

DOCKET 07-OIIP-1	
DATE	JUN 18 2008
RECD.	JUN 18 2008

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA**

Order Instituting Rulemaking to Implement the
Commission's Procurement Incentive
Framework and to Examine the Integration of
Greenhouse Gas Emission Standards into
Procurement Policies.

R.06-04-009
(Filed April 13, 2006)

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

Order Instituting Informational Proceeding
AB-32 Implementation: Greenhouse Gases

Docket 07-OIIP-01

**MOTION TO ACCEPT LATE-FILED RESPONSE
TO THE INDICATED CEMENT COMPANIES
TO THE SEPTEMBER 26, 2007 PETITION FOR MODIFICATION
OF THE INTERIM OPINION
BY THE ENERGY PRODUCERS AND USERS COALITION**

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Dated: June 18, 2008

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA**

Order Instituting Rulemaking to Implement
the Commission's Procurement Incentive
Framework and to Examine the Integration
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**ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Informational Proceeding
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**MOTION TO ACCEPT LATE-FILED RESPONSE
OF THE INDICATED CEMENT COMPANIES
TO THE SEPTEMBER 26, 2007 PETITION FOR MODIFICATION
OF THE INTERIM OPINION
BY THE ENERGY PRODUCERS AND USERS COALITION**

Pursuant to Rule 11.1 of the Code of Practice and Procedure of the California Public Utilities Commission, the Indicated Cement Companies (ICC) hereby file a motion to accept a late-filed response to the September 26, 2007 Petition for Modification of the Interim Opinion by the Energy Producers and Users Coalition (EPUC) in the above-cited docket.

The Indicated Cement Companies are an ad hoc group consisting of CEMEX-Pacific Region (CEMEX), Lehigh/Hanson Cement, Inc. (L/H), Mitsubishi Cement Corporation (MCC), National Cement Company (NCC), and TXI-Riverside Cement Company (TXI). The ICC was granted party status in this proceeding on June 5, 2008,

and filed opening and reply comments specifically on the subject of bottoming cycle combined heat and power (CHP), also known as cogeneration. Since the ICC only recently became a party to this proceeding, it was not fully cognizant of the record regarding bottoming cycle CHP and was not previously in a position to respond to the Petition for Modification of the EPUC. ICC has, earlier this month, filed extensive comments on bottoming cycle CHP in this docket, demonstrating its strong interest in this matter. The Commission has not yet responded to the Petition and no other party has responded, so ICC believes that no party will be disadvantaged by ICC's request. For these reasons, it requests leave for the Commission to approve this motion to accept this late-filed response.

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Dated: June 18, 2008

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
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Order Instituting Rulemaking to Implement
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Framework and to Examine the Integration
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COMMISSION OF THE STATE OF CALIFORNIA**

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**[PROPOSED] ADMINISTRATIVE LAW JUDGE'S RULING ON MOTION OF
THE INDICATED CEMENT COMPANIES
FOR LEAVE TO LATE-FILE RESPONSE**

On June 18, 2008, the Indicated Cement Companies moved for leave to file a late response to the September 26, 2007 Petition for Modification of the Energy Producers and Users Coalition in R.06-04-009. ICC has a direct and significant interest in this proceeding, and its late protest will not unduly broaden the issues under consideration in this proceeding.

Therefore, **IT IS RULED** that, good cause appearing,

1. The request of Indicated Cement Companies for leave to late-file response to the September 26, 2007 Petition for Modification of the Energy Producers and Users Coalition in R.06 -04-009 is granted.

Dated _____, 2008 at San Francisco, California.

Administrative Law Judge

CERTIFICATE OF SERVICE

I, Judy Pau, certify:

I am employed in the City and County of San Francisco, California, am over eighteen years of age and am not a party to the within entitled cause. My business address is Davis Wright Tramine, LLP, 505 Montgomery Street, Suite 800, San Francisco, California 94111.

On June 18, 2008, I caused the following to be served:

**MOTION TO ACCEPT LATE-FILED RESPONSE
TO THE INDICATED CEMENT COMPANIES
TO THE SEPTEMBER 26, 2007 PETITION FOR MODIFICATION
OF THE INTERIM OPINION
BY THE ENERGY PRODUCERS AND USERS COALITION**

via electronic mail to all parties on the service list R06-04-009 who have provided the Commission with an electronic mail address and by First class mail on the parties listed as "Parties" and "State Service" on the attached CPUC service list who have not provided an electronic mail address.

I also caused this filing to be served on the California Energy Commission, as directed in the CPUC's May 20, 2008 Ruling, by e-mail to docket@energy.state.ca.us and kgriffin@energy.state.ca.us; and by mailing a copy to: California Energy Commission, Docket Office, MS-4, Re: Docket No. 07-OIIP-01, 1516 Ninth Street, Sacramento, CA 95814-5512.

/s/ Judy Pau

Judy Pau

cc: Commissioner Michael R. Peevey (via U.S. Mail and Email)
ALJ Charlotte TerKeurst (via U.S. Mail and Email)
ALJ Jonathan Lakritz (via U.S. Mail and Email)
ALJ Meg Gottstein (via U.S. Mail and Email)
California Energy Commission Docket Office
Karen Griffin, California Energy Commission



California Public Utilities Commission

[CPUC Home](#)

CALIFORNIA PUBLIC UTILITIES COMMISSION Service Lists

**PROCEEDING: R0604009 - CPUC - PG&E, SDG&E,
FILER: CPUC - PG&E, SDG&E, SOCALGAS, EDISON
LIST NAME: LIST
LAST CHANGED: JUNE 17, 2008**

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