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October 10, 2006

California Energy Commission  
Attn: Docket No: 06-AFC-3  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512

<b>DOCKET</b> <b>06-AFC-3</b>
DATE <sup>FR</sup> OCT 10 2006
RECD. OCT 12 2006

**Re: DOCKET NO. 06-AFC-3  
PETITION TO INTERVENE BY ENVIRONMENTAL  
HEALTH COALITION**

Dear Clerk:

Enclosed please find an original plus one copy of Environmental Health Coalition's PETITION TO INTERVENE. Please file the original and return a date-stamped copy to us in the enclosed self-addressed, stamped envelope.

Please contact me immediately (415-552-7272) should you have any questions regarding this request.

Thank you for your help,



Patricia Spencer  
Legal Assistant to Osa L. Wolff

Enclosures

**STATE OF CALIFORNIA**

**ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION**

In the Matter of:  
The Application for Certification  
for the LSP SOUTH BAY, LLC  
SOUTH BAY REPLACEMENT PROJECT

Docket No. 06-AFC-3

**PETITION TO INTERVENE BY  
ENVIRONMENTAL HEALTH COALITION**

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COALITION

**STATE OF CALIFORNIA**

**ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION**

In the Matter of:  
The Application for Certification  
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SOUTH BAY REPLACEMENT PROJECT

Docket No. 06-AFC-3

**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, a California non-profit corporation, is a 26-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, 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.

The community living adjacent to and downwind of the proposed project is comprised primarily of people of color and is home to many families living below the poverty line. This community is already heavily impacted by pollution from a number of industrial facilities, including the existing South Bay power plant. Concentrated 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

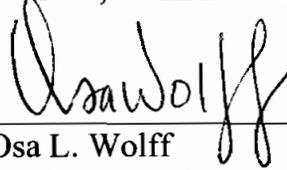
in all phases of this proceeding, consistent with the rights and obligations of parties as set forth in section 1712 and other applicable regulations. Filings should be served on EHC at the address below.

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: October 10, 2006

Respectfully Submitted,

SHUTE, MIHALY & WEINBERGER LLP

A handwritten signature in black ink, appearing to read "Osa Wolff", is written over a horizontal line.

Osa L. Wolff  
Kevin P. Bundy

Attorneys for the  
ENVIRONMENTAL HEALTH  
COALITION

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**PROOF OF SERVICE**

I, Patricia Spencer, declare that on October 10, 2006, I deposited copies of the attached Petition to Intervene in the United States mail at San Francisco, California, with first class postage thereon fully prepaid and addressed to the following:

California Energy Commission  
Attn: Docket No. 06-AFC-3  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512

Kevin Johnson  
LS Power Generation, LLC  
1735 Technology Drive, Suite 820  
San Jose, CA 95110

Robert Mason  
CH2M HILL  
3 Hutton Centre Dr., Ste. 200  
Santa Ana, CA 92707

Andrew Trump  
4230 Montgomery Street  
Oakland, CA 94611

Sarah Madams  
CH2M HILL  
2485 Natomas Park Dr., Ste. 600  
Sacramento, CA 95833

Chris Ellison  
Ellison, Schneider & Harris  
2015 H Street  
Sacramento, CA 95814

Electricity Oversight Board  
770 L Street, Suite 1250  
Sacramento, CA 95814

Consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210, electronic copies of the attached Petition to Intervene also were sent to all those identified in the following list:

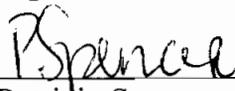
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Energy Commission Docket Unit  
Commissioner John Geesman

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pao@energy.state.ca.us  
gshean@energy.state.ca.us  
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Pat Flint, Commissioner Rosenfeld's Office  
Margret J. Kim, Public Adviser  
Garret Shean, Hearing Officer  
Bill Pfanner, Staff Project Manager  
Kerry Willis, Staff Attorney  
Andrew Trump, LS Power Generation, LLC  
Kevin Johnson, LS Power Generation, LLC  
Chris Ellison, Applicant's Attorney  
Robert Mason, CH2M HILL

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

  
\_\_\_\_\_  
Patricia Spencer