

CALIFORNIA ENERGY COMMISSION  
PUBLIC ADVISER'S OFFICE  
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June 23, 2009

The Honorable Adam Hill, Supervisor  
San Luis Obispo County Board of Supervisors, District 3  
Room D-430, County Government Center  
San Luis Obispo, CA 93408

Subject: Carrizo Energy Solar Farm Power Plant Licensing Case (07-AFC-08)

Dear Supervisor Hill:

I am writing to the members of the San Luis Obispo County Board of Supervisors in response to questions presented by your members to Ms. Eileen Allen of the California Energy Commission's Siting, Transmission and Environmental Protection Division at your May 26, 2009 meeting. Ms. Allen provided you with accurate responses to questions concerning how to become an intervenor and whether an intervenor needs to be represented by an attorney. I have seen the videotape of this event and agree with her statements, but I believe some additional information would be helpful.

As Public Adviser for the California Energy Commission, I serve as an adviser to the public and to the Energy Commission to ensure that full and adequate participation by members of the public is secured in the Energy Commission's proceedings. My office is available to any member of the public who has an interest in participating in the Energy Commission's proceedings. Much of our time is spent responding to inquiries from the public for information or advice on how to participate effectively.

There are two levels of participation in power plant siting proceedings. They are informal participation and intervention. At the informal participation level, oral and written comments are considered by the Committee of two Commissioners and are part of the record; however they are not evidence and cannot, on their own, support a finding contained in the Energy Commission's decision. Any person may file a Petition to Intervene to become a formal party in a proceeding. If a petition to intervene is properly filed and served, the Committee will generally make a ruling on whether to grant or deny the petition within two weeks. Intervenors have the same rights, responsibilities and obligations as other parties to the proceeding.

The best time to intervene is as early as possible after a power plant project's Application for Certification (AFC) is deemed by the Energy Commission to be complete based on informational requirements in the Energy Commission's regulations. The Carrizo Energy Solar Farm Power Plant AFC was determined to be complete on December 19, 2007. You should be aware that, pursuant to section 1716(e) of Title 20

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of the California Code of Regulations, the opportunity for an intervenor to file data requests to other parties expired 180 days after December 19, 2007.

Though becoming an intervenor late in a proceeding may limit one's right to make data requests of the other parties, the deadline to file a Petition to Intervene is no later than the Pre-Hearing Conference, or 30 days prior to the Evidentiary Hearing, whichever is earlier (Title 20 California Code of Regulations, section 1207(b)). Since the Energy Commission has not yet published the Final Staff Assessment (FSA), no dates have been set for the Pre-Hearing Conference and Evidentiary Hearing in this proceeding.

Intervenors are not required to have an attorney. Though I am an attorney, I cannot represent an intervenor. I have a number of specific duties set forth in section 2556 *et seq.* of Title 20. One particular duty that I have exercised in this proceeding is the duty to advise members of the public when the use of an attorney, expert witness, or other professional would be helpful or advantageous to their participation. Although Ms. Allen correctly stated that an intervenor need not hire an attorney, please know that I have, in fact, recommended to intervenors Mr. John Roskovich and Mr. Michael Strobridge that they consider retaining an attorney to help them with their participation.

I hope this information is helpful. I have also enclosed a general information pamphlet about the Public Adviser's Office. If you have any questions please do not hesitate to contact me.

Sincerely,



**ELENA M. MILLER**  
Public Adviser

Enclosure

cc: Docket 07-AFC-08  
Ms. Ellen Carroll, San Luis Obispo Environmental Coordinator  
Mr. John McKenzie, Project Manager, San Luis Obispo Planning & Building Dept.  
Mr. Tim McNulty, San Luis Obispo County Counsel