



**CALIFORNIA
ENERGY
COMMISSION**

1516 Ninth Street
Sacramento, CA 95814-5512
800-822-6228
www.energy.ca.gov

**ORDER DENYING REQUEST FOR
CONTINUANCE OF COMMISSION
HEARING ON RECONSIDERATION**

BLYTHE ENERGY PROJECT II
APPLICATION FOR CERTIFICATION
DOCKET NO. 02-AFC-1

Background:

On December 14, 2005, the Energy Commission voted to adopt the Presiding Member's Proposed Decision and Errata in the Blythe II Application for Certification. On January 13, 2006, Intervenor Carmela Garnica filed a Petition for Reconsideration of the Decision. On January 20, 2006, the Commission filed and served a Notice of Commission Hearing on Reconsideration scheduling a public hearing on February 1, 2006, to consider the Petition for Reconsideration.

DOCKET	
02-AFC-1	
DATE	JAN 25 2006
RECD.	JAN 25 2006

On January 23, 2006, Intervenor Carmela Garnica filed a Request for Continuance of the scheduled hearing. Intervenor's Request notes that the Mojave Desert Air Quality Management District provided the Commission with the District's filing with the federal Environmental Protection Agency (US EPA) relating to US EPA approvals for the Blythe II project.

Intervenor Garnica requests an indefinite continuance of the hearing until such time as the US EPA grants the approvals for the Blythe II project. At that time, the Intervenor requests that the Hearing on Reconsideration be held and a representative of the US EPA attend the hearing and be made available for questioning by the Intervenor, with teleconferencing and Spanish translation provided.

Discussion:

Public Resources Code section 25530 provides the Commission a limited period of time to reconsider a decision to certify a site and related facility. That section states in relevant part that "The commission shall order or deny reconsideration on a petition therefor within 30 days after the petition is filed." Moreover, section 1720 of the Commission's regulations requires the Commission to "hold a hearing for the presentation of argument on a petition to reconsider and [to] act to grant or deny a petition for reconsideration within thirty (30) days of the receipt of such a petition." (Cal. Code of Regs. Tit. 20, § 1720, subd. (b).) The same regulation also provides that "[i]n the absence of an affirmative vote of three members of the commission to grant the petition for reconsideration, the petition shall be denied." (Cal. Code of Regs. Tit. 20, § 1720, subd. (d)).

The requested continuance would delay consideration of the Petition for an indefinite amount of time. Such a delay is contrary to the provisions of the applicable law. Moreover, failure to consider the Petition would result in its denial. Addressing this matter on the scheduled date (thus denying the continuance) enables the Commission to comply with the law and provide the Intervenor a timely opportunity to be heard.



CALIFORNIA
ENERGY
COMMISSION

1516 Ninth Street
Sacramento, CA 95825-5512
800-822-6228
www.energy.ca.gov

ELECTRONIC PROOF OF SERVICE LIST Revised 1/25/06

BLYTHE ENERGY PROJECT
APPLICATION FOR CERTIFICATION
DOCKET NO. 02-AFC-1

docket@energy.state.ca.us	Energy Commission Docket Unit
jgeesman@energy.state.ca.us	Commissioner John Geesman
hkalleme@energy.state.ca.us	Commissioner Geesman's Office
stomashe@energy.state.ca.us	Scott Tomashefsky, Adviser to Chairman Keese
sharris@energy.state.ca.us	Commissioner Rosenfeld's Office
jwilson@energy.state.ca.us	John Wilson, Adviser to Commissioner Rosenfeld
pao@energy.state.ca.us	Margret J. Kim, Public Adviser
gshean@energy.state.ca.us	Garret Shean, Hearing Officer
bpfanner@energy.state.ca.us	Bill Pfanner, Staff Project Manager
ldecarlo@energy.state.ca.us	Lisa De Carlo, Staff Attorney
rlooper@spellc.com	Robert Looper, Caithness Blythe II, LLC. (Applicant)
sgalati@gb-llp.com	Scott Galati, Attorney for Applicant
pboucher@greystone-consultants.com	Peter Boucher, Greystone Environmental Consultants
tlcameron@msn.com	Tom Cameron, c/o Power Engineers Collaborative
mdjoseph@adamsbroadwell.com	Marc Joseph, CURE, Intervenor
lnelson@cityofblythe.ca.gov	Les Nelson, City Manager, City of Blythe
chull@cityofblythe.ca.gov	Charles Hull, Assistant Manager, City of Blythe
jmiller@caiso.com	Jeff Miller, Cal ISO
wolfe@i10net.com	Floyd P. Wolfe, Intervenor
j72erucdc@verizon.net	Camela Garnica, Intervenor

I declare that I transmitted the foregoing document via e-mail, or as indicated by first class postal mail, to the above named on the date indicated thereby. I declare under penalty of perjury that the foregoing is true and correct.

Garret Shean
Hearing Officer