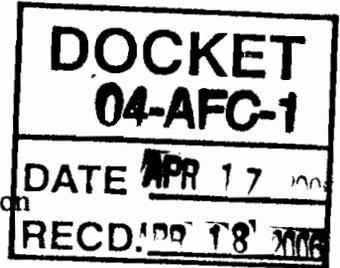


STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission



In the Matter of:)
)
 Application for Certification)
 For the San Francisco)
 Electric Reliability Project)

Docket No. 04-AFC-01

**RESPONSE OF THE CITY AND COUNTY OF SAN FRANCISCO TO THE MOTION FOR
 EXTENSION OF TIME AND CHANGE OF EVIDENTIARY HEARING SCHEDULE OF
 CALIFORNIANS FOR RENEWABLE ENERGY, INC.**

In accordance with rule 1716.5 of the California Energy Commission's Rules of Practice and Procedure, the City and County of San Francisco (CCSF or City) respectfully files this response to the motion for extension of time and change of evidentiary hearing schedule of Californians for Renewable Energy, Inc. (CARE). The City considers that CARE's concerns can be addressed without delaying the dates for the submission the testimony and, certainly, without delaying the hearing dates.

CARE's motion notes that testimony from the California Independent System Operator Corporation (CAISO) was posted on the California Energy Commission (CEC) website on Friday, April 14, 2006. The City was not served such testimony and became aware of it upon reading CARE's motion. Because the CAISO's testimony will be sponsored by CEC staff, pursuant to the Notice for Evidentiary Hearings, the testimony should have been filed by April 10, 2006, at the latest. Moreover, the testimony should have been served on the service list. However, a delay in the filing of testimony on various topics is not necessary because 1) the information in the CAISO testimony is already included in the City's application and data responses, and the Preliminary and Final Staff Assessments, and 2) CARE stated at the

prehearing conference that it would not file testimony on any topic and indicated that it had no questions about Transmission Lines Safety and Nuisance and Transmission System Engineering.

Page 1 of the CAISO's testimony is merely an introduction and sets forth that the City has submitted an Application for Certification for the San Francisco Electric Reliability Project (SFERP). This is all well known information.

Page 2 describes the CAISO's review and approval of interconnection of the SFERP. This information has already been provided to intervenors in the following documents and data responses:

- Application for Certification for San Francisco Electric Reliability Project, dated March 2004 (Docket No. 04-AFC-1), Volume 2, Appendix 5.
- Supplement in Response to Data Adequacy Comments on the Application for Certification for the SFERP, questions on transmission system engineering, dated April 16, 2004.
- Supplement A to the Application for Certification for the San Francisco Electric Reliability Project, Volume 1, dated March 24, 2005, Section 5 (Electric Transmission).
- Applicant's Response to CEC Staff Requests, Data Response Set 1A, Responses to Data Requests 70 through 79, dated July 6, 2004.
- Applicant's Response to CEC Staff Data Requests, Informal Data Response Set 3, Response to Data Request 146, dated August 20, 2004.
- Applicant's Response to CEC Staff Data Requests, Data Response Set 3A Final, Responses to Data Requests 182 and 183, dated June 3, 2005.
- Applicant's Response to CEC Staff Data Requests, Data Response Set 3B, Response to Data Request 182, dated June 22, 2005.
- Applicant's Response to CEC Staff Data Requests, Data Response Set 3C, Response to Data Request 183, dated July 19, 2005.
- Preliminary Staff Assessment, Section 5.5 Transmission System Engineering, September 12, 2005.
- Final Staff Assessment, Section 5.5 Transmission System Engineering, December February 21, 2006.

Page 3 and the beginning of Page 4 describes the CAISO action plan and its rationale.

