

**DOCKET**

**04-AFC-1**

DATE JUN 26 2006

RECD. JUN 27 2006

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

Application for Certification  
For the San Francisco  
Electric Reliability Project

Docket No. 04-AFC-1

**Joint Motion of CARE and Intervenor Sarvey to  
Strike Opening Brief of Applicant**

In behalf of Intervener CALifornians for Renewable Energy, Inc. (CARE) and Intervener Robert Sarvey we hereby move to strike the Opening Brief of the Applicant, City and County of San Francisco, for their failure to file their brief with in the specified CEC close of business on this day June 26, 2006 as directed by the Hearing Officer.

21 HEARING OFFICER FAY: We've had a  
22 discussion with the parties and opening briefs  
23 will be due on June 26th by close of business,  
24 filed with the Commission, served on all parties.  
25 And reply briefs will be due July 10th.  
[May 31, 2006 RT at page 269.]

The Applicant failed to include with its Opening Brief a Motion to file out of time. As demonstrated by attachment 1, herein, the Applicant filed its Opening Brief after 5:00 PM (17:00) and therefore we respectfully move that the Applicant's Opening Brief be stricken. To do otherwise will demonstrate prejudice against Interveners in violation of our due process and equal protection rights.

Respectfully submitted,



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San Francisco, CA 94124

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*Michael E. Boyd*

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*Robert Sarvey*

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## Attachment 1

Subject: SFERP: Opening Brief for the City and County of SF

Date: Mon, 26 Jun 2006 18:53:19 -0600

From: Jeannette.Harris@CH2M.com Add to Address Book Add Mobile Alert

To: Bhale@sfwater.org, john.carrier@ch2m.com, jeannette.harris@ch2m.com, Bpfanner@energy.state.ca.us, cgraber@energy.state.ca.us, DRatliff@energy.state.ca.us, docket@energy.state.ca.us, djordan@caiso.com, gfay@energy.state.ca.us, drp.gene@sbcglobal.net, Jacqueline.Minor@sfgov.org, Jeanne.Sole@sfgov.org, Jeffrey.Russell@mirant.com, Jesse.Blout@sfgov.org, joeboss@joeboss.com, jgeesman@energy.state.ca.us, kkubick@sfwater.org, Kenyana.Davis@sfgov.org, lbeckstr@energy.state.ca.us, L\_brown123@yahoo.com, sarah.madams@ch2m.com, pao@energy.state.ca.us, mark.osterholt@mirant.com, michaelboyd@sbcglobal.net, michael.Carroll@lw.com, paula.Fernandez@sfgov.org, SarveyBob@aol.com, sharris@energy.state.ca.us, rsmith@sfwater.org, svalkosky@energy.state.ca.us, rstepp@sfwater.org, steve@deyoung.org, steven@sfpower.org

Attached please find the electronic copy of the Opening Brief for the City and County of San Francisco.

Jeannette Harris  
CH2M HILL  
2485 Natomas Park Dr., Ste. 600  
Sacramento, CA 95833  
Phone: 916-286-0313

Attachments Attachment scanning provided by:

Files:

04afc1\_06\_26\_06\_JHarris\_OpeningBrief.pdf (459k) Scan and Save to Computer - Save to Yahoo! Briefcase

04afc1\_06\_26\_06\_JHarris\_OpeningBrief\_EPOS.doc (78k) [Preview] Scan and Save to Computer - Save to Yahoo! Briefcase

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### **Verification**

I am an officer of the Intervening Corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except matters, which are therein stated on information and belief, and as to those matters I believe them to be true.

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

Executed on this 26<sup>th</sup> day of June 2006, at Soquel, California.



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