

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

California Independent System Operator  
Corporation

Docket No. ER12-50-000

ORDER OUTLINING SETTLEMENT CONFERENCE PROCEDURE  
AND  
SETTING NEW SETTLEMENT CONFERENCE DATE

(Issued January 6, 2012)

1. This matter is set for a settlement conference on January 31, 2012 at 10:00 a.m. in a hearing room to be designated. *(Please note that this date has changed from January 26, 2012).* Early consideration of settlement can prevent unnecessary litigation allowing the parties to avoid the substantial cost, expenditure of time, and the stress that are typically part of the litigation process. Even for those cases that cannot be resolved through settlement, early consideration of settlement can allow the parties to understand better the factual and legal nature of their dispute and to streamline the issues to be litigated.

2. Consideration of settlement is a serious matter that requires thorough preparation prior to the settlement conference. Set forth below are the procedures which will be employed in the conduct of the conference.

**I. Format**

**A. Exchange Of Demand And Offer**

3. The settlement conference is more likely to be productive if, before the conference, the parties and participants exchanged a very brief, no more than one page, written statement that outlines their respective legal position and their settlement demand. This statement must be exchanged among the parties by January 27, 2012. Copies of these submissions shall then be immediately transmitted by email to the settlement judge. The statements will not be part of the record.

**B. Attendance Of Parties**

4. Persons with full and complete settlement authority are suggested to personally attend the conference. However, their attendance is not mandatory for the first session, which is likely to be more exploratory of settlement positions.

However, if persons with settlement authority are not present, they must be available by phone. This first settlement conference should not last more than two hours.

**C. Mediation Format**

5. The settlement conference will focus on the issues in the case and each party's position with respect to the issues. The purpose is that each party will understand its advantages and vulnerabilities, and therefore understand the value of settlement. At the close of the conference day, a new settlement conference date will be set. Please bring your **calendars**.

**D. Statements Inadmissible**

6. Parties are encouraged to be frank and open in their discussions. Therefore, statements made by any party during the conference shall not be used in discovery and will not be admissible at trial. All parties are expected to address each other with courtesy and respect.

**II. Dress Code**

7. The Chief Judge has given the each judge the discretion to direct the manner of dress for settlement conferences. Those persons who wish to wear business casual attire for the settlement conference may do so.

**III. Contact Information**

8. For additional information on the conference, practices and procedures, please contact my law clerk, Christine Powell at (202) 502-6608 (christine.powell@ferc.gov); or legal technician Adrian Gause at (202) 502-6081 (adrian.gause@ferc.gov).

Philip C. Baten  
Settlement Administrative Law Judge