

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

**APPLICATION FOR CERTIFICATION
FOR THE VICTORVILLE 2 HYBRID
POWER PROJECT**

Docket No.: 07-AFC-1

DOCKET	
07-AFC-1	
DATE	SEP 05 2007
RECD.	SEP 05 2007

**PETITION TO INTERVENE BY
ALLIANCE FOR A CLEANER TOMORROW**

September 5, 2007

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TOMORROW**

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Pursuant to sections 1207 of Title 20 of the California Code of Regulations, the Alliance for a Cleaner Tomorrow (“ACT”) petitions to intervene in this proceeding.

Section 1207(a) grants “any person” the right to file a petition to intervene which sets 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, address, and telephone number of the petitioner.” Section 1207(c) provides that the “presiding member may grant leave to intervene to any petitioner to the extent he deems reasonable and relevant . . .”

ACT is a coalition of independent construction company owners and construction industry professionals whose members work in, on and around power plants in California. Thus, the Victorville 2 Hybrid Power Project (“Project”) has a direct and profound affect on these construction professionals’ immediate economic interests and their lives as a whole.

The Project affects these California citizens and construction industry professionals longer term economic and environmental interests. Construction without concern for the environment and the ensuing environmental degradation jeopardizes future jobs in the construction industry, depletes limited air pollutant emissions offsets, and uses limited fresh water resources. This can result in further reduction in future employment opportunities.

Additionally, the ACT members live in the communities will likely that suffer the impacts of environmentally detrimental projects. It is important that ACT members be fully apprised of the environmental impacts of this power plant and how members might be affected, both personally and as a group. ACT members have an interest in helping to minimize the impacts of projects that would degrade the environment. ACT members have an interest in enforcing environmental laws to protect their members' health and economic concerns. ACT members are concerned about projects that cause serious environmental harm without providing countervailing economic benefits. The Commission's application process provides for a balancing of the project's socioeconomic and environmental impacts. ACT's ultimate position in this proceeding will be determined based on all of the factors that will be considered by the Commission.

Other environmental groups, whose members are in the building trade, have been granted intervention in most other siting cases brought before the Commission since AB 1890 was enacted by the California State Legislature. The interest of all Californians are "undeniably relevant" to these siting proceedings. See *In the matter of Application for Certification for the High Desert Power Project Docket # 07-AFC-1, Order Granting Petition to Intervene* (December 24, 1997). A similar analysis, applied to the ACT petition, requires a like decision be reached.

ACT wishes to participate fully in all phases of this proceeding. Filings should be served on ACT at the address listed below.

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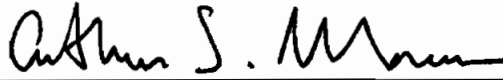
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For these reasons, ACT respectfully requests that the Commission grant its petition to intervene in this proceeding, and allow ACT to participate as a party.

Dated: September 5, 2007

Respectfully submitted



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PROOF OF SERVICE

INSTRUCTIONS: All parties shall 1) send an original signed document plus twelve (12) copies **OR** 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed **OR** electronic copy of the documents that **shall include a proof of service declaration** to each of the parties individuals on the proof of service:

PROOF OF SERVICE

I declare that:

I am and was at the time of service of the papers herein, over the age of eighteen (18) years and am not a party to the action. I am employed in the County of San Diego, and my business address is Klinedinst PC, Suite 600, 501 West Broadway, San Diego, California 92101.

On September 5, 2007

▪ **PETITION TO INTERVENE BY
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- VIA ELECTRONIC MAIL** consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the **SEE ATTACHED SERVICE LIST**.
- VIA MAIL:** By placing a copy thereof for delivery in a separate envelope addressed to each addressee, respectively, as follows: **SEE ATTACHED SERVICE LIST**
- BY FIRST-CLASS MAIL (Code of Civ. Proc. §§ 1013 and 1013(a))**
- BY OVERNIGHT DELIVERY (Code Civ. Proc. §§ 1013(c) and (d))**
- BY CERTIFIED RETURN RECEIPT MAIL (Code of Civ. Proc. §§ 1013 and 1013(a))**

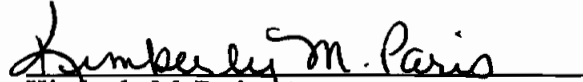
I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid at San Diego, California, in the ordinary course

**PROOF OF SERVICE
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of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

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

Executed on September 5, 2007


Kimberly M. Paris

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