



**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](http://WWW.ENERGY.CA.GOV)**

**APPLICATION FOR CERTIFICATION FOR THE  
CARLSBAD ENERGY CENTER PROJECT**

**DOCKET No. 07-AFC-6**

**COMMITTEE ORDER GRANTING PETITION TO INTERVENE**

Upon consideration of the Petition to Intervene filed by the South Carlsbad Coastal Redevelopment Agency (“Petitioner”), the Committee designated to conduct proceedings in this matter makes the following findings:

1. A Petition to Intervene in the above-captioned proceeding, dated August 5, 2009, was filed by:

**South Carlsbad Coastal Redevelopment Agency  
c/o Allan J. Thompson  
21 “C” Orinda Way, #314  
Orinda, California 94563  
(925) 258-9962  
[allanori@comcast.net](mailto:allanori@comcast.net)**

<b>DOCKET</b>	
<b>07-AFC-6</b>	
DATE	<u>9/15/2009</u>
RECD.	<u>9/15/2009</u>

**Ronald R. Ball  
City Attorney  
City of Carlsbad  
1200 Carlsbad Village Drive  
Carlsbad, California 92008  
(760) 434-2891  
[rball@ci.carlsbad.ca.us](mailto:rball@ci.carlsbad.ca.us)**

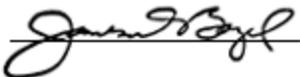
2. The Petition was timely filed and contains the information required by section 1207 of the Commission’s regulations (Cal. Code Regs., tit. 20, § 1207);
3. On January 12, 2009, we granted a Petition to Intervene filed by the City of Carlsbad (“City”), represented by the same two representatives listed above;
4. Energy Commission staff and the Applicant filed opposition to said Petition, objecting on the grounds that Petitioner’s interests have been asserted by the City to this point and can continue to be represented by the City’s participation in this proceeding as an Intervenor;

5. On August 24, 2009, Petitioner's counsel, Mr. Thompson, explained via e-mail to Hearing Officer Kramer that "the City is concerned that we will be able to put a redevelopment witness on the stand and that this testimony will not be successfully challenged because the agency is not a party." Whether the testimony of a witness is admissible turns not on his or her employment by a party but rather on his or her qualifications as an expert witness if expert testimony is offered and the relevance of the testimony, whether expert opinion or factual testimony; and
6. Petitioner's interests are relevant to the above-captioned proceeding. Because the Petitioner's interests are similar, though perhaps not identical to those of the City, and the two agencies are represented by identical counsel, it is appropriate to require that the Petitioner and the City of Carlsbad consolidate their efforts during the evidentiary hearings such that they are treated as a single party for the purposes of examining their witnesses and cross-examining the witnesses of other parties.

**THEREFORE**, the Committee **ORDERS** that the Petition to Intervene in this matter be **GRANTED** and that Petitioner be placed upon the Proof of Service List as an Intervenor. Other parties may serve documents upon both Petitioner and the City by providing a single copy to each of the above representatives. Petitioner may exercise the rights and shall fulfill the obligations of a party as set forth in section 1712 of the Commission's regulations. (Cal. Code Regs., tit. 20, § 1712.) The deadlines for conducting discovery and other matters shall not be extended by the granting of this Petition. The Petitioner shall consolidate its presentation of evidence and examination and cross-examination of witnesses with the City, unless good cause is shown for separate presentations or examinations.

Further, the Executive Director or her designee shall ensure that Petitioner is immediately provided with a copy of the Application for Certification.

Dated: September 15, 2009, at Sacramento, California.



JAMES D. BOYD  
Vice Chair and Presiding Member  
Carlsbad AFC Committee



KAREN DOUGLAS  
Chairman and Associate Member  
Carlsbad AFC Committee



**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](http://WWW.ENERGY.CA.GOV)**

**APPLICATION FOR CERTIFICATION  
FOR THE *CARLSBAD ENERGY  
CENTER PROJECT***

**Docket No. 07-AFC-6  
PROOF OF SERVICE  
(Revised 9/15/2009)**

**APPLICANT**

David Lloyd  
George Piantka, PE.  
Carlsbad Energy Center, LLC  
1817 Aston Avenue, Suite 104  
Carlsbad, CA 92008  
[david.lloyd@nrgenergy.com](mailto:david.lloyd@nrgenergy.com)  
[george.piantka@nrgenergy.com](mailto:george.piantka@nrgenergy.com)

