

DOCKETED

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Project Title:	Palen Solar Power Project - Compliance
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**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
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***PALEN SOLAR ELECTRIC
GENERATING SYSTEM AMENDMENT***

Docket No. 09-AFC-07C

COMMITTEE ORDER DENYING PETITION TO INTERVENE

Upon consideration of the Petition to Intervene, filed by Laurens H. Silver on behalf of Petitioner Sierra Club, the Presiding Member of the Committee designated to conduct proceedings in this matter makes the following findings:

On June 4, 2014, a Petition to Intervene was filed in the above-captioned proceeding by:

**Laurens H. Silver, Esq.
California Environmental Law Project
P. O. Box 667
Mill Valley, CA 94942
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1. This proceeding is nearing its last phase. The Committee issued the Presiding Member's Proposed Decision (PMPD) on December 13, 2013, based upon the record of the evidentiary hearings held between October 28, and November 25, 2013 (TN 201434). The Prehearing Conference was held on October 24, 2013.
2. On December 23, 2013, the Committee granted the request of Petitioner, Palen Solar Holdings, LLC (PSH), to delay proceedings to address concerns raised in the PMPD (TN 201464; TN 201466). On May 21, 2014, the Committee granted the PSH's Motion to Reopen the Evidentiary Record and scheduled additional evidentiary hearings on limited topics (TN 202362; TN 202407).
3. California Code of Regulations, title 20, section 1207(b), governs the filing of Petitions to Intervene. That section provides that "the petition shall be filed no later than the prehearing conference or 30 days prior to the first hearing held pursuant to Sections 1725, 1748 or 1944 of this Chapter, whichever is earlier. The deadline for filing a Petition to Intervene was September 28, 2013 (10/24/13 RT 19:17-25).

4. The evidentiary hearings, noticed for July of 2014, are supplemental to the previously convened evidentiary hearings and are limited in scope.
5. Section 1207(c) allows the Presiding Member of the Committee to grant a late-filed petition to intervene, but only upon a showing of good cause.
6. Mr. Silver argues that the Sierra Club's submission of comments to the Bureau of Land Management and comments to the California Energy Commission supporting the PMPD constitutes good cause to grant the petition to intervene. The petition is silent as to why he did not meet the deadline of September 28, 2013.
7. The Petition asserts, "The key issue for Sierra Club is that solar power tower technology creates new and extremely serious environmental concerns for protected avian species and migration along the Pacific Flyway." (Petition to Intervene by the Sierra Club, p. 4.) This "key issue" is the focus of the intervention by existing Intervenor Center for Biological Diversity and Basin and Range Watch.
8. The concerns raised by the Petition are adequately represented by existing Intervenor and the Petition fails to show good cause to allow Sierra Club intervenor status at this very late date.
9. Mr. Silver is welcome to attend the upcoming hearings and offer public comment.

THEREFORE, the Committee **ORDERS** that the Petition to Intervene in this matter be **DENIED**. Under section 1207(d), the Petitioner may appeal this decision to the full Commission within 15 days of the date hereof.

SO ORDERED.

Dated: June 13, 2014, at Sacramento, California

Original Signed By:

KAREN DOUGLAS
 Commissioner and Presiding Member
 Palen Solar Electric Generating System
 Amendment Committee

Original Signed By:

DAVID HOCHSCHILD
 Commissioner and Associate Member
 Palen Solar Electric Generating System
 Amendment Committee