

DOCKETED

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Filer:	Michael R. Lozeau
Organization:	Lozeau Drury LLP
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STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

In the Matter of:

NEXTERRA BLYTHE SOLAR ENERGY
CENTER, LLC'S REVISED PETITION TO
AMEND - CONVERSION TO PV BLYTHE
SOLAR POWER PROJECT

DOCKET NO. 09-AFC-6C

**PETITION TO INTERVENE BY LABORERS' INTERNATIONAL UNION
OF NORTH AMERICA, LOCAL UNION NO. 1184**

October 23, 2013

Michael R. Lozeau
Richard T. Drury
Lozeau|Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607
Ph: (510) 836-4200
Fax: (510) 836-4205
Email: michael@lozeaudrury.com;
richard@lozeaudrury.com

On behalf of Laborers' International Union of North
America, Local Union No. 1184

I. INTRODUCTION

Pursuant to Public Resources Code (“PRC”) section 25214 and sections 1207 and 1712 of Title 20 of the California Code of Regulations (“CCR”), Petitioner Laborers’ International Union of North America (“LIUNA”) Local Union No. 1184 (“LIUNA Local 1184”) (“Petitioner” or “LIUNA”) hereby petitions to intervene in the above-captioned proceeding.

On September 23, 2013, California Energy Commission staff released the Staff Assessment - Part A for the Proposed Blythe Solar Power Project. The Assessment reviews the Revised Petition to Amend submitted in April 2013 by NextEra Blythe Sola Energy Center, LLC, requesting to change the previously approved solar thermal power-generating facility utilizing parabolic trough technology to a photovoltaic (PV) only solar facility. This is essentially an entirely new Project covering a significant portion of the previously approved project’s site.

LIUNA is concerned about the impacts of the Blythe Solar Power Project (“Project”), and has a direct interest in ensuring that the Project’s impacts are mitigated to the full extent feasible. LIUNA Local 1184 is submitting, contemporaneously with this Petition, substantive comments on Part A of the Staff Assessment, including expert air quality comments. Although LIUNA is aware that an extensive approval process on the prior project was completed in 2010, given the dramatic alteration of the Project and the considerable passage of time since the prior approval, LIUNA’s intervention in this modification proceeding would add substantial evidence to the Commission’s record, assist in facilitating the Commission’s consideration of the applicant’s petition to amend the Project, and allow LIUNA to represent the interests of its members.

II. REPRESENTATION

LIUNA Local 1184 will be represented in this proceeding by the counsel identified below. All filings should be served on Petitioners' counsel:

Michael R. Lozeau
Richard T. Drury
Lozeau|Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607
Ph: (510) 836-4200
Fax: (510) 836-4205
Email: michael@lozeaudrury.com;
richard@lozeaudrury.com

Petitioner wishes to participate fully as a party in the remaining phase of this proceeding. Petitioner is not a member of a group or organization already a party to this proceeding.

III. PROCEDURAL POSTURE

20 CCR section 1207(a) grants "any person" the right to file a petition to intervene in any CEC proceeding. The petition must set forth "the grounds for the intervention, the position and interest of the petitioner in the proceeding, the extent to which the petitioner desires to participate in the proceedings, and the name, address, and telephone number of the petitioner." 20 CCR § 1207(a). Intervention is liberally granted to "any petitioner" to the extent the presiding Commissioner deems "reasonable and relevant." *Id.* at subs. (c).

The modification of the Project from a thermal solar facility to a PV facility has occurred long after the initial proceeding approving the thermal project was concluded. As a result, LIUNA's petition to intervene is not within the timelines set forth in 20 CCR § 1207(b). Accordingly, LIUNA respectfully requests permission to intervene pursuant to 20 CCR § 1207(c) which provides that the "presiding member may grant leave to intervene to any petitioner to the extent he deems reasonable and relevant, but may grant a petition to intervene

filed after the deadline provided in subdivision (b) only upon a showing of good cause by the petitioner.”

Good cause is present here because of the completely new Project set forth in the petition to amend, the timeliness of LIUNA’s comments and expert reviews in the newly initiated modification proceeding, the fact that LIUNA has and intends to prepare additional substantive, expert comments that should assist staff and the commissioners in their analyses and deliberations, and because LIUNA clearly meets the criteria for intervention spelled out in the CEC regulations.

