

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION FOR THE
TESLA POWER PLANT PROJECT
(TPPP) IN ALAMEDA COUNTY

DOCKET NO. 01-AFC- 21
(AFC ACCEPTED 1/9/02)

ORDER GRANTING PETITION TO INTERVENE

Upon consideration of the Petition to Intervene filed by the California Unions For Reliable Energy (CURE), the Committee designated to conduct proceedings in this matter makes the following findings:

1. On January 11, 2002, a Petition to Intervene in the above-captioned proceeding was filed by:

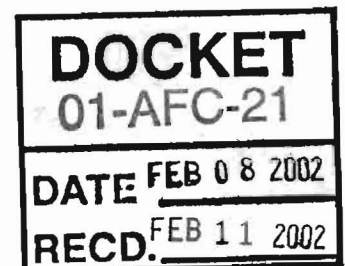
CURE
C/O Marc D. Joseph, Esq.
Mark R. Wolfe, Esq.
Adams Broadwell Joseph & Cardozo
651 Gateway Blvd., Suite 900
South San Francisco, California 94080

2. The Petition was timely filed and contains the information required by section 1207 of the Commission's regulations (Cal. Code of Regs., tit. 20, § 1207);
3. The Applicant has filed no opposition to said Petition; and
4. Petitioner's interests are relevant to the above-captioned 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; Staff shall ensure that Petitioner immediately is provided with a copy of the Application for Certification document. Petitioner may exercise the rights and shall fulfill the obligations of a party as set forth in Title 20 of the Californian Code of Regulations.

Dated February 8, 2002, at Sacramento, California


ROBERT A. LAURIE
Presiding Member
TPPP AFC Committee



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF CALIFORNIA**

*APPLICATION FOR CERTIFICATION FOR THE
TESLA POWER PROJECT
BY MIDWAY POWER LLC.*

*DOCKET No. 01-AFC-21
(AFC ACCEPTED 01/09/02)*

**PROOF OF SERVICE
(Revised 2/11/02)**

I, SUZANNE McCLINTOCK, declare that on February 11, 2002, I deposited copies of the attached ORDER GRANTING PETITION TO INTERVENE in the United States mail at Sacramento, CA with first class postage thereon fully prepaid and addressed to the following:

DOCKET UNIT

*Send the original signed document plus
the required 12 copies to the address
below:*

**CALIFORNIA ENERGY COMMISSION
DOCKET UNIT, MS-4
*Attn: Docket No. 00-AFC-21
1516 Ninth Street
Sacramento, CA 95814-5512
docket@energy.state.ca.us**

* * * *

*In addition to the documents sent to the
Commission Docket Unit, also send
individual copies of any documents to:*

APPLICANT

**Midway Power, LLC.
Attn: Derrel A. Grant, Jr.
Attn: Scott Busa
700 Universe Blvd.
Juno Beach, FL. 33408-2683
derrel_grant@fpl.com
sbusa@fpl.com**

COUNSEL FOR APPLICANT

**Grattan & Galati
Attn: Scott A. Galati
*Plaza Towers
555 Capitol Mall, Suite 600
Sacramento, CA 95814
sgalati@grattangalati.com**

INTERVENOR

***CURE
C/O Marc D. Joseph, Esq.
Mark R. Wolfe, Esq.
Adams Broadwell Joseph & Cardozo
651 Gateway Blvd., Suite 900
South San Francisco, CA 94080
mwolfe@adamsbroadwell.com**

INTERESTED AGENCIES

**Regional Water Quality Control Board
Attn: Judy Huang
San Francisco Bay Region #2
1515 Clay Street, Suite 1400
Oakland, CA 94612
jch@rb2.swrcb.ca.gov**

Bay Area Air Quality Management
District
Attn: Dennis Jang
939 Ellis Street
San Francisco, CA 94109
djang@baaqmd.gov

San Joaquin Valley Unified Air Pollution
Control District, Northern Region
Attn: Jim Swaney, Permit Srvcs. Mgr.
4230 Kiernan Avenue
Modesto, CA 95356
jim.swaney@valleyair.org

I declare under penalty of perjury that the foregoing is true and correct.


[signature]

* * * *

INTERNAL DISTRIBUTION LIST

FOR YOUR INFORMATION ONLY! Parties **DO NOT** mail to the following individuals. The Energy Commission Docket Unit will internally distribute documents filed in this case to the following:

ROBERT A. LAURIE
Commissioner & Presiding Member
MS-31

MICHAL C. MOORE
Associate Member
MS-32

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