ORDER NO. 06-0802-10.c-d.

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, Intervenor Californians for Renewable Energy (CARE) filed its ***Motion of CARE to Strike Reply Briefs of Staff and Applicant,*** urging the Committee to completely strike Staff's Reply Brief due to Staff filing its brief 24 hours late. CARE also moves to strike Applicant's timely Reply Brief due to Applicant's prior failure to file its *Opening Brief* on time. On July 13, 2006, the Committee granted the Staff request to file its reply brief one day late and granted all other parties eight days to answer the Staff Reply Brief. On July 17, 2006, the Committee denied both of CARE's motions and referred the matters to the full Commission for review. CARE and Sarvey each filed a reply to the Staff Reply Brief on July 21, 2006.

II. Order

The Commission considered Intervenors CARE Motions to strike Staff's and Applicant's reply briefs. In our view the Committee's ruling which gave Intervenors a *third* round of briefing, has equitably compensated Intervenors for any prejudice they may have experienced by the Staff's untimely filing of its Reply Brief. As to CARE's motion to strike Applicant's Reply Brief, the motion is completely without merit.

The prior ruling of the Committee to allow Staff's and Applicant's reply brief's and denying CARE's motion is **AFFIRMED.** Intervenors' appeal is therefore **DENIED.**

DOCKET
04-AFC-1
DATE AUG 2 2006
RECD. AUG 4 2006

Dated August 2, 2006, at Sacramento, California.

(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:

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

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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]