



**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

**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**

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

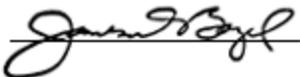
2. The Petition was timely filed and contains the information required by section 1207 of the Commission's regulations (Cal. Code Regs., tit. 20, § 1207);
3. On January 12, 2009, we granted a Petition to Intervene filed by the City of Carlsbad ("City"), represented by the same two representatives listed 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