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BEFORE THE ENVIRONMENTAL APPEALS BOARD

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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WASHINGTON, D.C.

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In the Matter of:

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Humboldt Bay Repowering Project

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PSD Appeal No. 08-08

**PACIFIC GAS AND ELECTRIC
COMPANY'S
MOTION FOR LEAVE TO
INTERVENE**

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In accordance with Environmental Appeals Board Practice Manual § III.D.4,

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Pacific Gas and Electric Company ("PG&E"), a California Corporation, hereby moves

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for leave to intervene in PSD Appeal No. 08-08, initiated by the Petition for Review

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filed by Rob Simpson pursuant to 40 C.F.R. § 124.19. As pertinent to PG&E, the

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Petition for Review involves the decision by the North Coast Unified Air Quality

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Management District ("North Coast District") to issue a Prevention of Significant

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1 Deterioration ("PSD") permit to PG&E for the Humboldt Bay Repowering Project,
2 authorizing the company to repower an existing power plant in Humboldt County,
3 California.¹

4 PG&E has a tangible interest in the subject matter of Appeal 08-08 as the
5 permittee and real party in interest. In addition, PG&E's Opposition to the Petition for
6 Review and Motion for Summary Disposition (Dismissal) ("PG&E's Opposition to the
7 Petition") will materially assist the Board in deciding the appeal by providing argument
8 and evidence directly relevant to the appeal and the Board's lack of jurisdiction to hear
9 the Petition. PG&E's intervention will not delay resolution of the appeal, as PG&E's
10 Opposition to the Petition is being filed concurrently with this Motion for Leave to
11 Intervene, prior to the deadline set by the EAB and provided to the North Coast District
12 for submission of a response seeking Summary Disposition.

13 Notice of PG&E's Motion for Leave to Intervene will be served on all parties
14 identified in the accompanying Certificate of Service.

15 If the Board grants PG&E's Motion for Leave to Intervene, parties may serve all
16 correspondence in this matter upon PG&E's counsel, David R. Farabee and Pillsbury
17 Winthrop Shaw Pittman LLP.

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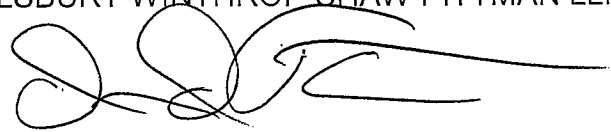
¹ Mr. Simpson's Petition for Review challenges both the PSD permit issued to PG&E by the North Coast District for the Humboldt Bay Repowering Project and permitting actions taken by the Bay Area Air Quality Management District and California's State Energy Resources Conservation and Development Commission with regard to the Russell City Energy Center. PG&E is not seeking to intervene in those elements of the Petition for Review that pertain to the Russell City Energy Center and which have been denominated by the Board as PSD Appeal No. 08-07.

1 DATED October 16, 2008

Respectfully submitted,

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By

DAVID R. FARABEE
ATTORNEYS FOR INTERVENOR
PACIFIC GAS AND ELECTRIC COMPANY