

DOCKETED

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**State of California
State Energy Resources Conservation and
Development Commission**
1516 Ninth Street, Sacramento, CA 95814
1-800-822-6228 – www.energy.ca.gov

**APPLICATION FOR SMALL POWER PLANT
EXEMPTION FOR THE:**

***SAN JOSE CITY BACKUP
GENERATING FACILITY***

Docket No. 19-SPPE-04

**COMMITTEE ORDER GRANTING PETITION TO INTERVENE
FILED BY CALIFORNIA UNIONS FOR RELIABLE ENERGY**

Upon consideration of the Petition to Intervene (Petition) filed by California Unions for Reliable Energy (Petitioner)¹ in the Application for a Small Power Plant Exemption (SPPE) for the San Jose Backup Generating Facility (Project), the California Energy Commission (CEC) Committee designated to conduct proceedings (Committee)² in this matter makes the following findings.

1. On January 23, 2020, a Petition in the above-captioned proceeding was filed by:

CALIFORNIA UNIONS FOR RELIABLE ENERGY

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¹ TN 231653.

² The CEC appointed a committee consisting of Karen Douglas, Commissioner and Presiding Member, and Patty Monahan, Commissioner and Associate Member (the Committee), on December 11, 2019 (TN 231265).

2. The Petition contains the information required by the CEC's regulations.³
3. No opposition to the Petition has been filed, and the deadline for such opposition was February 6, 2020.
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 or expertise that may help the Committee in preparing a proposed decision.
6. Intervention is granted at the Committee's discretion to the degree that it finds intervention reasonable and relevant. 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.

THEREFORE, the Committee **ORDERS** that the Petition be **GRANTED** and that Petitioner be placed upon the Proof of Service List as an intervenor. 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. Deadlines and other matters shall not be extended or changed by the granting of this Petition.⁴

The Committee further **ORDERS** that the Petitioner's participation is limited to the direct, indirect, and cumulative impacts of the following topic areas as requested by Petitioner:

- **AIR QUALITY**
- **PUBLIC HEALTH**
- **GREENHOUSE GAS EMISSIONS**
- **NOISE**
- **HAZARDS AND HAZARDOUS MATERIALS**
- **ENERGY AND ENERGY RESOURCES**
- **WILDFIRE**
- **WATER RESOURCES**

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 Petitioner's ability to make public comments on other topics in the proceeding.

The CEC welcomes and values intervenor participation in its energy facility siting process. The Public Advisor's webpage describing intervening in power plant siting cases can be found at:

https://ww2.energy.ca.gov/public_advisor/intervening_siting_cases.html.

³ Cal. Code Regs., tit. 20, § 1211.7, subd. (a).

⁴ Cal. Code Regs., tit. 20, § 1211.7, subd. (d).

Portions of the CEC's regulations relating to power plant siting cases can be found at:

<https://www.energy.ca.gov/programs-and-topics/topics/power-plants/title-20-power-plant-siting-certification>.

As an intervenor, Petitioner is required to file and serve documents on other parties and to follow the CEC's procedures and orders regarding presenting witnesses and evidence. Petitioner is further required to review the "General Orders Regarding Motions, Electronic Filing, Service of Documents, and Other Matters,"⁵ the rules regarding filings,⁶ the rules of evidence that apply at the Evidentiary Hearings,⁷ and the rules prohibiting off-the-record contacts with commissioners, their advisors, or the hearing officer about the Project.⁸

Petitioner's failure to fulfill these responsibilities may result in the Committee limiting or precluding Petitioner's participation in the proceedings.

Contact Information

The Public Advisor's Office provides the public with assistance to participate in CEC proceedings. For assistance, please contact Noemí O. Gallardo, Public Advisor, by e-mail at publicadvisor@energy.ca.gov, (916) 654-4489, or toll free at (800) 822-6228.

Questions of a procedural nature should be directed to Deborah Dyer, Hearing Officer, by e-mail at deborah.dyer@energy.ca.gov or by telephone at (916) 654-3951, or to Caryn Holmes, Hearing Officer, by e-mail at caryn.holmes@energy.ca.gov or by telephone at (916) 653-1643.

Technical questions concerning the Project should be addressed to Lisa Worrall, Staff Project Manager, by e-mail at lisa.worrall@energy.ca.gov or at (916) 654-4545.

Media inquiries should be sent to the Media and Public Communications Office by e-mail at mediaoffice@energy.ca.gov or at (916) 654-4989.

IT IS SO ORDERED.

Dated: February 14, 2020

Dated: February 14, 2020

ORIGINAL SIGNED BY:

Karen Douglas
Commissioner and Presiding Member
San Jose City Backup Generating
Facility SPPE Committee

ORIGINAL SIGNED BY:

Patty Monahan
Commissioner and Associate Member
San Jose City Backup Generating
Facility SPPE Committee

⁵ TN 231937.

⁶ Cal. Code Regs., tit. 20, §§ 1208 – 1208.1, 1211.5.

⁷ Cal. Code Regs., tit. 20, § 1212.

⁸ Cal. Code Regs., tit. 20, § 1216.