

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

**APPLICATION FOR CERTIFICATION FOR THE
EASTSHORE ENERGY CENTER IN HAYWARD
BY TIERRA ENERGY**

DOCKET NO. 06-AFC-6
(AFC ACCEPTED 11/8/06)

ORDER GRANTING PETITION TO INTERVENE

Upon consideration of the Petition to Intervene filed on November 20, 2007, by Robert Sarvey, an individual, the Committee designated to conduct proceedings in this matter makes the following findings:

1. The deadline to file a petition to intervene was November 19, 2007, as noticed to all interested persons in the Notice of Prehearing Conference.
2. On November 20, 2007, a Petition to Intervene was filed by:
 Robert Sarvey
 501 W. Grantline Road
 Tracy, CA 95376
 Email: sarveybob@aol.com
3. The Petition was not timely filed.
4. Mr. Sarvey has participated in this proceeding for several months; his name and the responses to his comments are included in both the Preliminary Staff Assessment (PSA) and the Final Staff Assessment (FSA).
5. Mr. Sarvey offered no compelling reason for filing his Petition late.
6. The Applicant objected to said Petition on the grounds that it was filed late, that adding another party could delay the process; and that all the other parties met the deadline.
7. At the Prehearing Conference, notwithstanding the late filing, the Committee granted Mr. Sarvey's Petition in the interest of public participation.
8. The Petition contains the information required by section 1207 of the Energy Commission's regulations. (Cal. Code of Regs., tit. 20, § 1207).
9. The Petition states that Mr. Sarvey wishes to limit his participation to the topic of Air Quality.
10. Petitioner's interests are relevant to this proceeding.

