

**DOCKETED**

<b>Docket Number:</b>	20-SPPE-02
<b>Project Title:</b>	Lafayette Backup Generating Facility
<b>TN #:</b>	241143
<b>Document Title:</b>	Ruling on Petition to Intervene Filed by Robert Sarvey
<b>Description:</b>	N/A
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<b>Docketed Date:</b>	1/11/2022



**State of California  
State Energy Resources Conservation and  
Development Commission**  
715 P Street, Sacramento, CA 95814  
(800) 822-6228 – [www.energy.ca.gov](http://www.energy.ca.gov)

APPLICATION FOR SMALL POWER PLANT  
EXEMPTION FOR THE:

**LAFAYETTE BACKUP GENERATING  
FACILITY**

**Docket No. 20-SPPE-02**

## **RULING ON PETITION TO INTERVENE FILED BY ROBERT SARVEY**

Upon consideration of the Petition to Intervene (Petition) filed by Robert Sarvey (Petitioner)<sup>1</sup> in the Application for a Small Power Plant Exemption (SPPE) for the Lafayette Backup Generating Facility,<sup>2</sup> the Presiding Member of the California Energy Commission (CEC)<sup>3</sup> committee designated to conduct proceedings in this matter (Committee)<sup>4</sup> makes the following findings:

1. On December 12, 2021, a Petition in the above-captioned proceeding was filed by:

**Robert Sarvey**  
**501 W. Grant Line Rd.**  
**Tracy, CA 95376**  
**[sarveybob@aol.com](mailto:sarveybob@aol.com)**  
**(209) 836-0277**

2. The Petition contains the information required by the CEC's regulations.<sup>5</sup>

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<sup>1</sup> TN 240906.

<sup>2</sup> Information about this proceeding, including a link to the electronic docket, may be found on the Lafayette Backup Generating Facility SPPE on the [proceeding's web page](https://ww2.energy.ca.gov/sitingcases/lafayette/) at: <https://ww2.energy.ca.gov/sitingcases/lafayette/>. Documents related to this proceeding may be found in the [online docket](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=20-SPPE-02) at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=20-SPPE-02>. The application is TNs 233041-1, 233041-2, 233041-3, 233041-4, 233041-5, and 233041-6.

<sup>3</sup> The CEC is formally known as the "State Energy Resources Conservation and Development Commission." (Pub. Resources Code, § 25200.)

<sup>4</sup> On July 8, 2020, the CEC appointed a Committee consisting of Karen Douglas, Commissioner and Presiding Member, and David Hochschild, Chair and Associate Member, to preside over this SPPE Application. (TN 233902.)

<sup>5</sup> Cal. Code Regs., tit. 20, § 1211.7, subd. (a).

3. The Petition states that Petitioner intends to participate in Public Health, Alternatives, Air Quality, Energy Resources, GHG Emissions, and Environmental Justice and to participate fully in the proceeding including submitting testimony and briefing and cross-examination of the parties' witnesses.<sup>6</sup>

4. No opposition to the Petition has been filed, and the deadline for such opposition was December 27, 2021.<sup>7</sup>

5. Petitioner's stated interests are relevant to the above-captioned proceeding.

**THEREFORE**, the Presiding Member hereby **GRANTS** the Petition and **ORDERS** that the Petitioner may participate on the following topic areas as requested by Petitioner:

- **PUBLIC HEALTH**
- **ALTERNATIVES**
- **AIR QUALITY**
- **ENERGY RESOURCES**
- **GREENHOUSE GAS EMISSIONS**
- **ENVIRONMENTAL JUSTICE**

The Presiding Member further **ORDERS** that Petitioner's name be placed upon the Proof of Service List as an intervenor. Petitioner may exercise the rights and shall fulfill the obligations of a party as set forth in all orders issued in this matter and California Code of Regulations, title 20, section 1212. Deadlines and other matters shall not be extended or changed by the granting of this Petition.<sup>8</sup>

The Petitioner's intervention is subject to further modification at the discretion of the Presiding Member or the Committee. Any limitations on Petitioner's participation in the capacity of intervenor do not affect Petitioner's ability to make public comments on other topics in the proceeding.

