

DOCKETED

Docket Number:	12-AFC-02C
Project Title:	Huntington Beach Energy Project - Compliance
TN #:	214950
Document Title:	Committee Order Granting Petition to Intervene
Description:	Order granting Robert Simpson/Helping Hand Tools 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

*PETITION TO AMEND THE
HUNTINGTON BEACH ENERGY PROJECT*

DOCKET No. 12-AFC-02C

COMMITTEE ORDER GRANTING PETITION TO INTERVENE

Upon consideration of the Petition to Intervene (Petition) filed by Robert Simpson and Helping Hand Tools (collectively, Petitioner), the Committee designated to conduct proceedings in this matter makes the following findings:

1. On December 16, 2016, a Petition to Intervene¹ in the above-captioned proceeding was filed by:

**Robert Simpson
Helping Hand Tools
27126 Grandview Ave.
Hayward, CA 94542
e-mail: Rob@redwood.com
Phone: (510) 634-4171**

2. The Petition contains the information required by the Commission's regulations,²
3. AES Huntington Beach Energy, LLC, the project owner, and the Energy Commission Staff (Staff) both filed opposition to the Petition.³
4. Petitioner's interests are relevant to the above-captioned proceeding.
5. Petitioner has demonstrated a bona fide interest in the project and has demonstrated possession of information and expertise that will help the Committee in preparing a proposed decision.
6. Intervention is granted in the Committee's discretion to the degree that it finds intervention reasonable and relevant. The Presiding Member or Committee may

¹ TN 214869.

² Cal. Code Regs., tit. 20, § 1211.7.

³ AES' opposition may be found at TN 214811; Staff's opposition may be found at TN 214928.

impose conditions on all intervenors' participation in the hearings in order to promote the orderly conduct of the proceeding.

THEREFORE, the Committee **ORDERS** that the Petition to Intervene in this matter be **GRANTED** and that Petitioner be placed upon the Proof of Service List as an Intervenor. Part 1 of the Final Staff Assessment (FSA)⁴ was published on October 17, 2016.⁵ The Committee set a deadline for Petitions to Intervene of October 31, 2016, provided, however, that later petitions to intervene would be considered on a showing of "good cause."⁶ Part 2 of the FSA, containing the Staff's final analysis on the topics of air quality, greenhouse gases, and public health, was filed on December 9, 2016.⁷ The Committee finds good cause to allow what would otherwise be an untimely application to intervene as a potential intervenor may not have identified issues upon which it wished to participate until receipt of the entirety of the FSA. Accordingly, Petitioner may exercise the rights and shall fulfill the obligations of a party as set forth in all orders issued in this matter and California Code of Regulations, title 20, section 1212. The deadlines for conducting discovery and other matters, including the evidentiary hearing, shall not be extended or changed by the granting of this Petition.⁸

We further **ORDER** that the Petitioner's participation is limited to the following topic areas: **Greenhouse Gas Emissions, Air Quality, and Public Health**. Petitioner's intervention is subject to further modification at the discretion of the Presiding Member or the Committee. These limitations of Petitioner's participation as an intervenor do not affect his ability to make public comments in the proceeding.

The Energy Commission welcomes and values intervenor participation in its energy facility siting process. A link to the Commission's regulations describing intervenor participation is posted on the left-hand side menu of the Public Adviser's webpage at:

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 "Revised General Orders Regarding Electronic Document Formats, Electronic Filing and Service of Documents and Other Matters,"⁹ 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 Officer about the merits of a project, and the rules about filing data requests. Petitioner and the other parties have already identified the specific issues they intend to raise at the evidentiary hearings, the evidence they wish to offer, and the witnesses they

⁴ Part 1 of the FSA includes all subject matter areas except for **Air Quality, Greenhouse Gases, and Public Health**.

⁵ TN 214015.

⁶ TN 214127; see also Cal. Code Regs., tit. 20., § 1211.7, subd. (d).

⁷ TN 214732.

⁸ Cal. Code Regs., tit. 20, § 1211.7, subd. (d).

⁹ TN 212639.

wish to present or cross-examine during the hearings.

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 Alana Mathews, Public Adviser, at (916) 654-4489 or (800) 822-6228, or by e-mail at publicadviser@energy.ca.gov.

Direct questions of a legal or procedural nature to Susan Cochran, Hearing Officer, at (916) 654-3965, or by e-mail at susan.cochran@energy.ca.gov.

Technical questions concerning the project should be addressed to John Heiser, Staff Project Manager, at (916) 653-8236, or by email at john.heiser@energy.ca.gov.

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

IT IS SO ORDERED

Dated: December 20, 2016, at Sacramento, California

ORIGINAL SIGNED BY:

J. ANDREW McALLISTER, Ph.D.
Commissioner and Presiding Member
HUNTINGTON BEACH AMENDMENT COMMITTEE