**APPLICANT'S CONSULTANTS**

Robert Mason, Project Manager  
CH2M Hill, Inc.  
6 Hutton Centre Drive, Ste. 700  
Santa Ana, CA 92707  
[Robert.Mason@ch2m.com](mailto:Robert.Mason@ch2m.com)

Megan Sebra  
CH2M Hill, Inc.  
2485 Natomas Park Drive, Ste. 600  
Sacramento, CA 95833  
[Megan.Sebra@ch2m.com](mailto:Megan.Sebra@ch2m.com)

**COUNSEL FOR APPLICANT**

John A. McKinsey  
Stoel Rives LLP  
980 Ninth Street, Ste. 1900  
Sacramento, CA 95814  
[jamckinsey@stoel.com](mailto:jamckinsey@stoel.com)

**INTERESTED AGENCIES**

California ISO  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

**INTERVENORS**

Terramar Association  
Kerry Siekmann & Catherine Miller  
5239 El Arbol  
Carlsbad, CA 92008  
[siekmann1@att.net](mailto:siekmann1@att.net)

City of Carlsbad  
\*South Carlsbad Coastal  
Redevelopment Agency  
Allan J. Thompson  
21 "C" Orinda Way #314  
Orinda, CA 94563  
[allanori@comcast.net](mailto:allanori@comcast.net)

City of Carlsbad  
\*South Carlsbad Coastal  
Redevelopment Agency  
Joseph Garuba,  
Municipals Project Manager  
Ronald R. Ball, Esq., City Attorney  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008  
*E-mail preferred*  
[Joe.Garuba@carlsbadca.gov](mailto:Joe.Garuba@carlsbadca.gov)  
[rball@ci.carlsbad.ca.gov](mailto:rball@ci.carlsbad.ca.gov)

California Unions for Reliable Energy  
("CURE")  
Gloria D. Smith & Marc D. Joseph  
Adams Broadwell Joseph & Cardozo  
601 Gateway Boulevard, Suite 1000  
South San Francisco, CA 94080  
[gsmith@adamsbroadwell.com](mailto:gsmith@adamsbroadwell.com)

Center for Biological Diversity  
c/o William B. Rostov  
EARTHJUSTICE  
426 17<sup>th</sup> St., 5<sup>th</sup> Floor  
Oakland, CA 94612  
[wrostov@earthjustice.org](mailto:wrostov@earthjustice.org)

Power of Vision  
Julie Baker & Arnold Roe, Ph.D.  
P.O. Box 131302  
Carlsbad, California 92013  
[powerofvision@roadrunner.com](mailto:powerofvision@roadrunner.com)

Rob Simpson  
Environmental Consultant  
27126 Grandview Avenue  
Hayward, CA 94542  
[rob@redwoodrob.com](mailto:rob@redwoodrob.com)

**ENERGY COMMISSION**

JAMES D. BOYD  
Vice Chair and Presiding Member  
[jboyd@energy.state.ca.us](mailto:jboyd@energy.state.ca.us)

KAREN DOUGLAS  
Chair and Associate Member  
[kldougla@energy.state.ca.us](mailto:kldougla@energy.state.ca.us)

Paul Kramer  
Hearing Officer  
[pkramer@energy.state.ca.us](mailto:pkramer@energy.state.ca.us)

Mike Monasmith  
Siting Project Manager  
[mmonasmi@energy.state.ca.us](mailto:mmonasmi@energy.state.ca.us)

Dick Ratliff  
Staff Counsel  
[dratliff@energy.state.ca.us](mailto:dratliff@energy.state.ca.us)

\*Public Adviser's Office  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

**DECLARATION OF SERVICE**

I, Maggie Read, declare that on September 15, 2009, I served and filed copies of the attached, Committee Order Granting Petition to Intervene, dated September 15, 2009. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [\[http://www.energy.ca.gov/sitingcases/carlsbad/index.html\]](http://www.energy.ca.gov/sitingcases/carlsbad/index.html). The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

***(Check all that Apply)***

**For service to all other parties:**

sent electronically to all email addresses on the Proof of Service list;

by personal delivery or by depositing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

**AND**

**For filing with the Energy Commission:**

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

**OR**

depositing in the mail an original and 12 paper copies, as follows:

**CALIFORNIA ENERGY COMMISSION**

Attn: Docket No. 07-AFC-6  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

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

Original signed by:  
Maggie Read