The CEC welcomes and values intervenor participation in its energy facility siting process. The Public Advisor's webpage [Public Participation in Siting Cases](https://www.energy.ca.gov/programs-and-topics/topics/power-plants/public-participation-siting-cases) can be found at <https://www.energy.ca.gov/programs-and-topics/topics/power-plants/public-participation-siting-cases>. [Portions of the CEC's regulations relating to power plant siting](#)

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<sup>6</sup> TN 240906.

<sup>7</sup> Petitioner filed the Petition on a Sunday. Therefore, the Petition was actually deemed filed on Monday, December 13, 2021, thus making December 27, 2021, the deadline.

<sup>8</sup> Cal. Code Regs., tit. 20, § 1211.7, subd. (d).

[cases \(Title 20\)](https://www.energy.ca.gov/programs-and-topics/topics/power-plants/power-plant-siting-certification-title-20) can be found at <https://www.energy.ca.gov/programs-and-topics/topics/power-plants/power-plant-siting-certification-title-20>.

As an intervenor, Petitioner is required to file and serve documents on other parties and to follow the CEC's procedures and orders regarding presenting witnesses and evidence. Petitioner is further required to review the General Orders Regarding Motions, Electronic Filing, Service of Documents, and Other Matters,<sup>9</sup> the rules regarding filings,<sup>10</sup> the rules of evidence that apply at the Evidentiary Hearings,<sup>11</sup> and the rules prohibiting off-the-record contacts with commissioners, their advisors, or the hearing officer(s) about the Proceeding.<sup>12</sup> Petitioner's failure to fulfill these responsibilities may result in the Committee limiting or precluding Petitioner's participation in the proceedings.

### **PUBLIC ADVISOR AND OTHER CEC CONTACTS**

The CEC's Public Advisor provides the public with assistance in participating in CEC proceedings. For information about how to participate in this proceeding or to request interpreting services or other reasonable modification and accommodations, please contact the [Public Advisor](#) at [PublicAdvisor@energy.ca.gov](mailto:PublicAdvisor@energy.ca.gov) or by phone at (916) 957-7910.

**Direct questions of a procedural nature or for clarifications about this order** to the Hearing Officers, [Susan Cochran](#) at [Susan.Cochran@energy.ca.gov](mailto:Susan.Cochran@energy.ca.gov), or at (916) 891-8078, and [Deborah Dyer](#) at [Deborah.Dyer@energy.ca.gov](mailto:Deborah.Dyer@energy.ca.gov).

**Direct technical subject inquiries** concerning the Application to [Leonidas Payne](#), at [Leonidas.Payne@energy.ca.gov](mailto:Leonidas.Payne@energy.ca.gov) or at (916) 838-2124.

**Direct media inquiries** to the [Media and Public Communications Office](#) at [MediaOffice@energy.ca.gov](mailto:MediaOffice@energy.ca.gov) or (916) 654-4989.

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<sup>9</sup> TN 234298.

<sup>10</sup> Cal. Code Regs., tit. 20, §§ 1208 – 1208.1, 1211.5.

<sup>11</sup> Cal. Code Regs., tit. 20, § 1212.

<sup>12</sup> Cal. Code Regs., tit. 20, § 1216.

## **AVAILABILITY OF DOCUMENTS**

Information regarding the status of the Application, as well as notices and other relevant documents are available on the [Lafayette Backup Generating Facility web page](https://www.energy.ca.gov/powerplant/reciprocating-engine/lafayette-backup-generating-facility) at <https://www.energy.ca.gov/powerplant/reciprocating-engine/lafayette-backup-generating-facility>.

## **IT IS SO ORDERED.**

Dated: January 11, 2022

## ***APPROVED BY:***

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Karen Douglas  
Commissioner and Presiding Member  
Lafayette Backup Generating Facility  
SPPE Committee