This information has been provided previously in the following documents and data responses:

- Supplement A to the Application for Certification for the San Francisco Electric Reliability Project, Volume 1, dated March 24, 2005, Sections 3.4.1.1, 3.4.1.2, 3.4.1.3 and 3.4.1.4 (Purpose and Need).
- Applicants Response to CEC Staff Data Requests 179-180, Set 3A, dated June 3, 2005,
- Applicant's Response to CARE Data Requests, Data Response Set 3, Responses to Data Requests 3.1-2, 3.4-2, dated June 9, 2005.

Page 4, lines 4-17 merely describes the CAISO and its responsibilities, which were summarized in the Final Staff Assessment at page 5.5-1.

Further, CARE's request for additional time to file its testimony and for a delay in the evidentiary hearing dates, is at odds with its representations at the prehearing conference that it would file no testimony in this case, and that it had no questions on Transmission System Engineering or Transmission Line Safety and Nuisance. In light of these representations, it is hard to understand why CARE needs more time on these topics. Also, it is the City's understanding that the CAISO testimony on the San Francisco Action Plan goes to Local System Effects; thus there is no reason to delay Power Plant Reliability either on account of the CAISO testimony.

If the Committee determines that intervenors should be given additional time to respond to the CAISO testimony, the relief should be proportional to the purported problem. There is only one paragraph in the CAISO testimony that could be viewed in any way to present any new information – a general statement on page 3, lines 25-28 and page 4, lines 1-3 about the rationale for the CAISO Action plan. To avoid any possible prejudice to CARE and other intervenors from the late filing of the CAISO's testimony, all parties could be given one additional week, until April 24, 2006, to respond to this one paragraph in the CAISO's testimony. This one week time period preserves the one week interval between the filing of the staff's supplemental testimony and the filing of intervenor testimony set forth in the Notice of Hearing. In fact,

CARE will have an extra business day to prepare any testimony as it became aware of the CAISO testimony on Friday.

There would be no need to delay the hearings on account of the delay in the filing responses to the CAISO testimony. As noted above, it is the City's understanding that staff is sponsoring the CAISO's testimony on the Action Plan under Local System Effects, which is scheduled for hearing on May 1. The City considers that this hearing date can be maintained as it is the City that would be primarily prejudiced from a delay in the filing of responsive testimony to the CAISO. This is because it will have to prepare to cross examine any intervenor witness(es) who respond to the CAISO testimony in one week rather than the two weeks contemplated by the existing schedule. Intervenors will still have two full weeks to prepare their cross examination of the CAISO.

CARE's request that testimony and hearings on Cultural Resources, Geology, Traffic and Transportation, Hazardous Materials Management, Air Quality and Public should be delayed is also unfounded. CARE bases its request on the existing contamination on the site. However, this topic has been addressed in Soil and Water Resources and in Waste Management, and has no or minimal impact on the bulk of the topics listed by CARE. In fact, as the City's motion for an extension of time details, even the bulk of matters under Soil and Water Resources and Waste Management can be heard on the currently scheduled date May 1. The order issued on Friday provides an extension for the filing of testimony on the topic of existing contamination and for a delay in the hearing date for this matter until May 22, 2006. This approach is sufficient to allow all parties including CARE an adequate opportunity to address the existing contamination on the site.

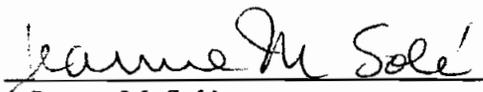
In sum, CARE's concerns about the late filed CAISO testimony are overstated. The testimony does not include new information. At best, there is one paragraph of new, very general information. If the Committee considers that parties should have additional time to respond to this general statement, parties could be given until April 24 to respond to the one paragraph of new information in the CAISO's testimony. The order extending time for the filing of testimony on existing contamination and delaying hearing on this matter until May 22, 2006, adequately addresses CARE's remaining concerns. CARE has not supported its requests for additional extensions.

