

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

APPLICATION FOR CERTIFICATION
FOR THE **ORANGE GROVE ENERGY AFC**
POWER PLANT PROJECT

Docket No.: 08-AFC-04

DOCKET 08-AFC-4
DATE <u>SEP 22 2008</u>
RECD. <u>SEP 30 2008</u>

PETITION TO INTERVENE BY
ALLIANCE FOR A CLEANER TOMORROW

September 22, 2008

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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 Orange Grove Energy AFC Power Plant 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.

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 22, 2008

Respectfully submitted



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#686831v1-2724-1000

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7 **PROOF OF SERVICE**

8 I declare that:

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

12 On September 29, 2008, I caused to be served the following documents:

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

- 14 **VIA FACSIMILE TRANSMISSION:** (Code Civ. Proc. §§ 1013(e) and (f)): From fax
15 number (619) 238-8707 to the fax numbers listed below and/or on the attached service
16 list. The facsimile machine I used complied with Rule 2008 and no error was reported by
17 the machine.
- 18 **VIA ELECTRONIC FILING SERVICE:** Complying with Code of Civil Procedure
19 section 1010.6, my electronic business address is dhuxtable@klinedisntlaw.com and I
20 caused such document(s) to be electronically served through the LexisNexis/Verilaw
21 system for the above-entitled case to those parties on the Service List maintained on the
22 LexisNexis/Verilaw's website for this case. The file transmission was reported as
23 complete and a copy of the Filing/Service Receipt will be maintained with the original
24 document(s) in our office.
- 25 **VIA MAIL:** By placing a copy thereof for delivery in a separate envelope addressed to
26 each addressee, respectively, as follows:
- 27 **BY FIRST-CLASS MAIL (Code of Civ. Proc. §§ 1013 and 1013(a))**
 - 28 **BY OVERNIGHT DELIVERY (Code Civ. Proc. §§ 1013(c) and (d))**
 - BY CERTIFIED RETURN RECEIPT MAIL (Code of Civ. Proc. §§ 1013 and 1013(a))**

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Orange Grove Energy, L.P. 1900 East Golf Road, Suite 1030 Schaumburg, IL 30173 (847) 908-2800	
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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 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 29, 2008, at San Diego, California.



Darlene K. Huxtable

689496v1

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