

STATE OF CALIFORNIA

**ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

In the Matter of:
The Application for Certification
for the CHULA VISTA ENERGY
UPGRADE PROJECT

Docket No. 07-AFC-4

**PETITION TO INTERVENE BY
ENVIRONMENTAL HEALTH COALITION**

DOCKET	
07-AFC-4	
DATE	DEC 07 2007
RECD.	DEC 07 2007

Diane Takvorian
Leo Miras
Environmental Health Coalition
401 Mile of Cars Way, Suite 310
National City, CA 91950
(619) 474-0220
(619) 474-1210 Fax
DianeT@environmentalhealth.org
LeoM@environmentalhealth.org

STATE OF CALIFORNIA

**ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

In the Matter of:
The Application for Certification
for the CHULA VISTA ENERGY
UPGRADE PROJECT

Docket No. 07-AFC-4

**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 is a 27-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, and as a member

of the city of Chula Vista Climate Change 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.

Our concerns include the fact that the proposed power plant does not conform to current land use designations and violates the city of Chula Vista's general plan as it would be located 350 ft. from a residential community and approximately 1300 ft. from an elementary school. This community is already heavily impacted by pollution from mixed use development in the past; including the existing Main St. peaker plant. Concentrated industrial uses which cause 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: 12/7/07

Respectfully Submitted,

ENVIRONMENTAL HEALTH
COALITION



Diane Takvorian, Executive Director



Leo Miras, Policy Advocate

Environmental Health Coalition
401 Mile of Cars Way, Suite 310
National City, CA 91950
(619) 474-0220

STATE OF CALIFORNIA

**ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

In the Matter of:
The Application for Certification
for the CHULA VISTA ENERGY
UPGRADE PROJECT

Docket No. 07-AFC-4

PROOF OF SERVICE

I, Lilia Escalante, declare that on December 6, 2007, I deposited copies of the attached Petition to Intervene in the United States mail at National City, California, with first class postage thereon fully prepaid and addressed to the following:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 07-SPPE-1
1516 Ninth Street, MS-14
Sacramento, CA 95814-5512

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified in the following list:

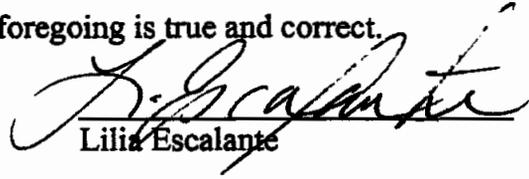
docket@energy.state.ca.us
hscarborough@mmcenergy.com
jluckhardt@downeybrand.com
ddavy@ch2m.com
Steven.blue@worleyparsons.com
LTobias@caiso.com
esaltmarsh@eob.ca.gov
mdjoseph@adamsbroadwell.com
gsmith@adamsbroadwell.com
speesapati@adamsbroadwell.com
cpomeroy@mckennalong.com
cdawson@mckennalong.com
jpfannen@energy.state.ca.us
jboyd@energy.state.ca.us
renaud@energy.state.ca.us
cmeyer@energy.state.ca.us

Energy Commission Docket Unit
Harry Scarborough, MMC Energy Inc
Jane Luckhardt, Applicant's Attorney
Douglas Davy, CH2M HILL
Steven Blue, Worley Parsons
Larry Tobias, Ca. ISO
Electricity Oversight Board
Marc Joseph, Adams Broadwell
Gloria Smith, Adams Broadwell
Suma Peesapati, Adams Broadwell
Charles Pomeroy, McKenna Long
Caren Dawson, McKenna Long
Commissioner Jackalyne Pfannenstiel
Commissioner James Boyd
Raoul Renaud, Hearing Officer
Chris Meyer, Project Manager

kbell@energy.state.ca.us
pao@energy.state.ca.us

Kevin Bell, Staff Counsel
Public Adviser's Office

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



Lilia Escalante