



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  
**MARIPOSA ENERGY PROJECT**  
 MARIPOSA ENERGY, LLC

DOCKET No. 09-AFC-3

<b>DOCKET</b>	
<b>09-AFC-93</b>	
DATE	JUN 24 2011
RECD.	JUN 24 2011

**NOTICE AND ORDER RE: PETITIONS FOR RECONSIDERATION**

**I. BACKGROUND**

On June 17, 2011, Rob Simpson timely filed a “*Petition for Reconsideration of the Commission’s May 18, 2011 Written Order*” and Robert Sarvey separately filed a timely “*Petition for Reconsideration.*” Petitioner Simpson makes the following assertions regarding the Commission's Final Decision in the above-captioned matter: (1) the Commission failed to abide by the Warren-Alquist Act rules of procedures governing motions; (2) the Commission Decision failed to address gas pipeline safety and reliability; (3) the presiding officer of the Committee engaged in prohibited ex parte communication and should have been removed as presiding officer; and, (4) the written Order does not comply with the Williamson Act (Gov. Code § 51200, et seq.). (Simpson Petition, pg. 1, et seq.).

Petitioner Sarvey asserts that the Commission's Final Decision in the above-captioned matter failed to: (1) require the project owner to repair roads damaged by the Green Volts Energy Project; (2) properly calculate the school impact fees; (3) correctly state the permitted hours of operation; (4) correctly state the attainment status of the federal annual PM 2.5 standard; (5) comply with the Williamson Act (Gov. Code § 51200 et seq); and, (6) use correct demographics “necessary to determine whether in fact the projects [sic] impacts are significant.” (Sarvey Petition, pg. 5).

Section 1720(b) of the Commission's regulations directs the Commission to hold a hearing on such a petition within 30 days of its receipt. [Cal. Code Regs., tit. 20, § 1720(b).] A petition for reconsideration must specifically set forth either: (1) new evidence that despite the diligence of the moving party could not have been produced during evidentiary hearings on the case; or (2) an error in fact or change or error of law. [Cal. Code Regs., tit. 20, § 1720(a).]

## II. NOTICE OF HEARING

**NOTICE IS HEREBY GIVEN** that the Commission has scheduled a public hearing on the petitions at its regularly scheduled Business Meeting as follows:

**WEDNESDAY, JULY 13, 2011**  
**Beginning at 10 a.m.**

**Hearing Room A**  
**California Energy Commission**  
**1516 Ninth Street**  
**Sacramento, California**

## III. BRIEFING SCHEDULE

Parties may file responses to the Petitions. Responses must be received by the Commission's Docket Unit, MS-4, 1516 Ninth Street, Sacramento, CA 95814-5512, **no later than 12 p.m. (noon) on Wednesday, July 6, 2011**. The Docket Unit's email address is [Docket@energy.state.ca.us](mailto:Docket@energy.state.ca.us). Identify all responses with "**Mariposa Energy Project - 09-AFC-3.**"

Responses shall be limited to discussion about whether the Petitions set forth new evidence that could not have been produced during evidentiary hearings on the case, and/or any errors in fact or changes or errors of law pursuant to Cal. Code Regs., tit. 20, § 1720(a).

Responses must also be served electronically at the same time on all parties identified in the attached Proof of Service list. Additionally, responses must be sent via e-mail in Microsoft Word format to the Hearing Officer.

## IV. PARTICIPATING BY TELEPHONE AT A BUSINESS MEETING

If you want to participate by telephone, call toll free 1-888-823-5065 on the Business Meeting day after 10:01 a.m. (PDT). When asked for your pass code and call leader's name, please answer "Business Meeting and Jerome Lee" and the operator will connect you into the meeting. Should you wish to speak on a specific item, please inform the operator and provide the item number.

Please note that while the Energy Commission affords members of the public the opportunity to participate by telephone, the Commission strongly encourages public comments to be made in person because there are occasional technical problems with the Commission's telephone link. The Commission will make every effort to avoid

these problems; however, it is the responsibility of the person wishing to make a comment to ensure that such comment is received by the Commission. If you intend to make comments by phone, the Commission recommends that a written comment also be submitted either by facsimile or e-mail to the Public Adviser by 5 p.m. two days before the scheduled business meeting. Fax (916) 654-4493 or e-mail: [\[pao@energy.state.ca.us\]](mailto:pao@energy.state.ca.us).

The Business Meeting is also broadcast via WebEx, the Energy Commission's on-line meeting service. To listen to the meeting and view any presentations, please click the following link or paste it into your browser:

[\[https://energy.webex.com/energy/onstage/g.php?t=a&d=920062542\]](https://energy.webex.com/energy/onstage/g.php?t=a&d=920062542).

You may also go to [\[https://energy.webex.com/ec\]](https://energy.webex.com/ec) and enter Meeting Number 920 062 542. The meeting password is **mtg@10am**.

The WebEx Conference calling feature is not available. If you wish to make comments during the Business Meeting, please call the toll free number 1 888-823-5065 as described in 'Participating by Telephone at a Business Meeting' above.

## V. ADDITIONAL INFORMATION

The Energy Commission's Public Adviser's Office is available to provide the public with an understanding of a proceeding and to make recommendations for meaningful participation. For assistance, contact Jennifer Jennings, the Public Adviser, at (916) 654-4489 or 800-822-6228 or e-mail: [\[pao@energy.state.ca.us\]](mailto:pao@energy.state.ca.us).

If you have a disability and need assistance to participate in this event, contact Lourdes Quiroz well in advance of the hearing at (916) 654-5146 or e-mail: [\[lquiroz@energy.state.ca.us\]](mailto:lquiroz@energy.state.ca.us).