Dated: April 17, 2006

Respectfully submitted:

DENNIS J. HERRERA
CITY ATTORNEY
THERESA L. MUELLER
JACQUELINE MINOR
JEANNE M. SOLÉ
DEPUTY CITY ATTORNEYS

Attorneys for City and County of San Francisco

By: 
Jeanne M. Solé
Deputy City Attorney
Office of the City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
(415) 554-4619 (Telephone)
(415) 554-4763 (facsimile)
jeanne.sole@sfgov.org

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE
OF CALIFORNIA**

**APPLICATION FOR CERTIFICATION
FOR THE SAN FRANCISCO ELECTRIC Docket No. 04-AFC-01
RELIABILITY PROJECT PROOF OF SERVICE
*Revised 2/17/06**

**APPLICATION FOR CERTIFICATION
FOR THE SAN FRANCISCO ELECTRIC
RELIABILITY PROJECT**

DOCKET UNIT

Instructions: Send an original signed document plus 12 copies or an electronic copy plus one original paper copy to the address below:

**CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 04-AFC-01
DOCKET UNIT, MS-4
1516 Ninth Street
Sacramento, CA 95814-5512**

Also send a printed or electronic copy of all documents to each of the following:

APPLICANT

Barbara Hale, Power Policy Manager
San Francisco Public Utilities
Commission
1155 Market Street, 4th Floor
San Francisco, CA 94102
BHale@sfgwater.org

Applicant Project Manager
Karen Kubick
SF Public Utilities Commission
1155 Market St., 8th Floor San
Francisco, CA 94103
kkubick@sfgwater.org

APPLICANT'S CONSULTANTS

Steve De Young
De Young Environmental Consulting
4155 Arbolado Drive
Walnut Creek, CA 94598
steve4155@astound.net

John Carrier
CH2MHill
2485 Natomas Park Drive, Suite 600
Sacramento, CA 95833-2943
jcarrier@ch2m.com

COUNSEL FOR APPLICANT

Jeanne Sole
San Francisco City Attorney
City Hall, Room 234 1 Dr. Carlton B.
Goodlet Place San Francisco, CA
94102-4682
Jeanne.sole@sfgov.org

INTERESTED AGENCIES

Emilio Varanini III
Special Counsel California Power

Authority 717 K Street, Suite 217
Sacramento, CA 95814
drp.gene@spcglobal.net

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

Donna Jordan
CA Independent System Operator
151 Blue Ravine Road
Folsom, CA 95630
djordan@caiso.com

Dept. of Water Resources
SERS
Dave Alexander
3301 El Camino Avenue, Ste. 120
Sacramento, CA 95821-9001

INTERVENORS

*** Jeffrey S. Russell**
VP West Region Operations
Mirant California, LLC
P.O. Box 192
Pittsburg, California 94565
Jeffrey.russell@mirant.com

mark.osterholt@mirant.com

Michael J. Carroll
Latham & Watkins LLP
650 Town Center Drive, Suite 2000
Costa Mesa, CA 92626
michael.carroll@lw.com

Potrero Boosters Neighborhood
Association
Dogpatch Neighborhood Association
Joseph Boss
934 Minnesota Street
San Francisco, CA 94107
joeboss@joeboss.com

*** Mark Osterholt**
Mirant California, LLC
P.O. Box 192 Pittsburg, California
94565

San Francisco Community Power
c/o Steven Moss
2325 Third Street # 344
San Francisco, CA 94107
steven@sfpower.org

Californians for Renewable Energy, Inc.
(CARE)
Michael E. Boyd, President
5439 Soquel Drive
Soquel, California 95073
michaelboyd@sbcglobal.net

Lynne Brown – Member, CARE
Resident, Bayview Hunters Point
24 Harbor Road
San Francisco, California 94124
L_brown123@yahoo.com

Robert Sarvey
501 West Grantline Road
Tracy, CA 95376
sarveyBob@aol.com

DECLARATION OF SERVICE

I, Sarah Madams declare that on April 17, 2006, I deposited copies of the attached Motion for an Extension of Time and Change of Evidentiary Hearing Schedule of Californians for Renewable Energy, Inc. in the United States mail at Sacramento, California with first class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above. Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. I declare under penalty of perjury that the foregoing is true and correct.



[signature]