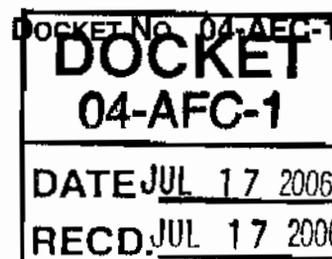


BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF CALIFORNIA

IN THE MATTER OF:

APPLICATION FOR CERTIFICATION FOR THE
SAN FRANCISCO ELECTRIC RELIABILITY
PROJECT



RULINGS RE:

CARE'S MOTION TO STRIKE REPLY BRIEFS OF STAFF AND APPLICANT
- AND -
SARVEY'S REQUEST FOR COMMITTEE CONFERENCE

I. BACKGROUND

A. Improper filing of Briefs

The major parties in the case have all recently failed to properly file and/or serve briefs. At the May 31, 2006, evidentiary hearing, the Hearing Officer directed that all parties in the case would file opening briefs by close of business on June 26, 2006, and file reply briefs on July 10, 2006 (5/31/06 RT 269:21-25.)

On June 26th, Applicant served its opening brief on all parties in an untimely manner (53 minutes after the close of business) and in violation of the Hearing Officer's directive. Intervenors CARE and Sarvey failed to properly serve their opening briefs on Applicant's attorney. This was a violation of the Committee's *Order Granting Petition to Intervene (Financial Hardship)*, issued in regards to Intervenors Sarvey and CARE on June 22, 2004, and July 9, 2004, respectively. Those virtually identical orders required each of the Intervenors to directly serve all filings upon those shown on the Proof of Service list for this case. On July 10, 2006, Energy Commission staff failed to

timely file its reply brief, in violation of the Hearing Officer's direction, filing 24 hours after the deadline.

B. Procedural Responses

On June 26, 2006, Intervenors CARE and Sarvey filed a Joint Motion to strike Applicant's opening brief. The Committee denied the Joint Motion on July 5, 2006, and on July 10th CARE appealed the Committee denial to the full Commission. The appeal will be heard at the Commission August 2, 2006 Business Meeting.

On July 13, 2006, CARE moved to strike the reply brief of the Energy Commission staff on the grounds that the brief failed to meet the required filing deadline of July 10, 2006, and that as a result CARE was prejudiced by the delay. In the same motion CARE also seeks to strike *Applicant's* reply brief, on the grounds that CARE's previous motion to strike Applicant's *opening brief* is under appeal to the full Commission and is therefore subject to being struck from the record. In addition, on July 13, 2006, Intervenor Sarvey filed his *Request for Committee Conference*. Sarvey argues the Committee, "...has lost control of this siting case."

II. Rulings

Regarding its request to strike the untimely filed reply brief of Commission staff, CARE's Motion is DENIED.

Regarding CARE's motion to strike Applicant's properly filed reply brief, the motion is DENIED.

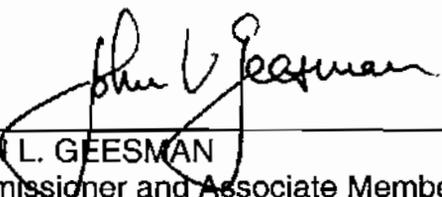
Regarding Sarvey's request for a Committee Conference, the request is DENIED. However, Intervenor Sarvey may address the full Commission on this matter on August 2, 2006.

All three of the above matters are referred to the full Commission and will be considered at the regularly scheduled Business Meeting on August 2, 2006.

Dated July 17, 2006, at Sacramento, California.



JAMES D. BOYD
Commissioner and Presiding Member
San Francisco Electric Reliability Project AFC Committee



JOHN L. GEESMAN
Commissioner and Associate Member
San Francisco Electric Reliability Project AFC Committee

Proof of Service List (Revised on 7/15/06)
filed with Original Document, Mailed from
Sacramento on 7/17/06 (87).

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-01
PROOF OF SERVICE
**Revised 7/05/06*

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:

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DECLARATION OF SERVICE

I, Gina Fontanilla, declare that on July 17, 2006, I deposited copies of the attached Care's Motion to Strike Reply Briefs of Staff and Applicant - and - Sarvey's Request for Committee Conference, 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]