

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re:)	
Russell City Energy Center)	PSD Appeal Nos. 10-01, 10-02, 10-03,
PSD Permit No. 15487)	10-04, 10-05, 10-06 & 10-07

**RUSSELL CITY ENERGY COMPANY, LLC'S
MOTION FOR LEAVE TO PARTICIPATE IN THE PROCEEDING
AND TO RESPOND TO THE PETITIONS**

In accordance with Environmental Appeals Board Practice Manual section III.D.4, Permittee Russell City Energy Company, LLC (“RCEC”) hereby moves for leave to participate in the above-captioned proceeding and to respond to each of the above-captioned petitions for review. The seven petitions for review involve the decision by the Bay Area Air Quality Management District (the “District”) to issue a Prevention of Significant Deterioration (“PSD”) permit to RCEC to construct a new natural gas-fired combined-cycle power plant in Hayward, California. RCEC disagrees with the allegations in the petitions and opposes petitioners’ requests.

As the permittee, RCEC has a direct interest in the proceedings relating to its PSD permit. These proceedings and their disposition may impair RCEC’s ability to proceed with construction of the planned facility. Moreover, RCEC’s response to the petitions will materially assist the Board in its decision-making by providing evidence and argument directly relevant to the petitions.

RCEC’s intervention will not delay the Board’s ultimate resolution of the matter. RCEC has a vital interest in ensuring that review of the petitions proceeds as expeditiously as possible and will follow the schedule that the Board specified in its March 25, 2010 letter to the District. *See* Letter from Eurika Durr, Clerk of the Board, to Jack Broadbent, Officer (Mar, 25, 2010).

For the foregoing reasons, RCEC respectfully requests that this Board grant RCEC leave to participate in this proceeding and to respond to each of the above-captioned petitions.

Respectfully submitted,

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Dated: March 30, 2010

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of March, 2010, copies of the foregoing Russell City Energy Company, LLC's Motion for Leave to Participate in the Proceeding and to Respond to the Petitions were served via first-class U.S. mail, postage prepaid, to:

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