



**CALIFORNIA
ENERGY
COMMISSION**

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**ORDER DENYING PETITION TO
INTERVENE and CREATING
ELECTRONIC DISTRIBUTION LIST**

May 25 2006

REC'D. May 25 2006

WALNUT CREEK ENERGY PARK
APPLICATION FOR CERTIFICATION
DOCKET NO. 05-AFC-2

On April 27, 2006, Panoche Energy Center, LLC., filed its Petition to Intervene in this proceeding. Petitioner's grounds for intervention are an interest in the turbine technology to be used by the Applicant. The Applicant proposes to use the recently developed General Electric LMS100 combustion turbine generators in a simple cycle mode.

Petitioner states that it has executed a power purchase agreement with Pacific Gas And Electric Company for a facility that will also utilize the LMS100 technology. Petitioner believes that this Walnut Creek AFC is the first licensing proceeding in which the LMS100 will be considered. Petitioner states that it is interested in learning how the Commission, other regulators and the public view this technology.

The Petition to Intervene expressly states that the Petitioner's interests are limited to monitoring the consideration of the LMS100 technology and the Petitioner "does not anticipate filing testimony, presenting witnesses or otherwise participating in this proceeding." (p. 2)

Energy Commission Regulations provide that persons and entities with a "relevant interest" may petition to intervene in an Application proceeding and may be granted intervenor status upon the order of the siting case Committee. Intervenor status entitles a person or entity to present evidence and cross-examine witnesses in adjudicatory hearings, and requires all documents be served upon that intervenor.

The Committee finds that the Petitioner has not stated grounds sufficient to be granted intervenor status. This determination is reinforced by the Petitioner's statement that it does not anticipate utilizing the privileges and fulfilling the responsibilities of an intervenor. Moreover, the failure of other parties to serve upon the Petitioner all papers filed with our Docket Unit, including those in which the Petitioner has no subject matter interest, could create a legal infirmity in the case were it granted intervenor status.

Yet, with the advent of email and the Energy Commission's internet web site, any person or entity interested in any aspect of this proceeding can have access to all documents filed in this case. For this proceeding, the Committee has employed electronic filing and service of documents with our Docket Unit to expedite the exchange of information and reduce copying, postal and handling costs for all parties.

The Committee has decided that in the interests of enhancing public participation and disseminating information, it will implement for this proceeding an Electronic Distribution List to supplement the Electronic Proof of Service List already used. The Distribution List shall include the Petitioner and those who attended the Informational Hearing and requested notification of events and documents in the proceeding. The Petitioner's attorney has stated in an email to the Hearing Officer (4/27/06) that inclusion on such a list would meet the Petitioner's needs.

It is therefore ORDERED that:

1. The Hearing Office shall create and maintain an Electronic Distribution List as a supplement to the Electronic Proof of Service List in this proceeding;
2. Petitioner shall be placed on the Electronic Distribution List;
3. All parties who use the Electronic Proof of Service List to file and serve documents via email in this proceeding shall also provide electronic copies of such filings to those identified on the Electronic Distribution List.

4. Placement on the Electronic Distribution List is for the purpose of providing information only, does not confer any rights or responsibilities upon the recipient, and does not bar a timely filing of a Petition to Intervene later in the proceeding.

Dated: May 23, 2006

ENERGY RESOURCES CONSERVATION AND
DEVELOPMENT COMMISSION

/s/

JACKALYNE PFANNENSTIEL
Vice Chair and Presiding Member
Walnut Creek AFC Committee

/s/

JOHN GEESMAN
Commissioner and Associate Member
Walnut Creek AFC Committee