

**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 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