

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

City of Vernon, California	)	Docket No. EL00-105-007
	)	
California Independent System Operator Corporation	)	Docket No. ER00-2019-007
	)	

**ANSWER TO MOTION TO STRIKE OF THE CALIFORNIA INDEPENDENT  
SYSTEM OPERATOR CORPORATION**

Pursuant to Rule 213 of the Commission’s Rules of Practice and Procedure, 18 C.F.R. § 385.213, the California Independent System Operator Corporation (“ISO”) hereby submits this Answer to the City of Vernon’s (“Vernon’s”) Motion to Strike or, in the Alternative, Disregard Portions of Brief Opposing Exceptions and Motion for Leave to Respond filed in the above-identified proceeding on March 4, 2005. The purpose of the ISO’s Answer is to confirm Vernon’s understanding of the ISO’s response to data request SCE-ISO 38.

The response to SCE-ISO 38 read as follows:

With respect to the ISO’s response to VER-ISO-33:

- a. Please describe and fully explain how the ISO could and did “direct” Vernon scheduling practices, in the period of January 1, 2001 through December 31, 2002, with respect to Vernon’s MAP and MPP entitlements.
- b. Please admit that the ISO’s ability to “direct” Vernon’s scheduling practices, in the period of January 1, 2001 through December 31, 2002, with respect to Vernon’s MAP and MPP entitlements was no different than the ISO’s ability to “direct”, in the same time period, the scheduling practices of the City of Anaheim, or any other Scheduling Coordinator which has Load in the ISO Control Area during the same time period. If Your response is not an unqualified admission, please explain in what respect the ISO had more, different, and/or additional ability to “direct” Vernon’s scheduling practices, in the period of January 1, 2001 through December 31, 2002, with respect to Vernon’s MAP and MPP entitlements as compared with Anaheim, or any other Scheduling Coordinator with

Load in the ISO Control Area in the same time period. Please provide all relevant documents.

Response:

- a. The ISO received the Vernon Schedules at Lugo and identified them by the SC and the interchange ID.
- b. Admit. Since Vernon had turned over Operational Control of its facilities to the ISO, the ISO had the right to direct Vernon's scheduling practices on the lines in question from January 1, 2001 onward. The ISO also had the right to direct the scheduling practices of other Scheduling Coordinators with Load in the ISO Control Area, including the City of Anaheim, during this time.

As described in part b, the predicate for the ISO's right to direct Vernon's scheduling practices was the ISO's Operational Control over Vernon's Entitlements. In discussing its ability to direct the practices of other Scheduling Coordinators, the ISO is discussing its ability to direct their scheduling practices *on Vernon's Entitlements* (because those Entitlements are under the ISO's Operational Control). If the ISO had meant to suggest that its authority to direct Vernon's scheduling practices on Vernon's Entitlements was the same as its authority to direct the scheduling practices of other Scheduling Coordinators on facilities or entitlements that were not under the ISO's Operational Control, there would have been no need to use the qualifying clause "Since Vernon had turned over Operational Control of its facilities to the ISO."

As the ISO has argued in its Brief on Exceptions, Vernon's execution of the Transmission Control Agreement provided the ISO with the legal authority to direct the scheduling practices of all users of Vernon's facilities and Entitlements. The ISO does not have such authority with regard to the facilities of utilities that have not executed the Transmission Control Agreement. The ISO has never "admitted" otherwise.

The ISO hereby confirms Vernon's understanding of the ISO's response to data request  
SCE-ISO 38.

Respectfully submitted,

Charles F. Robinson  
General Counsel  
Anthony J. Ivancovich  
Associate General Counsel  
Geeta O. Tholan  
Regulatory Counsel  
The California Independent System  
Operator Corporation  
151 Blue Ravine Road  
Folsom, CA 95630  
Tel: (916) 351-2207  
Fax: (916) 351-4436

/s/ **Julia Moore**  
Kenneth G. Jaffe  
Michael E. Ward  
Julia Moore  
Swidler Berlin LLP  
Suite 300  
3000 K Street, NW  
Washington, DC 20007  
Tel: (202) 424-7500  
Fax: (202) 424-7643

Dated: March 21, 2005

**CERTIFICATE OF SERVICE**

I hereby certify I have this day served the foregoing document on each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Folsom, CA, on this 21<sup>st</sup> day of March, 2005.

/s/ *Geeta O. Tholan*  
Geeta O. Tholan