

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



May 20, 2010

DOCKET

08-AFC-10

DATE	MAY 20 2010
RECD.	MAY 24 2010

David Arnaiz
Owner, Kingdon Airport
12145 North Devries Road
Lodi, California 95242

Your Petition for Reconsideration of the Lodi Energy Center Decision

Dear Mr. Arnaiz,

On May 18, 2010, you submitted, on behalf of the Kingdon Airport, a petition for reconsideration of the Energy Commission's Final Decision approving the Lodi Energy Center, Docket No. 08-AFC-10.

Petitions for reconsideration of AFC decisions may be submitted only by "parties" to the proceeding – the applicant, the Commission staff, and intervenors. (See section 25530 of the Warren-Alquist Act (Pub. Resources Code, § 25530) and section 1720(a) of the Commission's regulations (Cal. Code Regs., tit. 20, sec. 1720, subd. (a)).) Because neither you nor the Airport is a party – indeed, your first participation in the proceeding appears to have been at the final hearing on the Final Decision, well after all the evidence had been received and a draft decision had been issued – the Commission cannot legally consider the petition.

Yours truly,

Kenneth Celli
Hearing Adviser for the
Lodi Energy Center AFC proceeding

Jonathan Bles
Assistant Chief Counsel

cc: Docket No. 08-AFC-10 and all persons on the service list
Commissioners
Jennifer Jennings
Scott Galati