

**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

**APPEAL TO FULL COMMISSION OF SEPTEMBER 28, 2006, "COMMITTEE
RULING RE: SEPTEMBER 27, 2006, DEMAND TO CORRECT OR CURE"**

This is an appeal by CALifornians for Renewable Energy, Inc. (CARE) to the full Commission pursuant to section 1215, Interlocutory Orders and Appeals, of the Commission's regulations¹. The Committee has erroneously ruled against CARE in a Demand, intended to be before the Full Commission, to correct or cure violations of the Bagley-Keene Open Meeting Act.

On September 27, 2006 CARE filed a demand that the California Energy Commission (CEC) cure or correct actions alleged to have been taken in violation of California Government Code §§11120 et seq. in that the Commission failed to provide Intervener proper notice that the Energy Commission will conduct a hearing on the PMPD at a special business meeting held on Tuesday, October 3, 2006, in that the Commission failed to place its Notice on Internet site where notices required by this article are "usually" made available, at http://www.energy.ca.gov/business_meetings/index.html. CARE served a copy of its demand on Energy Commission Secretariat Harriet Kallemeyn, who normally

¹ BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS, TITLE 20 PUBLIC UTILITIES AND ENERGY, DIVISION 2. STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION This database is current through 06/23/06, Register 2006, No. 25.

handles the posting of the Commission's Business Meetings on this web site, via e-mail at, Hkalleme@energy.state.ca.us. Later that day, on September 27, 2006, the Commission updated its web site to include the October 3, 2006 Business Meeting Agenda, but failed to notice intervener of the change and failed to provide any citation to any provision of the Bagley-Keene Act necessary to waive the 10-day Notice requirement.

The cure Intervener seeks is the notice by said Commission of said meeting with proper 10 days notice, listed on the Commission's website at , http://www.energy.ca.gov/business_meetings/index.html where it states, "Agendas are usually available from this page about 10 business days before the date of the meeting", which is in accordance with the Act, and so as to provide Intervener an opportunity to exercise our constitutionally protected due process and equal protection rights, and the public an opportunity for meaningful and informed public participation in accordance with the First Amendment constitutional rights enjoyed by citizens of the United States.

CONCLUSION

CARE complied with the Commission's regulations as required by law and should not be penalized for it. This is a clear violation of CARE's due process and equal protection of the laws - protections as specified by the constitutions of California and United States. CARE asks the full Commission to review and rescind the September 28, 2006, "COMMITTEE RULING RE: SEPTEMBER 27, 2006, DEMAND TO CORRECT OR CURE", that the Commission over rule the

Committee, and that the Commission provide proper 10-day notice of its Business Meeting to Interveners and the public.

Respectfully submitted,



Lynne Brown –Vice President, CARE
Resident, Bayview Hunters Point
24 Harbor Road
San Francisco, CA 94124
E-mail: l_brown369@yahoo.com



Michael E. Boyd – President, CARE
5439 Soquel Dr., Soquel, CA 95073-
2659
Tel: (408) 891-9677
Fax: (831) 465-8491
E-mail: michaelboyd@sbcglobal.net

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 2nd day of October 2006, at Soquel, California.



Michael E. Boyd – President, CARE
CALifornians for Renewable Energy, Inc. (CARE)
5439 Soquel Dr.
Soquel, CA 95073-2659
Tel: (408) 891-9677
Fax: (831) 465-8491
E-mail: michaelboyd@sbcglobal.net