

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

DOCKET 04-AFC-1	
DATE	MAR 6 2006
RECD.	MAR 6 2006

RULING DENYING MOTION TO COMPEL

I. BACKGROUND

Intervenor Sarvey filed a data request on June 24, 2005, basically asking that Applicant perform a cumulative impact analysis which included the proposed Potrero Power Plant Unit 7 (Docket No. 00-AFC-4) as a reasonably foreseeable project.

Applicant responded to Intervenor's data request on July 5, 2005, stating that it did not view the Potrero Unit 7 Project as being reasonably foreseeable.

On January 27, 2006, Intervenor Sarvey filed a "Motion to Compel" Applicant to respond to this data request. The Applicant responded to the Motion on February 1, 2006.

II. DISCUSSION

The Committee's Interim Scheduling Order (May 19, 2005) established June 24, 2005 as the date on which discovery would end. The Committee denied a request to extend this period (Ruling of June 23, 2005). Intervenor thus filed his Motion to Compel approximately seven months after the end of the discovery period. We find it untimely and deny it on that basis.

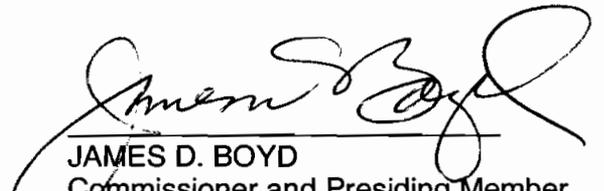
Furthermore, on March 1, 2006, the Commission adopted an Order terminating the Potrero Power Plant Unit 7 Project proceedings. Potrero Unit 7 thus cannot be characterized as a reasonably foreseeable project.

III. RULING

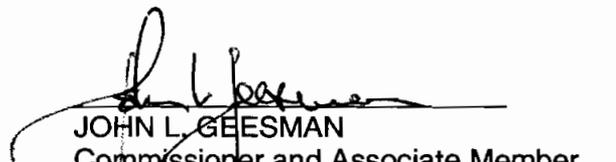
Intervenor Sarvey's Motion to Compel is denied because it is both untimely and moot.

Dated: March 3, 2006

**ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**



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 2/17/06)
filed with Original Document. Mailed from
Sacramento on MARCH 6, 2006.

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 2/17/06*

DOCKET UNIT

Instructions: Send an original signed document plus 12 copies or an electronic copy plus one original paper copy to the address below:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 04-AFC-01
DOCKET UNIT, MS-4
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Also send a printed or electronic copy of all documents to each of the following:

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DECLARATION OF SERVICE

I, Maggie Read, declare that on March 6, 2006, I deposited copies of the attached Ruling Denying Motion to Compel, in the United States mail at Sacramento, California with first class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above. Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. I declare under penalty of perjury that the foregoing is true and correct.



[signature]

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