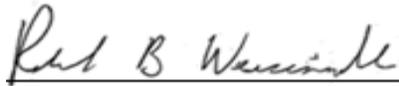
Questions of a legal or procedural nature should be directed to Kenneth Celli, the Hearing Officer, at (916) 651-8893, or e-mail: [\[kcelli@energy.state.ca.us\]](mailto:kcelli@energy.state.ca.us).

Technical questions concerning the project should be addressed to Craig Hoffman, Staff Compliance Project Manager, at (916) 654-4781, or e-mail: [\[choffman@energy.state.ca.us\]](mailto:choffman@energy.state.ca.us).

Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989, or e-mail: [\[mediaoffice@energy.state.ca.us\]](mailto:mediaoffice@energy.state.ca.us).

Information concerning the status of this Project, as well as notices and other relevant documents pertaining to this proceeding, may be viewed on the Energy Commission's Internet web page at: [<http://www.energy.ca.gov/sitingcases/mariposa>]. You may also subscribe to receive e-mail notification of all notices [[www.energy.ca.gov/listserver](http://www.energy.ca.gov/listserver)].

Dated: June 24, 2011, at Sacramento, California.

A handwritten signature in cursive script, reading "Robert B. Weisenmiller", written in black ink on a white background.

ROBERT B. WEISENMILLER  
Chairman



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COMMISSION OF THE STATE OF CALIFORNIA  
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APPLICATION FOR CERTIFICATION  
FOR THE **MARIPOSA ENERGY PROJECT**  
(MEP)

**Docket No. 09-AFC-3**

**PROOF OF SERVICE**  
(Revised 5/16/2011)

APPLICANT

Bo Buchynsky  
Diamond Generating Corporation  
333 South Grand Avenue, #1570  
Los Angeles, California 90071  
[b.buchynsky@dgc-us.com](mailto:b.buchynsky@dgc-us.com)

Edward A. Mainland  
Sierra Club California  
1017 Bel Marin Keys Blvd.  
Novato, CA 94949  
[emainland@comcast.net](mailto:emainland@comcast.net)

Mr. Jass Singh  
291 N. Altadena Street  
Mountain House, California 95391  
[jass.singh2000@gmail.com](mailto:jass.singh2000@gmail.com)

APPLICANT'S CONSULTANTS

Doug Urry  
2485 Natomas Park Dr #600  
Sacramento, CA 95833-2975  
[Doug.Urry@CH2M.com](mailto:Doug.Urry@CH2M.com)

Counsel for Rob Simpson  
\*April Rose Sommer  
P.O. Box 6937  
Moraga, CA 94570  
[AprilSommerLaw@yahoo.com](mailto:AprilSommerLaw@yahoo.com)

ENERGY COMMISSION

KAREN DOUGLAS  
Commissioner and Presiding Member  
[KLdougl@energy.state.ca.us](mailto:KLdougl@energy.state.ca.us)

COUNSEL FOR APPLICANT

Gregg Wheatland  
Ellison, Schneider & Harris L.L.P.  
2600 Capitol Avenue, Suite 400  
Sacramento, CA 95816-5905  
[glw@eslawfirm.com](mailto:glw@eslawfirm.com)

Rob Simpson  
27126 Grandview Avenue  
Hayward CA. 94542  
[Rob@redwoodrob.com](mailto:Rob@redwoodrob.com)

Kenneth Celli  
Hearing Officer  
[kcelli@energy.state.ca.us](mailto:kcelli@energy.state.ca.us)

INTERESTED AGENCIES

California ISO  
*E-mail Service Preferred*  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

California Pilots Association  
c/o Andy Wilson  
31438 Greenbrier Lane  
Hayward, CA 94544  
[andy\\_psi@sbcglobal.net](mailto:andy_psi@sbcglobal.net)

Galen Lemei  
Advisor to Commissioner Douglas  
*E-Mail Service preferred*  
[glemei@energy.state.ca.us](mailto:glemei@energy.state.ca.us)

INTERVENORS

Mr. Robert Sarvey  
501 W. Grantline Road  
Tracy, California 95376  
[Sarveybob@aol.com](mailto:Sarveybob@aol.com)

Rajesh Dighe  
395 W. Conejo Avenue  
Mountain House, California 95391  
[dighe.rajesh@gmail.com](mailto:dighe.rajesh@gmail.com)

Craig Hoffman  
Siting Project Manager  
[choffman@energy.state.ca.us](mailto:choffman@energy.state.ca.us)

Kerry Willis  
Staff Counsel  
[kwillis@energy.state.ca.us](mailto:kwillis@energy.state.ca.us)

Morgan K. Groover  
Development Director  
Mountain House Community  
Services District  
230 S. Sterling Drive, Suite 100  
Mountain House, CA 95391  
[mgroover@sjgov.org](mailto:mgroover@sjgov.org)

Jennifer Jennings  
Public Adviser  
*E-mail Service Preferred*  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

DECLARATION OF SERVICE

I, Maggie Read, declare that on June 24, 2011, I served and filed copies of the NOTICE AND ORDER RE MOTION FOR RECONSIDERATION for the MARIPOSA ENERGY PROJECT, dated June 24, 2011. 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: [\[http://www.energy.ca.gov/sitingcases/mariposa/index.html\]](http://www.energy.ca.gov/sitingcases/mariposa/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, in the following manner:

*(Check all that Apply)*

FOR SERVICE TO ALL OTHER PARTIES:

sent electronically to all email addresses on the Proof of Service list; and  
 by personal delivery;

by delivering on this date, for mailing with the United States 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 "email preferred."

**AND**

FOR FILING WITH THE ENERGY COMMISSION:

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. 09-AFC-3  
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, 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 Advisers Office*