



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
1-800-822-6228 – WWW.ENERGY.CA.GOV

**DOCKET**  
**09-AFC-4**

DATE MAY 12 2010

RECD. MAY 13 2010

APPLICATION FOR CERTIFICATION  
For the *OAKLEY GENERATING*  
*STATION PROJECT*

DOCKET No. 09-AFC-4

### COMMITTEE ORDER GRANTING PETITION TO INTERVENE

Upon consideration of the Petition to Intervene filed by the Petitioner, the Committee designated to conduct proceedings in this matter makes the following findings:

1. On or about March 27, 2010, a Petition to Intervene in the above-captioned proceeding was filed by:

**Robert Sarvey**  
**501 W. Grantline Road**  
**Tracy, CA 95376**  
**(209) 835-7162**  
[Sarveybob@aol.com](mailto:Sarveybob@aol.com)

2. The Petition was timely filed and substantially contains the information required by section 1207 of the Commission's regulations (Cal. Code Regs., tit. 20, § 1207);
3. No opposition to said Petition has been filed; and
4. Petitioner's stated interest is 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. 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 Regs., tit. 20, § 1712.)

The Energy Commission welcomes and values intervenor participation in its energy facility siting process. A link to the Commission's regulations describing intervenor participation is posted on the left hand side menu of the Oakley Generating Station Project web page. As an intervenor, Petitioner is required to file and serve documents on other parties and to follow the Commission's procedures and orders regarding presenting witnesses and evidence.

Petitioner is further required to review the rules regarding filings, the rules of evidence that apply at the evidentiary hearings, the rules prohibiting off the record contacts with Commissioners or the Hearing Adviser about the merits of a project, and the rules about filing data requests. (Cal. Code Regs., tit. 20, §1001 through 1217, 1712 et seq.)

**PETITIONER'S FAILURE TO FULFILL THESE RESPONSIBILITIES MAY RESULT IN THE COMMITTEE LIMITING OR PRECLUDING PETITIONER'S PARTICIPATION IN THE PROCEEDINGS.**

If Petitioner needs any help with participating in the siting process, contact the Public Adviser's Office at (916) 654-4489 or 800-822-6228, or e-mail: [\[publicadviser@energy.state.ca.us\]](mailto:publicadviser@energy.state.ca.us).

Direct questions of a legal or procedural nature to Kourtney Vaccaro, the Hearing Adviser, at (916) 654-4328, or e-mail: [\[kvaccaro@energy.state.ca.us\]](mailto:kvaccaro@energy.state.ca.us).

The Application for Certification in this matter was deemed data adequate on September 23, 2009. Under the Commission's regulations, all data requests in this matter were required to be submitted by no later than March 22, 2010, unless the Committee allows untimely requests for good cause shown. (Cal. Code Regs., tit. 20, § 1716.) The Committee will not permit unnecessary, irrelevant or unreasonably burdensome data requests and may, on the motion of a party or on its own motion, exercise its authority pursuant to sections 1203 and 1204 (Cal. Code Regs., tit. 20, §§ 1203, 1204) to enforce the provisions of section 1716, setting forth procedures for obtaining information (Cal. Code Regs., tit. 20, § 1716), in order to eliminate undue delay in the completion of these proceedings.

Further, the Executive Director or her designee shall ensure that Petitioner is immediately provided with a copy of the Application for Certification.

Dated: May 13, 2010, in Sacramento, California.

Original signed by:  
JAMES D. BOYD  
Vice Chair and Presiding Member  
Oakley AFC Committee

Original signed by:  
ROBERT B. WEISENMILLER  
Commissioner and Associate Member  
Oakley AFC Committee



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**APPLICATION FOR CERTIFICATION  
FOR THE *OAKLEY GENERATING STATION***

**Docket No. 09-AFC-4  
PROOF OF SERVICE  
(Revised 5/13/2010)**

**APPLICANT**

Greg Lamberg, Sr. Vice President  
RADBACK ENERGY  
145 Town & Country Drive, #107  
Danville, CA 94526  
[Greg.Lamberg@Radback.com](mailto:Greg.Lamberg@Radback.com)

**APPLICANT'S CONSULTANTS**

Douglas Davy  
CH2M HILL  
2485 Natomas Park Drive, Suite 600  
Sacramento, CA 95833  
[ddavy@ch2m.com](mailto:ddavy@ch2m.com)

**COUNSEL FOR APPLICANT**

Scott Galati  
Galati & Blek, LLP  
455 Capitol Mall, Suite 350  
Sacramento, CA 95814  
[sgalati@gb-llp.com](mailto:sgalati@gb-llp.com)

**INTERESTED AGENCIES**

California ISO  
*E-mail Preferred*  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

**INTERVENORS**

\*Robert Sarvey  
501 W. Grantline Road  
Tracy, CA 95376  
[Sarveybob@aol.com](mailto:Sarveybob@aol.com)

**ENERGY COMMISSION**

JAMES D. BOYD  
Vice Chair and Presiding Member  
[jboyd@energy.state.ca.us](mailto:jboyd@energy.state.ca.us)

ROBERT B. WEISENMILLER  
Commissioner and Associate Member  
[rweisenm@energy.state.ca.us](mailto:rweisenm@energy.state.ca.us)

Kourtney Vaccaro  
Hearing Officer  
[KVaccaro@energy.state.ca.us](mailto:KVaccaro@energy.state.ca.us)

\*Joe Douglas  
Siting Project Manager  
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Kevin Bell  
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Jennifer Jennings  
Public Adviser  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

### **DECLARATION OF SERVICE**

I, Maggie Read, declare that on May 13, 2010, I served and filed copies of the attached Order Granting Petition to Intervene and revised POS list. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[\[http://www.energy.ca.gov/sitingcases/contracosta/index.html\]](http://www.energy.ca.gov/sitingcases/contracosta/index.html). The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

#### **(Check all that Apply)**

##### **For service to all other parties:**

☒ sent electronically to all email addresses on the Proof of Service list;

☐ by personal delivery;

☒ by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses NOT marked "email preferred."

**AND**

##### **For filing with the Energy Commission:**

☒ sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

**OR**

☐ depositing in the mail an original and 12 paper copies, as follows:

#### **CALIFORNIA ENERGY COMMISSION**

Attn: Docket No. 09-AFC-4

1516 Ninth Street, MS-4

Sacramento, CA 95814-5512

[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Original signed by  
Maggie Read  
Hearing Adviser's Office