BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA

COMPLAINT AND INVESTIGATION AGAINST DYOCORE, INC.	DOCKET NO. 11-CAI-03 (Proceeding initiated July 26, 2011)

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PETITION TO INTERVENE BY ENERGY SAVING PROS, LLC., DBA ENERGY PROS

DOCKET
11-CAI-03
DATE SEP 23 2011
RECD. SEP 23 2011

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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA

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PETITION TO INTERVENE BY ENERGY SAVING PROS, LLC., DBA ENERGY PROS.

Pursuant to Sections 1207 and 1236.5 of Title 20 of the California Code of Regulations, Energy Saving Pros, LLC dba Energy Pros ("Energy Pros") hereby petition to intervene in the proceeding regarding the Complaint and Investigation against DyoCore, Inc. ("Complaint").

1. Grounds for Intervention

Energy Pros are authorized distributors of DyoCore's SolAir 800 wind turbine ("Turbine") as noted on page 12 of the Complaint. The Complaint identifies the parties who would be affected by the relief sought per Section 1231 9b)(7). (Complaint at 12.) In order to ensure that the interests of Energy Pros and their customers are adequately protected in this proceeding, Energy Pros has filed this Petition to Intervene.

As discussed in greater detail in the next section, Energy Pros and their customers have a direct and significant interest in the outcome of this proceeding. Energy Pros has invested significant funds and incurred substantial costs in reliance upon the California Energy Commission's ("Commission") Emerging Renewables Program ("ERP"), and in reliance upon the listing of the DyoCore Turbine within the ERP. Furthermore, the complaint has significant potential to affect Energy Pros' customers, as discussed below.

In order to protect these interests, Energy Pros wishes to participate as parties in this proceeding.

2. Position and Interest of Petitioners in the Proceeding

Since March 2010, the DyoCore Turbine was eligible for use under the ERP. On July 26, 2011, the Commission filed its Complaint, which requests the immediate removal of the DyoCore Turbine from the Commission's "List of Eligible Small Wind Turbines" on the Commission's ERP website. The Complaint further requests that the Commission provide "guidance regarding the resolution of applications for rebate reservations and payment requests under the ERP for small wind systems that use the DyoCore Turbine, and take such action as may be necessary to recover ERP funds that were paid as rebates for such systems." (Complaint at 1-2.)

Energy Pros serves customers that are now concerned about the ERP and whether they will continue to have access to renewable energy. Those customers and Energy Pros wish to better understand the Complaint and how applications for rebate and payment requests will be addressed. Energy Pros work directly with their customers in applying for and obtaining ERP funds. Therefore, both Energy Pros and their customers need to know whether those projects that have completed Reservation Request Forms (CEC 1038 R1) and Rebate Payment Claim Forms (CEC 1038 R2) will be honored.

Furthermore, Energy Pros has invested significant funds and incurred substantial costs in reliance upon the ERP and statements made by the Commission, and are currently facing substantial financial hardship if the Commission grants the relief requested in the Complaint. Energy Pros have existing credit lines secured by personal guarantees that will be maturing in the near future with no source of repayment. These

investments and Energy Pros ability to repay their loans secured by personal guarantees are directly at stake in this proceeding.

3. Extent of Participation

Energy Pros and their customers wish to better understand the Complaint and what it means for those projects that have completed R1s and those that have obtained R2s. Furthermore, as noted above, Energy Pros has invested significant funds and incurred substantial costs in reliance upon the ERP. Therefore, in order to protect the interests of Energy Pros and their customers, the Commission should allow Energy Pros to participate fully as parties in this proceeding.

4. Name, Address, and Phone Number of Petitioners

Petitioners:

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For the foregoing reasons, Energy Pros respectfully requests that the Commission grant their Petition to Intervene in this proceeding.

Dated: September 23, 2011

Respectfully,

Robert F. Kane
Attorney for ENERGY SAVING PROS, LLC., DBA ENERGY PROS.

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
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IN THE MATTER OF THE COMPLAINT AGAINST DYOCORE, INC. BROUGHT BY ENERGY COMMISSION STAFF

Docket No. 11-CAI-03
(Revised 9/16/2011)

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*indicates change

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*indicates change

DECLARATION OF SERVICE

I, Alison Rosales-Bray declare that on September 23, 2011, I served and filed copies of the attached PETITION to INTERVENE by ENERGY SAVING PROS, dated 9/23/11. The original document, filed with the Docket Unit or the Chief Counsel, as required by the applicable regulation, 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/renewables/emerging_renewables/11-cai-03/]**.

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit or Chief Counsel, as appropriate, in the following manner:

(Check all that Apply)

For service to all other parties:

X Served electronically to all e-mail addresses on the Proof of Service list;

___ Served by delivering on this date, either personally, or for mailing with the U.S. Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "e-mail service preferred."

AND

For filing with the Docket Unit at the Energy Commission:

X by sending an original paper copy and one electronic copy, mailed with the U.S. Postal Service with first class postage thereon fully prepaid and e-mailed respectively, to the address below (preferred method); ***OR***

___ by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT
Attn: Docket No. 11-CAI-03
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:

___ Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission
Michael J. Levy, Chief Counsel
1516 Ninth Street MS-14
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Alison R

*indicates change