

## DOCKETED

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<b>TN #:</b>	214868
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*Comment Received From: robert james simpson*

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**petition to intervene**

*Additional submitted attachment is included below.*

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**STATE OF CALIFORNIA**

**State Energy Resources  
Conservation and Development Commission**

In the Matter of:

HUNTINGTON BEACH ENERGY PROJECT  
AMENDMENT

NO. 12-AFC-02C

**PETITION TO INTERVENE  
BY HELPING HAND TOOLS  
AND ROBERT SIMPSON**

Pursuant to Public Resources Code section 25214 and section 1211.7 of Title 20 of the California Code of Regulations, Helping Hand Tools (“2HT”) petitions to intervene in this proceeding. This petition sets forth the grounds for intervention and the position and interests of the 2HT in the proceedings as required by the regulations. 20 C.C.R. § 1211.7 (a) (“The petition shall set forth the grounds for the intervention, the position and interest of the petitioner in the proceeding, the extent to which the petitioner desires to participate in the proceedings, and the name, mailing address, e-mail address, and telephone number of the petitioner.”)

Petitioner 2HT is a California non-profit organization that has members throughout California 2HT and its members are beneficially interested in climate change, environmental justice, due process, civic participation, ecological values, human health, and the well-being of

the planet. Additionally, Petitioners participate in government proceedings throughout the state and add a public voice to the Energy Commissions hearings.

2HT would like to participate fully in all phases of these proceedings when public comment is asked for.

2HT will be represented by Andrew Kingsdale and Robert Simpsons in these proceedings.

This Petition to intervene is proper because it is requested before a prehearing conference. Section 1211.7 of Title 20 states that “the petition shall be filed no later than the prehearing conference” petitioner is aware that one prehearing conference has already occurred, but given the fact that a second prehearing conference is going to happen on December 21<sup>st</sup> and that the law states “the prehearing conference” not the *first* prehearing conference, petitioner argues this petition is adequately timed.

Alternatively, Petitioners asks the presiding member to grant this late petition under “a showing of good cause” allowed by Title 20 Section 1211.7 sub section D. Petitioner can show good cause for three reasons. First, the Energy Commission wants and actively cultivates public participation which 2HT will provide. For example, the Energy Commission permissibly allows for parties to intervene -- in fact any party can intervene. This open availability for public participation is a great and integral part of this agency. The issue is that a non-profit like 2HT does not have the resources to intervene in every permit (or waste the commission’s time by submitting interventions that resources will permit 2HT to follow up on.) It is only when 2HT believes it can assist the process by voicing issues it has not seen raised that it seeks to intervene. In this case, 2HT is willing to submit a prehearing conference statement and actively assist the process. Second, is that the Final Staff assessment part 2 was only released to the public on

December 9<sup>th</sup>, 2016. This is a complicated and lengthy document that requires a lot of resources and time to parse. 2HT's decision to intervene was based upon the information that staff assessment contained, but was not available until after the first prehearing conference and only 12 days before the first evidentiary hearing. [TN 214737] Additionally, the evidentiary hearing date was shortened from January 9<sup>th</sup>, to the December 21<sup>st</sup>, which again reduced the amount of time for the public to look at these important documents and make a decision on whether to participate or not. [TN 214627]

Third, because there are no other non-profits or public intervenors there is good cause to let 2HT into the proceeding. At the last prehearing conference no members of the public spoke. And although the Public Advisor does a great job trying to bring in citizens to participate -- it isn't happening in this case. 2HT can bridge that gap. 2HT actively participates and actively informs the affected community in order to increase civic participation and draw attention to important issues.

For the foregoing reasons, 2HT respectfully requests that the Commission grant its petition to intervene in the proceedings and allow 2HT to participate as a party.

Dated: Friday, December 16, 2016

Respectfully submitted,

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