJECT

Docket No. 08-AFC-1
PROOF OF SERVICE
(Revised 6/11/2009)

APPLICANT

Jim Rexroad,
Project Manager
Avenal Power Center, LLC
500 Dallas Street, Level 31
Houston, TX 77002 USA
Jim.Rexroad@macquarie.com

Tracey Gilliland
Avenal Power Center, LLC
500 Dallas Street, Level 31
Houston TX 77002
Tracey.Gilliland@macquarie.com

APPLICANT CONSULTANT

Joe Stenger, Project Director
TRC Companies
2666 Rodman Drive
Los Osos, CA 93402
jstenger@trcsolutions.com

COUNSEL FOR APPLICANT

Jane E. Luckhardt
DOWNEY BRAND
621 Capitol Mall, 18th Floor
Sacramento, CA 95814
jluckhardt@downeybrand.com

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

INTERVENORS

Loulena A. Miles
Marc D. Joseph
Adams Broadwell Joseph &
Cardozo
601 Gateway Boulevard,
Ste. 1000
South San Francisco, CA 94080
mdjoseph@adamsbroadwell.com
lmiles@adamsbroadwell.com

*Ingrid Brostrom
Center on Race, Poverty & the
Environment
47 Kearny Street, Ste. 804
San Francisco, CA 94108
ibrostrom@crpe-ej.org

*John Flaherty, Chair
Tehipite Chapter, Sierra Club
P.O. Box 5396
Fresno, CA 93755-5396
kjohnflaherty@yahoo.com

*Rob Simpson
Environmental Consultant
27126 Grandview Avenue
Hayward, CA 94542
rob@redwoodrob.com

ENERGY COMMISSION

Jeffrey D. Byron
Commissioner and Presiding Member
jbyron@energy.state.ca.us

Arthur Rosenfeld
Commissioner and Associate
Member
arosenfe@energy.state.ca.us

Gary Fay
Hearing Officer
gfay@energy.state.ca.us

Joesph Douglas
Project Manager
jdouglas@energy.state.ca.us

Lisa DeCarlo
Staff Counsel
ldecarlo@energy.state.ca.us

Public Adviser's Office
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on June 11, 2009, I served and filed copies of the attached Committee Order Granting and Denying Petitions to Intervene, dated June 11, 2009. The original document, filed with the Docket Unit, 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/avenal].

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

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

X sent electronically to all email addresses on the Proof of Service list;

X by personal delivery or by depositing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

X sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (*preferred method*);

OR

_____ depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 08-AFC-1

1516 Ninth Street, MS-4

Sacramento, CA 95814-5512

docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.

Original Signed By:
RoseMary Avalos