



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

12-CAI-02

DATE MAY 14 2012

RECD. MAY 14 2012

IN THE MATTER OF

**COMPLAINT AGAINST AND REQUEST
FOR INVESTIGATION OF VALLEY
DUCT TESTING**

Docket No. 12-CAI-02

**ORDER EXTENDING THE DEADLINE TO EVALUATE
THE COMPLAINT AND REQUEST FOR INVESTIGATION
AND
COMMITTEE MEETING
NOTICE AND AGENDA**

On April 13, 2012, CalCERTS, Inc. filed a Complaint Against and Request for Investigation of Valley Duct Testing (Complaint) with the Energy Commission's Chief Counsel. On May 9, 2012, the Commission assigned a committee to the Complaint. Under Commission Regulations section 1232, the assigned committee must take action on the complaint by May 14, 2012, unless the committee presiding member extends the deadline.

In particular, Section 1232 requires an assigned committee to take one of the following actions by May 14, 2012:

1. Dismiss the matter upon a determination of insufficiency or lack of merit of the pleadings, specifying whether the dismissal is without prejudice; or
2. Serve the complaint or request for investigation on the respondents and any other interested or affected persons.

A committee presiding member may shorten or lengthen the Section 1232 deadline for good cause. (Regs., § 1203, subd. (f).)

Regarding this Complaint proceeding, the presiding member has determined that the newly assigned committee requires additional time to adequately evaluate the Complaint allegations and take appropriate action under Section 1232. Accordingly, the presiding member finds that good cause exists to extend the deadline for committee action on the Complaint to Friday, June 22, 2012.

Accordingly, **PLEASE TAKE NOTICE** that the Committee assigned to the Complaint has scheduled a committee meeting to take place on:

Friday, June 1, 2012
Beginning at 10:00 a.m.

**California Energy Commission
Hearing Room B
1516 Ninth Street
Sacramento, CA 95814**

Meeting Agenda

1. Call to Order
2. General Items

Committee closed session consideration of the following item:

DELIBERATION ON THE COMPLAINT AGAINST AND REQUEST FOR INVESTIGATION OF VALLEY DUCT TESTING. (Contact: Kourtney Vaccaro.)

The Committee will adjourn to closed session in accordance with Government Code section 11126, subdivision (c)(3), which allows a state body, including a committee, to hold a closed session to deliberate in a proceeding required to be conducted pursuant to Chapter 5 of the Administrative Procedure Act or similar provisions of law. (See also Cal. Code Regs., tit. 20, § 1232 et seq.)

3. Party and Public Comment

Parties, members of the public, and other interested persons and entities may speak up to three minutes on the matter appearing on this agenda.

4. Adjourn

Party and Public Teleconference Option

Parties, interested persons and agencies, and the public may attend the Committee meeting in person at the above location or by telephone and/or by computer via our “WebEx” web conferencing system. For details on how to participate by WebEx, please see the “Participation in the Committee Meeting Through WebEx” directions attached to this notice.

Public Adviser and Public Participation

The Energy Commission's Public Adviser's Office is available to provide the public with an understanding of a proceeding and to make recommendations for meaningful participation. For assistance, contact Jennifer Jennings, the Public Adviser, at (916) 654-4489 or 800-822-6228 or e-mail at: publicadviser@energy.ca.gov.

If you have a disability and need assistance to participate in this event, contact Lourdes Quiroz no less than five days prior to the hearing at (916) 654-5146 or e-mail: lou.quiroz@energy.ca.gov.

Information

Questions of a legal or procedural nature should be directed to Kourtney Vaccaro, the Hearing Adviser, at (916) 654-4328 or e-mail: kourtney.vaccaro@energy.ca.gov.

Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989 or e-mail: mediaoffice@energy.ca.gov.

IT IS SO ORDERED

Dated: May 14, 2012, at Sacramento, California.

Original Signed By: _____

KAREN DOUGLAS
Commissioner and Presiding Member
Committee re Complaint and Investigation
Against Valley Duct Testing

Original Signed By: _____

ANDREW McALLISTER
Commissioner and Associate Member
Committee re Complaint and Investigation
Against Valley Duct Testing

PARTICIPATION IN THE COMMITTEE MEETING THROUGH WEBEX
THE ENERGY COMMISSION'S ON-LINE MEETING SERVICE

1. COMPUTER LOG-ON WITH A DIRECT PHONE NUMBER:

- Please go to <https://energy.webex.com> and enter the meeting number unique to the specific hearing date:

➤ 6/1/12 - meeting number: **924 111 958**

When prompted, enter your information and the meeting password: **complaint#1**

After you login, a prompt will appear on-screen for you to provide **your** phone number. In the **Number box**, type your area code and phone number and click OK. **You will receive a call back on your phone for the audio of the meeting.** International callers can use the "Country/Region" button to help make their connection.

