

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

Pacific Gas and Electric Company)	Docket No. ER99-1856-000
Southern Energy Potrero, L.L.C.)	
)	
)	

**MOTION TO INTERVENE ONE DAY OUT-OF-TIME, MOTION TO CONSOLIDATE,
AND MOTION FOR CLARIFICATION OF THE CALIFORNIA INDEPENDENT
SYSTEM OPERATOR CORPORATION**

Pursuant to Rules 212 and 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), 18 C.F.R. §§ 385.212 and 385.214, and the Commission’s February 22, 1999, Notice of Filing, the California Independent System Operator Corporation (“ISO”) hereby moves to intervene one day out-of-time in the above-captioned proceeding. The ISO also moves to consolidate the above proceeding with the ongoing proceeding in Pacific Gas and Electric, Docket Nos. ER98-495-000, et al. Additionally, the ISO seeks clarification that Southern Energy Potrero, L.L.C., does not intend to modify the contract and violate the settlement in principle among Pacific Gas and Electric Company (“PG&E”), the ISO, Commission staff, California Public Utilities Commission staff, and other participants in FERC Docket Nos. ER98-495-000, ER98-1614-000, and ER98-2145-000. In support thereof, the ISO states as follows:

I. BASIS FOR MOTION TO INTERVENE ONE DAY OUT-OF-TIME

In accordance with the Commission's February 22, 1999, Notice of Filing, yesterday, on March 9, 1999, the ISO attempted to file with the Commission its Motion to Intervene, Motion to Consolidate, and Motion for Clarification in the above-captioned proceeding. Due to inclement weather, however, the Commission was closed, and the ISO was unable to make its filing. The ISO respectfully requests that the Commission grant it leave to file its Motion to Intervene, Motion to Consolidate, and Motion for Clarification one day out-of-time.

II. COMMUNICATIONS

Please address communications concerning this filing to the following persons:

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III. BACKGROUND

On February 17, 1999, Southern Energy Potrero, L.L.C. ("Southern Potrero") tendered for filing pursuant to Section 205 of the Federal Power Act (16 U.S.C. § 824d), an amendment to the jurisdictional Reliability Must-Run Agreement applicable to the Potrero Power Plant ("Potrero RMR Agreement"). The Potrero RMR Agreement was originally filed in Docket No. ER98-495-000 by PG&E on October 31, 1997, and subsequently amended on January 29, 1998, and March 6, 1998. Pursuant to its filing, Southern Potrero proposes to adopt the Potrero RMR Agreement as its own, subject to any

revisions or amendments that it may propose (subject to contractual limitations) following its acquisition of and assumption of control over the Potrero Power Plant. Southern Potrero has requested that the amendment become effective as of the date it acquires the Potrero Plant, which will be on or about April 1, 1999.

IV. BASIS FOR MOTION TO INTERVENE

The ISO is a non-profit public benefit corporation organized under the laws of the State of California and responsible for the reliable operation of a grid comprising the transmission systems of SDG&E, Southern California Edison Company, and Pacific Gas and Electric Company, as well as for the coordination of the competitive electricity market in California.

At issue in this proceeding is a RMR Agreement to which the ISO is a party and that could affect the reliability of the ISO-Controlled Grid. The ISO therefore has an interest in this proceeding that cannot be represented by any other party. Accordingly, the ISO requests that it be permitted to intervene herein with full rights of a party.

The ISO raises no substantial issues at the present time but reserves the right to do so in any further aspects of the proceeding ordered by the Commission.

V. BASIS FOR MOTION TO CONSOLIDATE

The ISO moves to consolidate this proceeding with the ongoing proceeding in Pacific Gas and Electric, Docket Nos. ER98-495-000, et al. Consolidation is appropriate as the proceeding in Docket Nos. ER98-495-000, et al., has been established to resolve all outstanding issues regarding PG&E's RMR Agreements. As Southern Potrero notes in its February 17, 1999, filing letter, it will assume the Potrero RMR Agreement subject to the settlement in principle among the participants in Docket Nos. ER98-495-000, et al.¹ The ISO submits that in light of the related nature of the two proceedings, PG&E's assignment of the Potrero RMR Agreement should be subject to the resolution of Docket Nos. ER98-495-000, et al.

VI. BASIS FOR MOTION FOR CLARIFICATION

The ISO requests that Southern Potrero clarify that it does not intend to modify the Potrero RMR Agreement and violate the settlement in principle. Southern Potrero should clarify its intent to execute the settlement agreement upon the agreement's completion. In the alternative, absent Southern Potrero's clarification, the ISO requests that the Commission clarify that Southern Potrero should be obligated to do so.

¹ Also note that on March 15, 1999, in Docket Nos. ER98-495-000, et al., various parties are scheduled to submit a stipulation and agreement which constitutes a partial settlement related to the terms, conditions, and rates under which RMR services have and will be provided to the ISO. As part of the filing, a new pro forma RMR Agreement will be submitted. As a party to this stipulation and agreement, Southern Potrero should also assume the Potrero RMR Agreement subject to the outcome of the proceeding.

VII. CONCLUSION

Wherefore, for the foregoing reasons, the ISO respectfully requests (1) that the Commission permit it to intervene one day out-of-time, and that it be accorded full party status in this proceeding; (2) that the ISO obtain clarification that Southern Potrero does not intend to modify the contract and violate the settlement in principle; and (3) that the Commission consolidate this proceeding with Docket Nos. ER98-495-000, et al.

Respectfully submitted,

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Attorney for the California Independent
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Date: March 10, 1999

CERTIFICATE OF SERVICE

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

Dated at Washington, DC, on this 10th day of March, 1999.

Sara C. Weinberg

March 10, 1999

The Honorable David P. Boergers
Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: **Pacific Gas and Electric Company**
Southern Energy Potrero, L.L.C.
Docket No. ER99-1856-000

Dear Secretary Boergers:

Enclosed for filing are one original and 14 copies of the Motion to Intervene One Day Out-Of-Time, Motion to Consolidate, and Motion for Clarification of the California Independent System Operator Corporation in the above-referenced proceeding. An additional copy of the filing is also enclosed. Please stamp the additional copy with the date and time filed and return it to the messenger.

Thank you for your assistance in this matter.

Respectfully submitted,

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