DOCKET
11-CAI-02
DATE SEP 02 2011
RECD. SEP 02 2011

STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission

In the Matter of:	)	
	)	Docket No. 11-CAI-02
Complaint and Investigation	)	
Jurisdictional Determination Regarding East and	)	
North Brawley Geothermal Developments	)	
	)	

PETITION TO INTERVENE BY

IMPERIAL COUNTY

September 2, 2011

OFFICE OF THE COUNTY COUNSEL
COUNTY OF IMPERIAL
Michael Rood, State Bar No. 96628
940 Main Street, Suite 205
El Centro, California 92243
Phone: (760) 482-4400
Fax: (760) 353-9347
michaelrood@co.imperial.ca.us

REMY, THOMAS, MOOSE & MANLEY, LLP
Howard F. Wilkins, State Bar No. 203083
Sabrina V. Teller, State Bar No. 215759
Jeannie Lee, State Bar No. 263716
455 Capitol Mall, Suite 210
Sacramento, California 95814
Phone: 916-443-2745
Fax: 916-443-9017
Email: hwilkins@rtmmlaw.com
steller@rtmmlaw.com

STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission

In the Matter of:	)	
	)	Docket No. 11-CAI-02
Complaint and Investigation	)	
Jurisdictional Determination Regarding East and	)	
North Brawley Geothermal Developments	)	
	)	

PETITION TO INTERVENE BY IMPERIAL COUNTY

Pursuant to section 1207 of Title 20 of the California Code of Regulations, Imperial County 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 proceeding, 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...."

The County is the local jurisdiction in which the East and North Brawley Geothermal Developments that are at issue in this proceeding are located. The County Planning and Development Services is currently processing an application for a Conditional Use Permit for the East Brawley project and has caused a Draft Environmental Impact Report (EIR) to be prepared and published, in furtherance of the County's duties and responsibilities as a "lead agency" under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The

County has fully complied with CEQA thus far in assessing the project's environmental impacts and is considering all feasible mitigation measures and project alternatives. The County is currently in the process of preparing a Final EIR consisting of responses to all substantive comments received on the Draft EIR and minor changes to the text of the Draft EIR. The County wishes to maintain its jurisdiction over the permitting process for this and similarly situated geothermal projects, especially with regard to the development and implementation of feasible mitigation, in furtherance of the County's police powers and obligations under State law to protect the public health and welfare of its residents, businesses and natural resources. Therefore, the County wishes to participate fully in the all phases of this proceeding. Filings should be served on the County's counsel of record at the address listed below.

The County opposes CURE's complaint and request for investigation and supports Ormat's motion to dismiss filed on August 29, 2011. For the foregoing reasons, Imperial County respectfully requests that the Commission grant its petition to intervene in this proceeding, and allow the County to participate as a party.

September 2, 2011

Respectfully submitted,
REMY, THOMAS, MOOSE & MANLEY, LLP

By _____

Howard F. Wilkins
455 Capitol Mall, Suite 210
Sacramento, CA 95814
(916) 443-2745 phone
(916) 443-9017 fax

Attorneys for Imperial County

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

IN THE MATTER OF COMPLAINT AGAINST
***ORMAT NEVADA, INC.* BROUGHT BY**
CALIFORNIA UNIONS FOR RELIABLE ENERGY

Docket No. 11-CAI-02
(Revised 8/19/11)

RESPONDENT

***Ormat Nevada, Inc.**
6225 Neil Road
Reno, NV 89511

COUNSEL FOR RESPONDENT

***Christopher T. Ellison**
Samantha Pottenger
Ellison, Schneider and Harris, LLP
2600 Capitol Avenue, Suite 400
Sacramento, CA 95816
cte@eslawfirm.com
sgp@eslawfirm.com

COMPLAINANT

California Unions for Reliable Energy
c/o Adams Broadwell Joseph
& Cardozo
Marc D. Joseph
Tanya A. Gulesserian
Elizabeth Klebaner
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
mdjoseph@adamsbroadwell.com
tgulesserian@adamsbroadwell.com
eklebaner@adamsbroadwell.com

INTERESTED AGENCIES/ENTITIES/PERSONS

Imperial County Planning and
Development Services
801 Main Street
El Centro, CA 92243

Imperial County Air Pollution
Control District
150 South 9th Street
El Centro, CA 92243-2801

Imperial Irrigation District
333 E. Barioni Boulevard
Imperial, CA 92251

ENERGY COMMISSION DECISIONMAKERS

ROBERT B. WEISENMILLER
Chair and Associate Member
rweisenm@energy.state.ca.us

KAREN DOUGLAS
Commissioner and Presiding Member
kldougla@energy.state.ca.us

Kenneth Celli
Hearing Officer
kcelli@energy.state.ca.us

ENERGY COMMISSION CHIEF COUNSEL

Michael J. Levy
Chief Counsel
e-mail service preferred
mlevy@energy.state.ca.us

ENERGY COMMISSION STAFF

***Bob Worl**
Project Manager
rworl@energy.state.ca.us

***Jeff Ogata**
Assistant Chief Counsel
jogata@energy.state.ca.us

ENERGY COMMISSION PUBLIC ADVISER

Jennifer Jennings
Public Adviser
e-mail service preferred
***publicadviser@energy.state.ca.us**

*indicates change

DECLARATION OF SERVICE

I, Valorie Wood, declare that on, September 2, 2011, I served and filed copies of the attached Petition to Intervene By Imperial County, dated September 2, 2011. The original document, filed with the Docket Unit or the Chief Counsel, as required by the applicable regulation, 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/proceedings/11-cai-02/index.html.

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 "email service preferred."

AND

For filing with the Docket Unit at the Energy Commission:

X by sending an original paper copy and one electronic copy, mailed with the U.S. Postal Service with first class postage thereon fully prepaid and e-mailed respectively, to the 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. 11-CAI-02
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

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
mlevy@energy.state.ca.us

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.

Valorie Wood

*indicates change