2. COMPUTER LOG-ON FOR CALLERS WITH AN EXTENSION PHONE NUMBER, ETC:

- Please go to <https://energy.webex.com> and enter the unique meeting number.
- 6/1/12 - meeting number: **924 111 958**

When prompted, enter your information and the meeting password: **complaint#1**

After you login, a prompt will ask for your phone number. Click "CANCEL."

- ***Instead** call 1-866-469-3239 (toll-free in the U.S. and Canada). When prompted, enter the meeting number above and your unique Attendee ID number which is listed in the top left area of your screen after you login.*

3. TELEPHONE ONLY (NO COMPUTER ACCESS):

- *Call **1-866-469-3239** (toll-free in the U.S. and Canada) and when prompted enter the meeting number:*
- 6/1/12 - meeting number: **924 111 958**

If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1-866-229-3239. To see if your computer is compatible, visit <http://support.webex.com/support/system-requirements.html>.

Please be aware that the meeting's WebEx audio and on-screen activity may be recorded.



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IN THE MATTER OF

***COMPLAINT AGAINST AND REQUEST
FOR INVESTIGATION OF VALLEY
DUCT TESTING***

Docket No. 12-CAI-02

(EST 5/14/2012)

RESPONDENT

Valley Duct Testing
John Flores, President
2272 Sierra Meadows Dr., Suite A
Rocklin, CA 95677

RESPONDENT'S COUNSEL

David Haddock
David Haddock Legal
P.O.Box 2501
Citrus Heights, CA 95611
dave@davidhaddocklegal.com

COMPLAINANT

CalCERTS, Inc.
Michael Bachand, President
31 Natoma Street, Suite 120
Folsom, CA 95630
mike@calcerts.com

COMPLAINANT'S COUNSEL

Jane E. Luckhardt
DOWNEY BRAND LLP
621 Capitol Mall, 18th Floor
Sacramento, CA 95814
jluckhardt@downeybrand.com

INTERESTED

AGENCIES/ENTITIES/PERSONS

William J. Barrett
505 Roseville Rd., #B-26
North Highlands, CA 95660

**ENERGY COMMISSION -
DECISION-MAKERS**

KAREN DOUGLAS
Commissioner and Presiding Member
e-mail service preferred
karen.douglas@energy.ca.gov

ANDREW McALLISTER
Commissioner and Associate Member
e-mail service preferred
andrew.mcallister@energy.ca.gov

Galen Lemei
Advisor to Presiding Member
e-mail service preferred
galen.lemei@energy.ca.gov

Jennifer Nelson
Advisor to Presiding Member
e-mail service preferred
jennifer.nelson@energy.ca.gov

David Hungerford
Advisor to Associate Member
e-mail service preferred
david.hungerford@energy.ca.gov

ENERGY COMMISSION STAFF

Caryn Holmes
Acting Assistant Chief Counsel
e-mail service preferred
caryn.holmes@energy.ca.gov

Kourtney Vaccaro
Hearing Adviser
e-mail service preferred
kourtney.vaccaro@energy.ca.gov

**ENERGY COMMISSION –
PUBLIC ADVISER**

Jennifer Jennings
Public Adviser's Office
e-mail service preferred
publicadviser@energy.ca.gov

DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on May 14, 2012, I served and filed copies of the ORDER EXTENDING THE DEADLINE TO EVALUATE THE COMPLAINT AND REQUEST FOR INVESTIGATION AND COMMITTEE MEETING NOTICE AND AGENDA, dated May 14, 2012.

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit or Chief Counsel, as appropriate, in the following manner:

(Check all that Apply)

For service to all other parties:

- X Served electronically to all e-mail addresses on the Proof of Service list;
- X Served by delivering on this date, either personally, or for mailing with the U.S. 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 "e-mail preferred."

AND

For filing with the Docket Unit at the Energy Commission:

- X by sending an electronic copy to the e-mail address below (preferred method); **OR**
- by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT
Attn: Docket No. 12-CAI-02
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.ca.gov

OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:

- Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission
Michael J. Levy, Chief Counsel
1516 Ninth Street MS-14
Sacramento, CA 95814
michael.levy@energy.ca.gov

I declare under penalty of perjury under the laws of the State of California 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:

RoseMary Avalos
Hearing Advisers Office