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**STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

In the Matter of:

**The CARLSBAD ENERGY
CENTER PROJECT**

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Docket No. 07-AFC-06C

**PROJECT OWNER'S RESPONSE TO ROB SIMPSON
OBJECTION**

October 21, 2014

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**STATE OF CALIFORNIA
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I. BACKGROUND

On August 7, 2014, Rob Simpson (“Mr. Simpson” or “Petitioner”) filed a Petition to Intervene (the “Petition”) in the Carlsbad Energy Center Project (“CECP”) proceeding with the California Energy Commission (the “Commission”) siting committee assigned to CECP (“Committee”) pursuant to Section 1207 of Title 20 of the California Code of Regulations. On September 23, 2014, the Committee issued its Order Partially Approving Rob Simpson’s Petition to Intervene (the “Order”). The Order limits Mr. Simpson’s participation as an Intervenor to the topics of air quality, greenhouse gas emissions, and public health. On October 6, 2014, Petitioner filed the 1712(b) Objection to Committee Prejudice of Petition to Intervene (the “Objection”). The Objection requests, among other things, unrestricted intervention. Project owner Carlsbad Energy Center LLC (“Project Owner”) herein responds to the Objection.

Project Owner is opposed to the Objection and respectfully requests the Commission affirm the Committee decision on the Petition to limit the scope of Petitioner’s intervention.

II. ARGUMENT

A. Petitioner Has Limited Reasons for Intervention as a Party.

Based on the intent and language of Mr. Simpson's Objection and Petition, it is clear that he does not plan to utilize his right to intervene in the manner in which the public participation provisions in section 1207 were intended, to allow the public to provide meaningful contribution to Commission projects. (20 Cal. Code Regs. § 1207.) Thus, allowing Petitioner to fully participate will result in unnecessary delay and distraction.

Petitioner sets forth various objectives for intervening in the CECP proceeding, including Petitioner's intent to "preserve the planets[sic] ability to maintain human life" (Petition at p. 1) and to "provide an independent and informed citizens[sic] perspective to the licensing process." (Petition at p. 3.) These objectives do not meet the requirements of section 1207(a) that petitioner set forth his interest in the proceeding. (20 Cal. Code Regs. § 1207.) The Committee deemed it appropriate to limit Mr. Simpson's participation to those topic areas involving impacts that can extend beyond the project vicinity - air quality, greenhouse gas, and public health - because it was clear that the likely impacts of Mr. Simpson's participation on other matters would outweigh the benefits of allowing him to intervene. Thus, Project Owner requests that the Commission affirm the decision to limit the scope of Petitioner's intervention.

B. The Presiding Member had Discretion to Deny the Petition and Prohibit Mr. Simpson's Participation.


Although Title 20, California Code of Regulations, section 1207(c) states that the "presiding member may grant leave to intervene....," section 1207 does not compel the Presiding Member or the Commission to grant every Petition to Intervene submitted in every proceeding. (20 Cal. Code Regs. § 1207 (emphasis added).) Instead, Section 1207(c) provides

that the Presiding Member can choose to allow a person to intervene only when “reasonable **and** relevant.” (20 Cal. Code Regs. § 1207 (emphasis added).) Thus, the Presiding Member had the express discretion to deny intervention in its entirety and refuse to allow Petitioner to participate in the proceeding unless Petitioner demonstrated reasons to be an Intervenor that were both “reasonable” and “relevant.” In the case of Mr. Simpson, the reasons for participation as a party to the PTA proceeding are neither reasonable nor relevant. For these reasons, it is clear that the Presiding Member acted within her authorized discretion to limit Petitioner’s scope of participation.

III. CONCLUSION

For the reasons set forth above, the Commission should affirm the Committee’s September 23, 2014 Order limiting Petitioner’s scope of intervention.

Dated: October 21, 2014

By: 

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