

## DOCKETED

<b>Docket Number:</b>	07-AFC-06C
<b>Project Title:</b>	Carlsbad Energy Center - Compliance
<b>TN #:</b>	203296
<b>Document Title:</b>	Committee Order Partially Approving Robert Sarvey's Petition to Intervene
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**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
1-800-822-6228 – WWW.ENERGY.CA.GOV**

***PETITIONS TO AMEND THE  
CARLSBAD ENERGY CENTER PROJECT***

**Docket No. 07-AFC-06C**

**COMMITTEE ORDER PARTIALLY APPROVING  
ROBERT SARVEY'S PETITION TO INTERVENE**

Upon consideration of the Petition to Intervene (Petition) filed by Robert Sarvey (Petitioner), the filings of the parties in response thereto, and the argument and discussion at the October 23, 2014 Committee hearing, the Committee designated to conduct proceedings in this matter makes the following findings:

1. On October 6, 2014, a Petition to Intervene<sup>1</sup> in the above-captioned proceeding was filed by:

**Robert Sarvey  
501 W. Grant Line Rd.  
Tracy, CA. 95376  
(209) 835-7162  
sarveybob@aol.com**

2. The Petition was timely filed and contains the information required by section 1207 of the Commission's regulations (Cal. Code Regs., tit. 20, § 1207).
3. Petitioner's interests are partially relevant to the above-captioned proceeding.
4. The Committee held a public hearing on October 23, 2014, during which Petitioner and the parties presented arguments in favor of and against granting the Petition and regarding the scope of Mr. Sarvey's intervention.
5. No provision of law provides Petitioner with a due process right to intervene.
6. Intervention is granted in the Committee's discretion to the degree that it finds intervention reasonable and relevant.
7. The Presiding Member or Committee may impose conditions on all intervenors' participation in the hearings in order to promote the orderly conduct of the proceeding.

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<sup>1</sup> TN 203169

8. The Petition describes Petitioner's interests in general terms, citing potential effects on "two close friends who live in Carlsbad near the proposed facility," as a ratepayer to "advocate for the cleanest, most efficient, and most economical project that can be sited," and concerns "with the GHG implications of this project after the Commission has already approved a fast ramping combined cycle project at this location which was touted as a model for renewable integration."
9. The interests of persons who reside in the project vicinity are represented by previously admitted intervenors Power of Vision, Terramar Association, and Kerry Siekmann who have been approved to intervene in all subject areas considered by the Commission.
10. Petitioner does not reside in the project area or represent any organization with members who do. It is appropriate to limit his participation to those topic areas in which he has expressed interest whose impacts can extend beyond the project vicinity—air quality, greenhouse gases, public health, and alternatives.
11. Petitioner has not demonstrated that the project would affect any personal interest he has or that he would bring information or expertise that would help the Presiding Member render a proposed decision beyond the above four topic areas. The existing scope permits him to introduce relevant evidence and conduct cross-examination in topic areas whose impacts can extend beyond the project vicinity.

**THEREFORE, THE COMMITTEE ORDERS** that the Petition to Intervene in this matter be **GRANTED** and that Petitioners be placed upon the Proof of Service List as an Intervenor. Petitioners may exercise the rights and shall fulfill the obligations of a party as set forth in all Orders issued in this matter and section 1712 of the Commission's regulations. The deadlines for conducting discovery and other matters shall not be extended by the granting of this Petition. (Cal. Code Regs., tit. 20, § 1712.)

**WE FURTHER ORDER** that Petitioner's participation as an Intervenor shall be **limited to** the topics of **Air Quality, Greenhouse Gas Emissions, Public Health, and Alternatives**. This limitation does not restrict Petitioner's right to make public comments separately from his role as an Intervenor.

The Energy Commission welcomes and values intervenor participation in its energy facility siting process. A link to the Commission's regulations (Title 20, Division 2) describing intervenor participation may be found below the "Energy Commission Links" heading on the right-hand side menu of the Public Adviser's intervention advice webpage at: [http://www.energy.ca.gov/public\\_adviser/intervening\\_siting\\_cases.html](http://www.energy.ca.gov/public_adviser/intervening_siting_cases.html).

As an Intervenor, Petitioner is required to file and serve documents on other parties and to follow the Commission's procedures and orders regarding presenting witnesses and evidence.

Petitioner is further required to review the General Orders Regarding Electronic Document Formats, Filing and Service of Documents and Other Matters (found at [http://docketpublic.energy.ca.gov/PublicDocuments/07-AFC-06C/TN202478\\_20140620T143006\\_062014\\_CARLSBAD\\_ENERGY\\_CENTER\\_Siting\\_case\\_general\\_orders\\_update.pdf](http://docketpublic.energy.ca.gov/PublicDocuments/07-AFC-06C/TN202478_20140620T143006_062014_CARLSBAD_ENERGY_CENTER_Siting_case_general_orders_update.pdf)), the rules regarding filings, the rules of evidence that apply at the evidentiary hearings, the rules prohibiting off the record contacts with Commissioners or the Hearing Adviser about the merits of a project, and the rules about filing data requests. (Cal. Code Regs., tit. 20, §§ 1001 through 1217, 1712 et seq.)

**PETITIONER'S FAILURE TO FULFILL THESE RESPONSIBILITIES MAY RESULT IN THE COMMITTEE LIMITING OR PRECLUDING PETITIONER'S PARTICIPATION IN THE PROCEEDINGS.**

If Petitioner needs any help with participating in the siting process, contact Public Adviser Alana Mathews' Office at (916) 654-4489 or (800) 822-6228, or e-mail at: [publicadviser@energy.ca.gov](mailto:publicadviser@energy.ca.gov).

Questions of a legal or procedural nature should be directed to Chief Hearing Adviser Paul Kramer at (916) 654-5103, or e-mail at: [paul.kramer@energy.ca.gov](mailto:paul.kramer@energy.ca.gov).

Technical questions concerning the project should be addressed to Mike Monasmith, Staff Project Manager, at (916) 654-4894, or e-mail at: [mike.monasmith@energy.ca.gov](mailto:mike.monasmith@energy.ca.gov).

The Executive Director or his designee shall ensure that Petitioner is immediately provided with a copy of the amendment petitions.

Dated: October 31, 2014, at Sacramento, California.

***Original Signed By:***

KAREN DOUGLAS  
Commissioner and Presiding Member  
Carlsbad Amendment Committee

***Original Signed By:***

ANDREW McALLISTER  
Commissioner and Associate Member  
Carlsbad Amendment Committee