



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
LODI ENERGY CENTER
NORTHERN CALIFORNIA POWER AGENCY

DOCKET No. 08-AFC-10

COMMITTEE DECISION ON PETITION TO INTERVENE

On November 11, 2009, Coalition for Fair Employment in Construction (CFEC) filed its *Petition to Intervene By Coalition for Fair Employment in Construction* (Petition). In support of the Petition, CFEC asserts in pertinent part:

Petitioner CFEC has an interest in the above-captioned proceeding in that its members include employees and employers who construct power plants in the State of California and share concerns about the advancement and promotion of high standards of fair employment and fair competition in the construction industry; preserving and protecting fairness in employment opportunities for all employees in the construction industry; promoting fair terms and conditions of employment for all construction industry employees; supporting and fostering fair competition among contractors; guarding against waste of taxpayer dollars; and educating the business community, government and the general public on these principles.

However, as recognized by Northern California Power Agency (NCPA) in its *NCPA Objections to Petition to Intervene By Coalition for Fair Employment in Construction*, CFEC's stated grounds for intervention do not establish any relevant connection to

power plant siting or the certification process. The Energy Commission does not have jurisdiction over applicants' labor and employment practices.

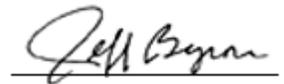
The Petition is therefore **DENIED** without prejudice to CFEC refiling its Petition if it can establish sufficient, relevant grounds for intervention.

Dated: November 24, 2009 at Sacramento, California.

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KAREN DOUGLAS

Chairman and Presiding Member
Lodi Energy Center AFC Committee

A handwritten signature in black ink, appearing to read "Jeffrey D. Byron", written over a horizontal line.

JEFFREY D. BYRON

Commissioner and Associate Member
Lodi Energy Center AFC Committee