

## DOCKETED

<b>Docket Number:</b>	09-AFC-07C
<b>Project Title:</b>	Palen Solar Power Project - Compliance
<b>TN #:</b>	201008
<b>Document Title:</b>	Palen Solar Holdings Objection to Petition to Intervene
<b>Description:</b>	N/A
<b>Filer:</b>	Tiffani Winter
<b>Organization:</b>	Galati Blek, LLP
<b>Submitter Role:</b>	Applicant Representative
<b>Submission Date:</b>	10/23/2013 10:21:28 AM
<b>Docketed Date:</b>	10/23/2013

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**Subject:** FW: Palen Solar Power Project - Compliance, 09-AFC-07C, Petition to Intervene-National Parks Conservation Association

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**From:** Scott Galati [<mailto:SGalati@gb-llp.com>]

**Sent:** Tuesday, October 22, 2013 12:36 PM

**To:** Celli, Ken@Energy; Nelson, Jennifer@Energy; Stora, Christine@Energy; Lisa Belenky; Ileene Anderson; [atomicoadbranch@netzero.net](mailto:atomicoadbranch@netzero.net); Basin & Range Watch; Alfredo Figueroa ([lacunadeaztlan@aol.com](mailto:lacunadeaztlan@aol.com)); CURE; CURE; Richard T. Drury; Christina M. Caro; [rloodbear@critdoj.com](mailto:rloodbear@critdoj.com); [king@smwlaw.com](mailto:king@smwlaw.com); [clark@smwlaw.com](mailto:clark@smwlaw.com)

**Cc:** Energy - Docket Optical System

**Subject:** RE: Palen Solar Power Project - Compliance, 09-AFC-07C, Petition to Intervene-National Parks Conservation Association

Palen Solar Holdings LLC objects to this Petition to Intervene on the grounds that it is untimely and has not demonstrated good cause for late intervention. First, the Petition to Intervene incorrectly states that the last day to intervene would be before the PreHearing Conference. This position is inconsistent with Commission Regulation 1207 (b) which holds that the Petition to Intervene must be filed *the earlier of* 30 days prior to evidentiary hearings or the PreHearing Conference. 30 days prior to evidentiary hearings was September 28, 2013. In addition, the PreHearing Conference and Evidentiary Hearing Order which was issued on October 7, 2013, clearly states that the time for filing a Petition to Intervene has passed citing 1207 (b) and the Presiding Member's authority to set the time for intervention under Commission regulation 1203.

The Petitioner states that its late filing was caused by its inability to gather information from federal websites because of the federal government shutdown. However, the government shutdown occurred *after* the last date to file such a Petition (September 28, 2013). Additionally, the ability to access a federal website in order to participate at the California Energy Commission is irrelevant since the federal shutdown did not impair the Commission in any way. Lastly, the Petition to Intervene states at Page 1 its purpose for intervention: "Petitioner National Parks Conservation Association seeks to intervene in this proceeding because we are concerned about the proposed project's impacts to Joshua Tree National Park's scenic viewsheds and avian species." The Committee should be aware that representatives of Joshua Tree and the Parks Service, including a solicitor, have participated in every workshop and hearing on the PSEGS Amendment to date.

Since there is no showing of good cause to allow intervention, the Petition should be denied. If the Committee does grant the late Petition, PSH requests the participation of NPCA be limited to not allow any witness testimony (since it has not filed written testimony) and that any such participation not be a cause for delay in the schedule.

**Scott A. Galati**

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**From:** Celli, Ken@Energy [<mailto:Ken.Celli@energy.ca.gov>]  
**Sent:** Monday, October 21, 2013 4:44 PM  
**To:** Scott Galati; Nelson, Jennifer@Energy; Stora, Christine@Energy; Lisa Belenky; Ileene Anderson; [atomicloadbranch@netzero.net](mailto:atomicloadbranch@netzero.net); Basin & Range Watch; Alfredo Figueroa ([lacunadeaztlan@aol.com](mailto:lacunadeaztlan@aol.com)); CURE; CURE; Richard T. Drury; Christina M. Caro; [rlobdbear@critdoj.com](mailto:rlobdbear@critdoj.com); [king@smwlaw.com](mailto:king@smwlaw.com); [clark@smwlaw.com](mailto:clark@smwlaw.com)  
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To the Parties:

Please indicate whether you intend to oppose the attached Petition. I would appreciate hearing from you before close of business tomorrow.

Thank you,

## **Kenneth D. Celli**

Hearing Advisor II  
California Energy Commission  
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**Sent:** Monday, October 21, 2013 4:20 PM  
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**Subject:** Palen Solar Power Project - Compliance, 09-AFC-07C, Petition to Intervene-National Parks Conservation Association

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The following Document submitted to Docket Number **09-AFC-07C** has been published:

- Title: [Petition to Intervene-National Parks Conservation Association](#)  
7 page(s)  
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