

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



June 20, 2011

DOCKET**09-AFC-4**

DATE JUN 20 2011

RECD. JUN 20 2011

FROM: DOCKET UNIT

To: Robert Sarvey

CC: Proof of Service List for Oakley Generating Station (09-AFC-04)

Re: **Notice of Rejection of Document entitled "Petition for Reconsideration Robert Sarvey"**

The Docket Unit is informed that certain persons on the Proof of Service List for the Oakley Generating Station (09-AFC-04) received a document entitled "Petition for Reconsideration Robert Sarvey" from Intervenor Robert Sarvey, on Friday June 17, 2011. However, neither the Chief Counsel nor the Docket Unit received this document.

Title 20 of the California Code of Regulations, section 1720 permits a party to petition for reconsideration of a decision or order of the Commission within 30 days after the decision or order is final. The above-referenced document appears to seek reconsideration of the Final Decision of the Mariposa Energy Project filed May 18, 2011. Thirty days from that date is June 17, 2011.

All materials filed with the Commission shall be filed with the Docket Unit (Title 20, Cal.Code.Reg, Section 1209(d).) "A document is filed, received, or similarly submitted when it is delivered in paper or electronic format to the Docket Unit." (Section 1209(e).) The document was not filed by the Docket Unit prior to the thirty-day deadline.

In addition, Section 1720 states that a "petition for reconsideration shall be filed with the Chief Counsel of the Commission." (Section 1720(a).) The document was not filed with the Chief Counsel.

Absent proof of the submittals required by the regulations, Intervenor is informed that the attempt to file a petition for reconsideration is **REJECTED** as untimely and not in conformance with the rules for filing such petitions.



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

**APPLICATION FOR CERTIFICATION
FOR THE *OAKLEY GENERATING STATION***

**Docket No. 09-AFC-4
PROOF OF SERVICE
(Revised 4/5/2011)**

APPLICANT

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DECLARATION OF SERVICE

I, Lynn Tien-Tran, declare that on June 20, 2011, I served and filed copies of the attached Notice of Rejection of Document entitled "Petition for Reconsideration Robert Sarvey", dated June 20, 2011. The original document filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [<http://www.energy.ca.gov/sitingcases/oakley/index.html>].

The documents have been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

- sent electronically to all email addresses on the Proof of Service list;
 by personal delivery;
 by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

- sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (*preferred method*);

OR

- depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 09-AFC-4
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

/S/