

## DOCKETED

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<b>Filer:</b>	Dee Hutchinson
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500 Capitol Mall, Suite 1800  
Sacramento, CA 95814  
Telephone: 916-930-2500  
Fax: 916-930-2501  
www.lockelord.com

John A. McKinsey  
Direct Telephone: 916-930-2527  
Direct Fax: 916-720-0443  
jmckinsey@lockelord.com

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Via E-Filing

Commissioner Karen Douglas  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814-5512

Re: Docket No. 15-OIR-01 - Updates: Title 20 Commission  
Process and Procedure and Siting Regulations

Dear Commissioner Douglas:

Thank you for the opportunity to provide comments on the Commission's 2015 Proposed Amendments to Title 20 Commission Process and Procedure Regulations (TN-204250) ("**draft rules**"). Throughout this rule-making process, the Commission has done a commendable job of soliciting feedback from the public and interested stakeholders and incorporating that feedback into the draft rules. The result is a set of proposed regulations that improve, not only upon previous drafts of the revisions, but also upon the existing rules. The proposed amendments enhance public participation in Energy Commission proceedings by: (1) modernizing the filing procedure; (2) reorganizing the regulations for clarity; and (3) simplifying various procedures.

Overall, the draft rules make positive changes. However, there are several further revisions that we urge the Commission to adopt to ensure that Commission's process and procedure is fair to all parties and does not cause undue delay. Accordingly, we offer the following comments on the draft rules for the Commission's consideration.

**§ 1201(o): Definition "Party"**

Comment: When a project owner petitions the Commission to amend a licensed thermal power plant project, it acts as a petitioner. A petitioner is a party. Accordingly, we suggest adding "petitioner" to the definition of "party."

**§ 1211.7(c): Intervenor**

Comment: An intervenor is a party to Commission proceedings. Intervention status not only accords rights upon the party, it also imposes duties as well. When an intervenor fails to fulfill its duties as a party, the presiding member should be allowed to place subsequent limits on the intervenor's scope of participation. We suggest revising subparagraph c as follows:


(c) The presiding member may grant intervention and may impose reasonable conditions on an intervenor's participation, including, but not limited to ordering intervenors with substantially similar interests to consolidate their participation or limiting an intervenor's participation to specific topics. An intervenor is a party to a proceeding. **Subsequent to the time when a petition to intervene is granted, the presiding member may, upon its own motion or the motion of a party, impose reasonable conditions on the participation of an intervenor who fails to fulfill its duties as a party.**

**§ 1742(a): Staff Assessment**

Comment: The revisions in the draft rules would require every project to go through both a preliminary staff assessment and a final staff assessment. While many power plant siting projects require both a preliminary and a final staff assessment, certain projects might be simple enough that a single staff assessment should suffice. Requiring both a preliminary and a final staff assessment on such projects only serves to lengthen the period of review and does so without good reason. We recommend the addition of a sentence authorizing the Presiding Member of the Siting Committee to waive the requirement of a preliminary staff assessment where the Presiding Member concludes a preliminary staff assessment would not add significantly to the quality of the Staff's review process nor hinder public involvement.

Thank you for considering these comments on the proposed changes to the Commission's regulations governing process and procedure.

Locke Lord LLP

By: 

John A. McKinsey

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