

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION
OF THE STATE OF CALIFORNIA**

AVENAL ENERGY PROJECT

DOCKET 08-AFC-1
DATE <u>June 30 2009</u>
RECD. <u>June 30 2009</u>

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**INTERVENER SIMPSON'S OPPOSITION TO:
AVENAL POWER CENTER, LLC'S OBJECTION TO INTRODUCTION OF
TESTIMONY BY WITNESSES OF SIERRA CLUB, TEHIPITE CHAPTER**

The applicant is asking the commission to abuse its "discretion" and exclude any testimony that might be inconsistent with its motive. The applicants objection provides the greatest evidence to date of need for a revised scheduling order. A revised scheduling order would certainly be a more equitable satisfaction of any of the concerns raised by the applicant.

As far as Avenal Power knows, Sierra Club is proposing to call six witnesses who will provide the following testimony: "Alternative energy producing technologies are able to efficiently provide electricity with much less GHG." The applicant has not identified how they would be harmed by the above testimony repeated six times.

The applicant sated "Neither Avenal Power nor the Commission know anything about Sierra Club's witnesses other than their names and the organizations they represent." While I accept applicants claim of ignorance I believe that it presumptuous to claim that the Commission is also ignorant about the witnesses. Several have participated brilliantly before the commission in the past and are identified through extensive commentary in my own testimony or witness list. The applicant categorizes the 6 witnesses as a "laundry list" I understand that the applicant is anxious to license its facility that has no power purchase agreement and that there is no demonstration of urgency or need for, but it should have to heed the Commissions long standing procedures for public participation and perhaps even have 6 witnesses try to enlighten them with the truth about greenhouse gases. This may be a precedent setting case for Greenhouse gas considerations, a fact that was not apparent until publication of the FSA and is still not apparent to much of the environmental community and those participating in AB32 considerations, As such the commission should give special consideration to ensuring adequate public participation.

Respectfully Submitted on June 30, 2009 By,

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Intervener
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