

**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

Ruling Re: CARE Motion to Cure or Correct

DATE	SEP 28 2006
RECD.	SEP 29 2006

I. BACKGROUND

On September 27, 2006, Intervener Californians for Renewable Energy, Inc. (CARE), filed a motion demanding that the California Energy Commission (CEC) cure or correct actions which CARE alleges were taken in violation of California Government Code §§ 11120 et seq., the Bagley-Keene Open Meeting Act. In response to CARE's motion, the Committee has examined the relevant facts concerning CARE's allegation and determined that the motion is without merit.

II. DISCUSSION

On August 25, 2006, the Committee issued its *Presiding Members Proposed Decision* (PMPD) for the San Francisco Electric Reliability Project (SFERP). On August 29, 2006, the PMPD, along with a Notice of Availability of the PMPD and *Notice of Commission Hearing* was posted on the Commission website, where the case files are located:

http://www.energy.ca.gov/sitingcases/sanfrancisco/notices/2006-08-25_PMPD_conference_hearing.html.¹ The notice of the Commission hearing scheduled for October 3, 2006, included two references to the Commission's internet website for the SFERP, the Commission's address, and phone numbers

¹ In addition, a copy of the PMPD and a copy of the *Notice of Commission Hearing* were sent by U.S. mail to the proof of service list for the SFERP case. Both Michael Boyd and Lynn Brown of CARE are each included on the service list and received direct mail notice of the hearing in question.

of several different Commission employees who can provide information for those interested in the Commission hearing.

The Bagley-Keene Open Meeting Act (Cal. Gov. Code §§11120 et seq.) requires:

The state body shall provide notice of its meeting to any person who requests that notice in writing. Notice shall be given and also made available on the Internet at least 10 days in advance of the meeting, and shall include the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the address of the Internet site where notices required by this article are made available. Cal. Gov. Code, § 11125(a).

Both the internet posting and the direct mailing of the PMPD *Notice of Availability* comply with this provision.

II. RULING

The internet posting provided in the instant case fully complies with the Bagley-Keene Act's requirements. CARE's motion is without merit.

Dated September 28, 2006, at Sacramento, California.

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