

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



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Application of Central Valley Gas Storage,)
LLC for a Certificate of Public Convenience) Application 09-08-008
and Necessity for Construction and) (Filed August 19, 2009)
Operation of Natural Gas Storage Facilities)

**RESPONSE OF ENERLAND, LLC
TO MOTION OF CENTRAL VALLEY GAS STORAGE, LLC
TO STRIKE OUT-OF-TIME COMMENTS OF ENERLAND, LLC ON
PROPOSED DECISION OF ADMINISTRATIVE LAW JUDGE KENNEY**

In accordance with Rule 11.1(e) of the Rules of Practice and Procedure (“Rules”) of the California Public Utilities Commission (“Commission”), Enerland, LLC (“Enerland”) hereby responds to the Motion Of Central Valley Gas Storage, LLC to Strike Out-Of-Time Comments of Enerland, LLC on Proposed Decision of Administrative Law Judge Kenney, dated September 23, 2010 (“CV Gas Motion”).

Central Valley Gas Storage, LLC (“CV Gas”) correctly states in its motion that Enerland failed to file its comments on Administrative Law Judge (“ALJ”) Kenney’s Proposed Decision within the prescribed comment period and failed to show good cause to excuse this failure. In fact, although comments on the Proposed Decision were due September 20, 2010, due to an inadvertent mistake of the undersigned counsel for Enerland in counting days, Enerland’s comments were not submitted for filing until September 21, one day late. Enerland’s comments were served on the parties shortly after 2:00 pm on that day.

Enerland did not become aware of the fact that its comments had been submitted late until receipt on September 23 of the Motion of Central Valley Gas Storage, LLC to Strike Out-Of-Time Comments of Enerland, LLC. This is why Enerland did not, concurrently with the submission of its comments, show cause to excuse their late filing.

Enerland and its counsel seriously regret and apologize for having failed to meet the deadline for submission of comments on the Proposed Decision. Enerland respectfully observes, however, that the issues and concerns addressed in Enerland's comments are substantial and important ones and neither the Commission nor any party will suffer any significant harm due to the late filing of Enerland's comments. Accordingly, concurrent with this Response, Enerland is filing a Motion for Leave to Late-File Comments for Extension of Date for Filing Reply Comments, in order to permit Enerland to present those issues and concerns to the Commission and to permit all parties adequate time to respond.

Enerland agrees with CV Gas that Enerland's mistake should not – and need not – delay the Commission's decision on the pending Application. Accordingly, Enerland is responding as soon as possible to the CV Gas motion in order to permit ALJ Kenney or the Commission to act promptly on both Enerland's motion to late-file its comments and on the CV Gas motion to strike.

Given the time available before the Commission's October 14 decision meeting, which will be the Commission's first opportunity to consider and act upon the Proposed Decision, the mistake of Enerland's counsel in counting days should be a harmless one. The issues and concerns presented in Enerland's comments relate to risks of far more harmful mistakes. Weighing the significance of these two factors fully justifies allowing the late filing of Enerland's comments and denying the CV Gas motion to strike.

Enerland supports the request of CV Gas for an allowance of five days from the date of a ruling on its motion for the submission of reply comments on the Proposed Decision. Such an allowance is consistent with Enerland's similar request, in its concurrently filed motion, for an extension of the date for filing reply comments.

For the reasons stated in this response, Enerland respectfully requests that the CV Gas motion to strike be denied but that the date for submission of reply comments on the Proposed Decision be extended as CV Gas requests.

Respectfully submitted,

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September 24, 2010

CERTIFICATE OF SERVICE

I, Jeannie Wong, hereby certify that on this date I served by electronic mail and by hand delivery, the foregoing **RESPONSE OF ENERLAND, LLC TO MOTION OF CENTRAL VALLEY GAS STORAGE, LLC TO STRIKE OUT-OF-TIME COMMENTS OF ENERLAND, LLC ON PROPOSED DECISION OF ADMINISTRATIVE LAW JUDGE KENNEY** on the parties in Application 09-08-008, below:

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By hand delivery:

Hon. Timothy Kenney
Administrative Law Judge
California Public Utilities Commission
505 Van Ness Avenue, Room 5021
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Executed this 24th day of September, 2010, in San Francisco, California.

/S/ JEANNIE WONG
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CALIFORNIA PUBLIC UTILITIES COMMISSION

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FILER: CENTRAL VALLEY GAS STORAGE, LLC
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