

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Integrate and Refine  
Procurement Policies and Consider Long-Term  
Procurement Plans.

Rulemaking 12-03-014  
(Filed March 22, 2012)

**RENEWED MOTION OF CAITHNESS ENERGY, L.L.C.  
FOR PARTY STATUS**

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Date: August 5, 2014

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**I. INTRODUCTION**

Pursuant to Rule 1.4(a)(4) of the Commission’s Rules of Practice and Procedure, Caithness Energy, L.L.C. (“Caithness”) respectfully submits this renewed motion for party status in the above-captioned proceeding. Caithness seeks party status in this matter solely in order to participate in the proceedings concerning the Petition for Expedited Modification of Decision 13-02-015, filed on June 3, 2014 (“Petition”), by Terra-Gen Power, LLC (“Terra-Gen”).

**II. BACKGROUND**

On June 3, as part of its Petition, Terra-Gen also requested that it be granted party status. In support of its request for party status, Terra-Gen stated: “Terra-Gen previously participated in this proceeding through its trade association and did not see a need to participate individually until the events described in this petition occurred.” (Petition, p. 3.)

On July 29, 2014, Administrative Law Judge Gamson issued a Proposed Decision, recommending that the Commission deny the Terra-Gen Petition. The Proposed Decision also confirmed, however, that Judge Gamson had granted Terra-Gen’s motion for party status, “...solely for the purposes of participating in activities related to its Petition for Modification.” (Proposed Decision, pp. 3-4.)

The due date set by Judge Gamson for responses to the Terra-Gen Petition was June 20, 2014. The June 20 due date was set in an email ruling issued by Judge Gamson on June 11.

On June 19, 2014, Caithness filed a motion for party status, in order to participate in the proceedings regarding the Terra-Gen Petition.

The next day, on June 20, 2014, Caithness timely filed a Response in Opposition to the Terra-Gen Petition.

In an email ruling issued on July 29 (the same day as the Proposed Decision), Administrative Law Judge Gamson denied Caithness's request for party status, along with a similar request by another entity (Graphite Energy Storage Partners, LLC).

On August 1, 2014, Caithness filed a "Motion for Reconsideration" of Judge Gamson's ruling denying party status to Caithness. In that motion, Caithness argued that due process and fundamental fairness required that Caithness be granted the same party status as Terra-Gen, solely for the purpose of participating in the proceedings concerning the Terra-Gen Petition.

Caithness now files this renewed motion for party status, pursuant to Rule 1.4(a)(4) of the Commission's Rules of Practice and Procedure. This motion is intended as a companion to Caithness's August 1 Motion for Reconsideration.

### **III. BASIS FOR GRANTING PARTY STATUS TO CAITHNESS**

Rule 1.4(b)(2) requires entities seeking party status to state their factual and legal contentions and to show that their interests are reasonably pertinent to the issues presented. Caithness is an independent developer of power generation facilities in California and throughout the United States. Like Terra-Gen, Caithness previously participated in these proceedings through its trade association. However, Caithness now seeks to participate individually, rather than through its trade association, for the purpose of opposing the Terra-Gen Petition.

In these circumstances, Caithness has a legitimate and compelling interest in the issues raised by Terra-Gen in its Petition. As explained in more detail in Caithness's August 1 Motion for Reconsideration, Caithness is entitled as a matter of due process and fundamental fairness to be heard individual capacity in responding to the Terra-Gen Petition, given that Terra-Gen has been granted party status for the purpose of prosecuting the Petition.

Caithness hereby confirms that it is seeking party status solely in order to participate in the proceedings concerning the Terra-Gen Petition, and not for any other purpose.

#### **IV. CORRESPONDENCE**

All communications and correspondence regarding this matter should be sent to the following individuals:

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V. CONCLUSION

For the reasons stated herein, and in Caithness's companion Motion for Reconsideration filed on August 1, 2014, Caithness respectfully renews its request that the Assigned Administrative Law Judge grant Caithness party status in the above-captioned proceeding, solely for the purpose of participating in the proceedings concerning the Terra-Gen Petition.

Respectfully submitted: August 5, 2014

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