

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

APPLICATION FOR CERTIFICATION
FOR THE SAN FRANCISCO
ELECTRIC RELIABILITY PROJECT

Docket No. 04-AFC-1

COMMISSION ORDER

I. Background

On June 26, 2006, Intervenors CARE and Sarvey (Intervenors) filed their *Joint Motion of CARE and Intervenor Sarvey to Strike Opening Brief of Applicant* (Joint Motion) urging the Committee to completely strike Applicant's Opening Brief filed 53 minutes late. Coincidentally, both CARE and Sarvey failed to serve their own opening brief on Applicant's attorney. On July 5, 2006, the Committee denied Intervenors' Joint Motion. Intervenors appealed the denial to the full Commission on July 10, 2006.

II. Order

The Commission considered the appeal of Intervenors CARE and Sarvey from the Committee's July 5, 2006, denial of Intervenors' Joint Motion. Intervenors' failure to properly serve their opening briefs on Applicant eliminates any equitable argument Intervenors may have had based on Applicant's untimely filing. Furthermore, the remedy Intervenors seek is entirely disproportionate to the inconvenience experienced by Intervenors.

The prior ruling of the Committee is **AFFIRMED**. Intervenors' appeal is **DENIED**.

Dated August 2, 2006, at Sacramento, California.

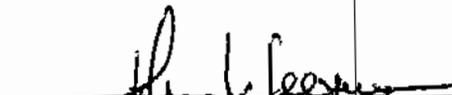
DOCKET
04-AFC-1
DATE AUG 2 2006
REC'D AUG 4 2006

(Absent)

JACKALYNE PFANNENSTIEL
Chairman

(Absent)

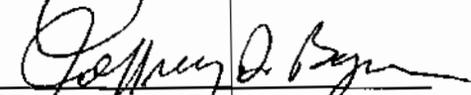
JAMES D. BOYD
Commissioner



JOHN L. GEESMAN
Commissioner



ARTHUR H. ROSENFELD
Commissioner



JEFFREY D. BYRON
Commissioner

Proof of Service List (Revised on 7/5/06)
filed with Original Document. Mailed from
Sacramento on 8/4/06).

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

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

Docket No. 04-AFC-1
PROOF OF SERVICE
**Revised 7/5/06*

INSTRUCTIONS: All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 04-AFC-01
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

DOCKET	
04-AFC-1	
DATE	AUG 2 2006
REC'D	AUG 4 2006

APPLICANT

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

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

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

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

APPLICANT'S CONSULTANTS

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

Emilio Varanini III
Special Counsel
California Power Authority
717 K Street, Suite 217
Sacramento, CA 95814
drp.gene@spcglobal.net

INTERESTED AGENCIES

Electricity Oversight Board
770 L Street, Suite 1250
Sacramento, CA 95814
esaltmarsh@eob.ca.gov

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

Dept. of Water Resources
SERS
Dave Alexander
3310 El Camino Avenue, Ste. 120
Sacramento, CA 95821-9001
dalexan@water.ca.gov

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 California, LLC
P.O. Box 192
Pittsburg, California 94565
mark.osterholt@mirant.com

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

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

ENERGY COMMISSION

JAMES D. BOYD, Commissioner
Presiding Member
jboyd@energy.state.ca.us
lbeckstr@energy.state.ca.us

JOHN L. GEESMAN, Commissioner
Associate Member
jgeesman@energy.state.ca.us

Stan Valkosky
Chief Hearing Officer
svalkosk@energy.state.ca.us

Gary Fay
Hearing Officer
gfay@energy.state.ca.us
mread@energy.state.ca.us

Bill Pfanner
Project Manager
bpfanner@energy.state.ca.us

Margret J. Kim
Public Adviser
pao@energy.state.ca.us

Dick Ratliff
Staff Counsel
dratliff@energy.state.ca.us

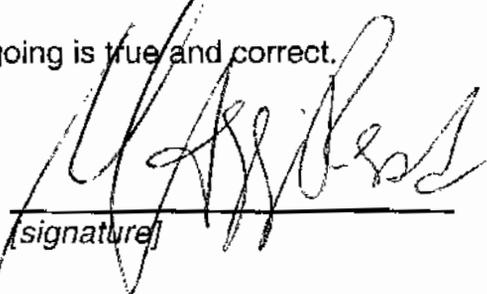
DECLARATION OF SERVICE

I, Maggie Read, declare that on August 4, 2006, I deposited copies of the attached A) "Ruling re: CARE's Request for Reconsideration" B) Joint Motion of CARE and Intervenor Sarvey to Strike Opening Brief of Applicant C) Motion of CARE to Strike Reply Briefs of Staff and Applicant, in the United States mail at Sacramento, CA with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

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


[signature]