

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



RULING RE: CARE MOTION TO CURE OR CORRECT

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 six 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:

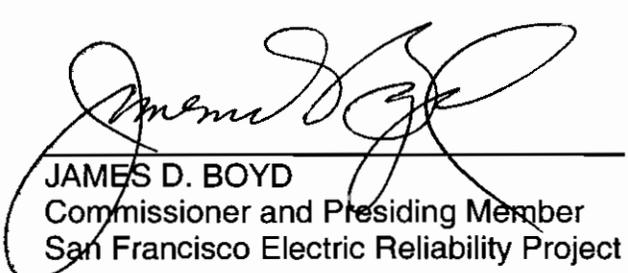
The state body shall provide notice of its meeting to any person who requests that notice in writing. Notice shall be given and also made available on the Internet at least 10 days in advance of the meeting, and shall include the name, address, and telephone number of any person who can provide further 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

Proof of Service List (Revised on 7/5/06)
filed with Original Document. Mailed from
Sacramento on September 29, 2006).

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

APPLICATION FOR CERTIFICATION
FOR THE SAN FRANCISCO *ELECTRIC*
RELIABILITY POWER PROJECT

Docket No. 04-AFC-1
PROOF OF SERVICE
**Revised 7/5/06*

INSTRUCTIONS: All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

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Attn: Docket No. 04-AFC-01
1516 Ninth Street, MS-4
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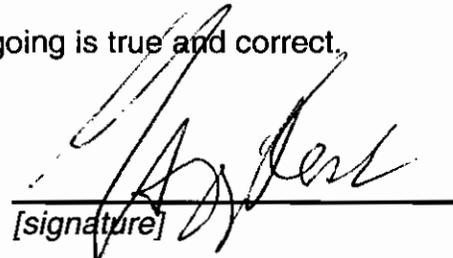
DECLARATION OF SERVICE

I, Maggie Read, declare that on September 29, 2006, I deposited copies of the attached Ruling re: CARE's Motion to Cure or Correct, in the United States mail at Sacramento, CA with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

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


[signature]