

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

California Electricity Oversight Board,	)	
Petitioner	)	
	)	
v.	)	No. 98-1226
	)	consolidated with
	)	No. 98-1225
	)	
Federal Energy Regulatory Commission,	)	(related Docket
Respondent	)	No. 98-1384)

**CALIFORNIA INDEPENDENT SYSTEM OPERATOR  
CORPORATION’S MOTION FOR LEAVE TO INTERVENE AND FOR  
ENLARGEMENT OF TIME**

At the request of the Court and pursuant to Rules 15(d) and 26(b) of the Federal Rules of Appellate Procedure, D.C. Circuit Rule 15(b) and 28 U.S.C. § 2348, the California Independent System Operator Corporation (ISO) hereby files this Motion For Leave To Intervene And For Enlargement Of Time in the above-captioned case. In support of this motion, the ISO states as follows:

1. On April 30, 1998, the ISO filed a Petition for Review of the Federal Energy Regulatory Commission’s (FERC) order in *Pacific Gas and Electric Company, et al.*, 82 FERC ¶ 61,223 (March 4, 1998) and the underlying adverse decisions in *Pacific Gas and Electric Company, et al.*, 82 FERC ¶ 61,122 (October 30, 1997) and *Pacific Gas and Electric Company, et al.*, 77 FERC ¶ 61,204 (November 26, 1996). This case was later designated as Case No. 98-1225.

2. On May 1, 1998, the California Electricity Oversight Board (Oversight Board) filed a Petition for Review of FERC’s order in *Pacific Gas and Electric Company, et al.*, 82 FERC ¶ 61,223 (March 4, 1998) and the underlying adverse decisions in *Pacific Gas*

*and Electric Company, et al.*, 82 FERC ¶ 61,122 (October 30, 1997) and *Pacific Gas and Electric Company, et al.*, 77 FERC ¶ 61,204 (November 26, 1996). This case was later designated as Case No. 98-1226.

3. On May 4, 1998, the Court, on its own motion, consolidated Case No. 98-1125 and Case No. 98-1226.<sup>1</sup>

4. The ISO is a co-petitioner with the Oversight Board in seeking review of the above-mentioned FERC orders. The ISO was an active participant in the proceedings before FERC that raised the issues addressed in the challenged orders. Furthermore, the ISO has a substantial interest in the outcome of the consolidated proceeding. The ISO's interest cannot be adequately represented by any other party.

5. This Motion To Intervene And For Enlargement Of Time is being filed at the request of the Clerk's Office. Because the ISO has been participating in this proceeding under the No. 98-1225 docket, no party will be prejudiced by enlarging the time for filing this Motion to Intervene pursuant to Federal Rule of Appellate Procedure 26(b).

6. Accordingly, the ISO moves to intervene out of time in this proceeding and all other petitions for review of these orders as a matter of right pursuant to 28 U.S.C. § 2348, Rules 15 and 26 of the Federal Rules of Appellate Procedure, and Rule 15(b) of the local rules of this Court.

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<sup>1</sup> In accordance with the Court's May 4, 1998 order, the ISO submitted its Corporate Disclosure Statement pursuant to D.C. Circuit Rule 26.1 on June 3, 1998.

WHEREFORE, the ISO respectfully requests leave to intervene in this matter.

Dated this 28<sup>th</sup> day of December, 1998.

Respectfully submitted,

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**Counsel for the California Independent System Operator Corporation**

Date: December 28, 1998

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**CERTIFICATE OF SERVICE**

I hereby certify that I have served the foregoing document on this 28<sup>th</sup> day of December by mailing copies to counsel on the attached list.

Respectfully submitted,

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