

**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
And FINANCIAL HARDSHIP PETITION**

Upon consideration of the Petition to Intervene and the Financial Hardship Petition filed by ROBERT SARVEY ("Petitioner"), the Committee designated to conduct proceedings in this matter makes the findings and orders as follows:

1. On February 11, 2002, a Petition to Intervene and a Financial Hardship Petition (the Petitions) in the above-captioned proceeding was filed by a local resident as follows:

ROBERT SARVEY
501 W. Grantline Road
Tracy, California 95376
(209) 835-7162

DOCKET	
01-AFC-21	
DATE	FEB 14 2002
RECD.	FEB 15 2002

2. The Petitions were 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 the Petitions;
4. Petitioner's interests are relevant to the above-captioned proceeding;
5. Petitioner may exercise the rights and shall fulfill the obligations of a party as set forth in Section 1712 of the Commission's regulations (Cal. Code of Regs., tit. 20, § 1712), with the following exceptions;
6. Petitioner shall not be required to comply with the docketing, filing and service provisions of those regulations. (See, Cal. Code of Regs., tit. 20, §1209 (c).)

7. Instead, Petitioner shall transmit all materials to be filed, docketed or served to the Public Adviser who shall comply with all docketing, filing and proof of service requirements.

It is therefore **ORDERED** that the Petitions in this matter are *granted* as set forth herein and that Petitioner be placed on the Proof of Service List as an Intervenor. Staff shall ensure that Petitioner is immediately provided with a copy of the Application for Certification.

Dated February 14, 2002, at Sacramento, California

A handwritten signature in dark ink, appearing to read 'Robert A. Laurie', is written over a horizontal line.

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 2/15/02)

I, SUZANNE McCLINTOCK, declare that on **February 15, 2002**, I deposited copies of the attached **ORDER GRANTING PETITION TO INTERVENE and FINANCIAL HARDSHIP PETITION** in the United States mail at Sacramento 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

***Robert Sarvey
501 W. Grantline Road
Tracy, CA. 95376**

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 Svcs. 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]

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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:

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Commissioner & Presiding Member
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MS-32

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Hearing Officer
MS-9

Jack Caswell
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