

DOCKET**04-AFC-1**

DATE Jul 5 2006

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From: Michael Boyd <michaelboyd@sbcglobal.net>
To: Katherine Nicholls <Knicholl@energy.state.ca.us>, <Jeanne.sole@sfgov.org>, <Sarveybob@aol.com>, <SLee@aspeneg.com>, <Wwalters@aspeneg.com>, <steve4155@astound.net>, <mail@blackeagleconsulting.com>, <djordan@caiso.com>, <jcarrier@ch2m.com>, Beverly Bastian <Bbastian@energy.state.ca.us>, Bill Pfanner <Bpfanner@energy.state.ca.us>, Chris Tooker <Ctooker@energy.state.ca.us>, Dora Gomez <Dgomez@energy.state.ca.us>, Dick Ratliff <Dratliff@energy.state.ca.us>, Gary Fay <Gfay@energy.state.ca.us>, Harriet Kallemeyn <Hkalleme@energy.state.ca.us>, Jim Boyd <Jboyd@energy.state.ca.us>, John Geesman <jgeesman@energy.state.ca.us>, Lana Beckstrom <Lbeckstr@energy.state.ca.us>, Melissa Jones <Mjones@energy.state.ca.us>, Mike Smith <Msmith@energy.state.ca.us>, Roger Johnson <Rjohnson@energy.state.ca.us>, Rick Tyler <Rtyler@energy.state.ca.us>, Rick York <Ryork@energy.state.ca.us>, Shahab Khoshmashrab <Skhoshma@energy.state.ca.us>, Stan Valkosky <Svalkosk@energy.state.ca.us>, Tuan Ngo <Tngo@energy.state.ca.us>, <zephyr@innercite.com>, <joboss@joboss.com>, <michael.carroll@lw.com>, <Jeffrey.russell@mirant.com>, <mark.osterholt@mirant.com>, <agreenberg@risksci.com>, <michaelboyd@sbcglobal.net>, <steven@sfpower.org>, <BHale@sfgwater.org>, <kkubick@sfgwater.org>, <L_brown369@yahoo.com>, <docket@energy.state.ca.us>
Date: 7/5/2006 4:41:58 PM
Subject: Fwd: 04-AFC-1 Ruling Re Joint Motion of CARE & Sarvey

Note: forwarded message attached.

Dear Katherine Nicholls & Gary Fay,

As you can see from the attached e-mail you sent to me today you are using Jeanne.sole@afgov.org instead of Jeanne.sole@sfgov.org. The attached e-mail includes a Ruling by Re Joint Motion of CARE & Sarvey wherein it is ruled that,

"Intervenors have not been substantially prejudiced. In fact, Intervenors themselves failed to serve their opening briefs to the proper email address for Applicant's counsel. Thus, Applicant was denied the benefit of receiving Intervenors' briefs until the day following the deadline, a "prejudice" to Applicant which far exceeds that experienced by Intervenors."

Apparently the Ruling presumes that CARE sent the wrong e-mail address for the Applicant's counsel, which was provided by the Docket Unit. Ms. Nicholls please contact Gary Fay the Hearing Officer for this proceeding, 04-AFC-1, and tell him this error was caused by the Docket Unit not CARE.

Hearing Officer Fay please reconsider your ruling in light of this new information that CARE was provided an incorrect e-mail address by the Docket Unit not due

to an error on CARE's part. I have an e-mail from the Docket Unit I received on the morning of the 26th of June which I used to send CARE's Opening Brief which is identical to the attached e-mail addresses which the Docket Unit sent to me today.

Repectfully,

Mike Boyd-CARE 7-5-06