SHUTE, MIHALY & WEINBERGER LLP
ATTORNEYS AT LAW

E. CLEMENT SHUTE, JR.*
MARK I. WEINBERGER (1948-2005)
FRAN M. LAYTON
RACHEL B. HOOPER
ELLEN J. GARBER
TAMARA S. GALANTER
ELLISON FOLK
RICHARD S. TAYLOR
WILLIAM J. WHITE
ROBERT S. PERLMUTTER
OSA L. WOLFF
MATTHEW D. ZINN
CATHERINE C. ENGBERG
AMY J. BRICKER
GABRIEL M.B. ROSS
DEBORAH L. KEETH
WINTER KING
*SENIOR COUNSEL

396 HAYES STREET
SAN FRANCISCO, CALIFORNIA 94102
TELEPHONE: (415) 552-7272
FACSIMILE: (415) 552-5816
WWW.SMWLAW.COM

KEVIN P. BUNDY
ANDREA RUIZ-ESQUIDE
SHERIDAN J. PAUKER
ELENA K. SAXONHOUSE

LAUREL L. IMPETT, AICP
CARMEN J. BORG, AICP
URBAN PLANNERS

DAVID NAWI
ANDREW W. SCHWARTZ
OF COUNSEL

October 10, 2006

DOCKET
06-AFC-3
DATE OCT 10 2006
RECD. OCT 12 2006

California Energy Commission
Attn: Docket No: 06-AFC-3
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

Re: DOCKET NO. 06-AFC-3
PETITION TO INTERVENE BY ENVIRONMENTAL HEALTH COALITION

Dear Clerk:

Enclosed please find an original plus one copy of Environmental Health Coalition's PETITION TO INTERVENE. Please file the original and return a date-stamped copy to us in the enclosed self-addressed, stamped envelope.

Please contact me immediately (415-552-7272) should you have any questions regarding this request.

Thank you for your help,

P. Spencer

Patricia Spencer
Legal Assistant to Osa L. Wolff

Enclosures

STATE OF CALIFORNIA

ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of: The Application for Certification for the LSP SOUTH BAY, LLC SOUTH BAY REPLACEMENT PROJECT	Docket No. 06-AFC-3

PETITION TO INTERVENE BY ENVIRONMENTAL HEALTH COALITION

Osa L. Wolff
Kevin P. Bundy
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102
(415) 552-7272
(415) 552-5816 Fax
wolff@smwlaw.com
bundy@smwlaw.com

Attorneys for the
ENVIRONMENTAL HEALTH
COALITION

STATE OF CALIFORNIA

ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of: The Application for Certification for the LSP SOUTH BAY, LLC SOUTH BAY REPLACEMENT PROJECT	Docket No. 06-AFC-3

PETITION TO INTERVENE BY ENVIRONMENTAL HEALTH COALITION

The Environmental Health Coalition ("EHC") petitions to intervene in this proceeding pursuant to sections 1207 and 1712 of title 20 of the California Code of Regulations.

Under section 1207(a), "any person" may file a petition to intervene that 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 proceedings, and the name, address, and telephone number of the petitioner." The presiding member may grant leave to intervene "to the extent he deems reasonable and relevant . . . ." (§ 1207(c).)

EHC, a California non-profit corporation, is a 26-year-old environmental justice organization focusing on environmental and human health in the San Diego/Tijuana region. Through its participation on the CalEPA Environmental Justice Advisory Committee and the San Diego Association of

Governments Energy Working Group, EHC has represented the interests of its members and other residents who live adjacent to and downwind of facilities like the one at issue in this proceeding. EHC thus has an organizational interest in the development of regional energy resources, as well as local expertise in the environmental impacts of, and alternatives to, energy facilities.

The community living adjacent to and downwind of the proposed project is comprised primarily of people of color and is home to many families living below the poverty line. This community is already heavily impacted by pollution from a number of industrial facilities, including the existing South Bay power plant. Concentrated environmental degradation in such areas affects not only human health, but also property values and economic development opportunities. Accordingly, the project directly affects the immediate physical and economic well-being of the members and residents EHC seeks to represent in this proceeding.

EHC also works to involve the community members most affected by polluting facilities in decision-making processes. EHC's participation in this proceeding would better enable affected community members to voice their concerns, provide evidence of the project's potential effects on surrounding neighborhoods, and offer alternatives.

EHC's ultimate position in this proceeding will be determined based on the interests of affected community members and the factors to be considered by the Commission in evaluating the application. EHC wishes to participate fully

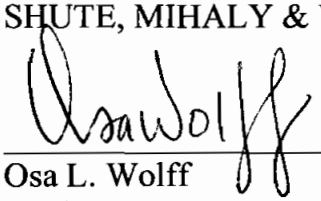
in all phases of this proceeding, consistent with the rights and obligations of parties as set forth in section 1712 and other applicable regulations. Filings should be served on EHC at the address below.

For the foregoing reasons, EHC respectfully requests that the Commission grant its petition to intervene in this proceeding and allow EHC to participate as a party.

Dated: October 10, 2006

Respectfully Submitted,

SHUTE, MIHALY & WEINBERGER LLP



Osa L. Wolff
Kevin P. Bundy

Attorneys for the
ENVIRONMENTAL HEALTH
COALITION

STATE OF CALIFORNIA

ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

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PROOF OF SERVICE

I, Patricia Spencer, declare that on October 10, 2006, I deposited copies of the attached Petition to Intervene in the United States mail at San Francisco, California, with first class postage thereon fully prepaid and addressed to the following:

California Energy Commission
Attn: Docket No. 06-AFC-3
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

Kevin Johnson
LS Power Generation, LLC
1735 Technology Drive, Suite 820
San Jose, CA 95110

Andrew Trump
4230 Montgomery Street
Oakland, CA 94611

Chris Ellison
Ellison, Schneider & Harris
2015 H Street
Sacramento, CA 95814

Robert Mason
CH2M HILL
3 Hutton Centre Dr., Ste. 200
Santa Ana, CA 92707

Sarah Madams
CH2M HILL
2485 Natomas Park Dr., Ste. 600
Sacramento, CA 95833

Electricity Oversight Board
770 L Street, Suite 1250
Sacramento, CA 95814

Consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210, electronic copies of the attached Petition to Intervene also were sent to all those identified in the following list:

docket@energy.state.ca.us	Energy Commission Docket Unit
jgeesman@energy.state.ca.us	Commissioner John Geesman

pflint@energy.state.ca.us	Pat Flint, Commissioner Rosenfeld's Office
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
kwillis@energy.state.ca.us	Kerry Willis, Staff Attorney
altrump@abcglobal.net	Andrew Trump, LS Power Generation, LLC
kjohnson@lspower.com	Kevin Johnson, LS Power Generation, LLC
cte@eslawfirm.com	Chris Ellison, Applicant's Attorney
robert.mason@ch2m.com	Robert Mason, CH2M HILL

I declare under penalty of perjury that the foregoing is true and correct.

P. Spencer

Patricia Spencer