LIUNA is complying with the procedural requirements for presenting this Petition by serving the petition electronically upon the Applicant, as well as all other parties, through the CEC’s e-filing system. 20 CCR § 1207(b).

IV. BASIS FOR INTERVENTION

A. Petitioners.

LIUNA Local 1184 is a non-profit laborers’ and public service employees’ union with approximately 3,000 members residing and working in Riverside County, and over 500,000 members in LIUNA nationally. The address and telephone number of LIUNA Local 1184 is 1128 E. La Cadena Dr., Riverside, CA 92507, (951) 684-1484. LIUNA Local 1184 members purchase utility services in California, and many of these members are residential utility customers who will be impacted by the proposed generation and transmission of power by the Project.

LIUNA Local 1184 represents construction workers and public service employees in many settings, including collective bargaining, seeking employment, training programs, legal rights, job safety, workplace fairness, as well as quality of life concerns. LIUNA Local 1184

advocates for programs and policies that promote good jobs and a healthy natural and working environment for workers and their families. While LIUNA supports the development of clean, renewable energy technology, including the use of solar energy where feasible, an important part of LIUNA Local 1184's ongoing advocacy involves participating in and, where appropriate, challenging Projects that would result in harmful environmental effects, or the violation of environmental laws, to the detriment of the interests of LIUNA's members.

Members of LIUNA Local 1184 live, work, and recreate in Riverside County in the vicinity of the proposed Project site. These members will suffer the impacts of a poorly executed or inadequately mitigated Project, just as would the members of any nearby homeowners association, community group, or environmental group. Members of LIUNA Local 1184 live and work in areas that will be affected by the construction and operation of the Project, including adverse effects from the Project's emissions of PM10, NOx, and other air pollutants during its construction as well as potentially fungal spores carrying the Valley Fever disease. LIUNA's members frequently recreate in the vicinity of the Project and are concerned with impacts to wildlife in the area, including the threatened desert tortoise, burrowing owls, and other sensitive species. It is in Local 1184's immediate interest to ensure that air quality and wildlife species are protected, and that the direct and cumulative impacts of the Project are mitigated to the fullest extent feasible.

Construction workers and project workers such as Local 1184 members will suffer many of the most significant impacts from the Project as currently proposed, such as exposure to excess air pollution resulting from the Project construction and operation, including increased PM10 emissions and nitrogen oxide ("NOx") emissions during the Project's long construction phase. Therefore, LIUNA Local 1184 and its members have a direct interest in ensuring that the

Project is adequately analyzed and that its environmental and public health impacts are mitigated to the fullest extent feasible.

B. LIUNA’s Requested Role In Remaining Proceedings.

As is discussed in LIUNA’s comments on Part A of the Staff Assessment for the Project, LIUNA has identified significant concerns regarding the completeness and accuracy of the Assessment’s analysis of the Project’s impacts on air quality near the site and in the region. LIUNA intends to submit comments on Part B of the Staff Assessment as well by the November 8th comment deadline, including expert comments. Given the substantial effort by LIUNA to procure expert advice and given the expert nature of that input to the CEC process, LIUNA believes that having the opportunity to treat its expert comments as testimony will be of significant value to staff and the CEC during your deliberations. As is evidenced by the comments submitted on Part A of the Staff Assessment, LIUNA intends to play a critical but constructive role in assisting staff and the CEC in approving a Project that comes as close as possible to achieving no significant impacts to the environment. By advocating and securing additional mitigation measures for the Project, LIUNA will be achieving its goal of trying to improve its members’ health, safety, well-being, and recreational interests.

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V. CONCLUSION

For the foregoing reasons, LIUNA Local 1184 respectfully requests that the Commission grant its petition to intervene in this proceeding, and allow LIUNA Local 1184 to participate as a party.

Dated: October 23, 2013

Respectfully Submitted,

LOZEAU|DRURY LLP

Original signed by _____
Michael R. Lozeau
Attorneys for Laborers International Union of North
America Local Union 1184