



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-10**

DATE NOV 24 2009

RECD. NOV 24 2009

**APPLICATION FOR CERTIFICATION FOR THE  
LODI ENERGY CENTER  
NORTHERN CALIFORNIA POWER AGENCY**

**DOCKET No. 08-AFC-10**

### **COMMITTEE DECISION ON PETITION TO INTERVENE**

On November 11, 2009, Coalition for Fair Employment in Construction (CFEC) filed its *Petition to Intervene By Coalition for Fair Employment in Construction* (Petition). In support of the Petition, CFEC asserts in pertinent part:

Petitioner CFEC has an interest in the above-captioned proceeding in that its members include employees and employers who construct power plants in the State of California and share concerns about the advancement and promotion of high standards of fair employment and fair competition in the construction industry; preserving and protecting fairness in employment opportunities for all employees in the construction industry; promoting fair terms and conditions of employment for all construction industry employees; supporting and fostering fair competition among contractors; guarding against waste of taxpayer dollars; and educating the business community, government and the general public on these principles.

However, as recognized by Northern California Power Agency (NCPA) in its *NCPA Objections to Petition to Intervene By Coalition for Fair Employment in Construction*, CFEC's stated grounds for intervention do not establish any relevant connection to

power plant siting or the certification process. The Energy Commission does not have jurisdiction over applicants' labor and employment practices.

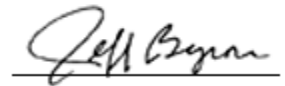
The Petition is therefore **DENIED** without prejudice to CFEC refiling its Petition if it can establish sufficient, relevant grounds for intervention.

Dated: November 24, 2009 at Sacramento, California.



KAREN DOUGLAS

Chairman and Presiding Member  
Lodi Energy Center AFC Committee



JEFFREY D. BYRON

Commissioner and Associate Member  
Lodi Energy Center AFC Committee



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**APPLICATION FOR CERTIFICATION  
FOR THE *Lodi Energy Center***

**DOCKET No. 08-AFC-10**

**PROOF OF SERVICE  
(Revised 2/17/09)**

**APPLICANT**

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**INTERESTED AGENCIES**

California ISO  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

**INTERVENORS**

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**ENERGY COMMISSION**

KAREN DOUGLAS  
Chairman and Presiding  
Member  
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DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on November 24, 2009, I served and filed copies of the attached Committee Decision on Petition to Intervene, dated November 24, 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: [\[http://www.energy.ca.gov/sitingcases/lodi\]](http://www.energy.ca.gov/sitingcases/lodi).

The documents have 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-10  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

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

Original Signed By  
**RoseMary Avalos**