DOCKETED	
Docket Number:	07-AFC-06C
Project Title:	Carlsbad Energy Center - Compliance
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Document Title:	Objection to Proceeding Without Notification to Interveners and Aggreived Members of the Public
Description:	N/A
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Submitter Role:	Intervenor
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STATE OF CALIFORNIA

Energy Resources Conservation

and

Development Commission

In the Matter of: Docket No. 07-AFC-06 and Docket No. 07-AFC-06C Petition to Remove Obsolete Facilities to Support Construction of the Carlsbad Energy Center Project and Petition to Amend the Carlsbad Energy Center Project

OBJECTION TO PROCEEDING WITHOUT NOTIFICATION TO INTERVENERS AND AGGRIEVED MEMBERS OF THE PUBLIC

It has come to my attention that the Commission has commenced proceedings and made decisions regarding the above referenced application without notice to the interveners or the interested public. The interveners and other members of the public clearly sought a redress of our grievances regarding this potential project. The Commission had no right to derail public participation by convening a proceeding regarding the application without notice to those who have demonstrated a clear interest. The Commission may have the authority to create a post-certification mailing list but it certainly does not have the authority to omit the precertification mailing and service list from notice of its proceeding. The public and interveners were not informed that they would have to reiterate their interest in some shell game each time some letter is added to the proceeding name or applicant wishes to make the project dirtier. Interveners should not need to reintervene. It appears from the, Solicitation For Agency Participation in the Review of Amendment and list of property owners that the that the Commission understands some of its duties. Also In 2012, after the project was approved, the City of Carlsbad's petition to the Supreme Court was posted on the proceeding docket and served to the parties. In June of 2013, two years after the project was approved, the Air District Authority to Construct extension was posted on the original docket and served to the parties, yet in this highly significant modification of the proposed project the commission has not recognized its duty to serve the parties to the original proceeding and provide notice to those who have demanded it.

The Commission should immediately take steps to mitigate this audacious violation of the public's Federal Due Process rights.

These steps should include;

- Providing members of the public who expressed a grievance, with the underlying action, notice of the present proceeding(s).
- Adding the parties to the original proceeding to the service list.
- Serving the parties to the original proceeding all documents related to the amendment(s).
- If the Commission somehow does not consider the parties to the original proceeding to be parties to the amendment; the Commission should identify the legal authority for this assumption and allow the original parties adequate time to re-establish party status.
- Allow adequate time for parties and the public to review the docket and opine
- Rescinding all decisions made in the amendment proceeding(s) in favor of a venue which allows stakeholders an opportunity to influence decisions.
- Promulgate rules that prevent this sort of injustice in the future.

Submitted by

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