

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

Order Instituting Rulemaking to Consider
Revisions to the Planning Reserve Margin for
Reliable and Cost-Effective Electric Service.

Rulemaking 08-04-012
(Filed April 10, 2008)

**REPLY OF THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR
CORPORATION TO RESPONSES TO TURN'S MOTION FOR ADOPTION OF
PROTECTIVE ORDER AND APPLICATION OF RULES 10.3 AND 10.4**

Pursuant to Administrative Law Judge Wetzell's August 1, 2008 e-mail Notice of Ruling and the August 5, 2008 "*Administrative Law Judge's Ruling Confirming Ruling by E-Mail*," the California Independent System Operator Corporation ("CAISO") hereby submits this reply to certain of the responses to the Motion of The Utility Reform Network ("TURN") for Adoption of Protective Order and Application of Rules 10.3 and 10.4 ("Motion").

The responses submitted by Pacific Gas & Electric Company ("PG&E"), Southern California Edison Company ("SCE") and San Diego Gas & Electric Company ("SDG&E") each describe various procedures for CAISO to adhere to when served with data requests in this proceeding. Both PG&E and SCE recommend that the CAISO provide a ten (10) day notice to disclosing parties that information is sought by a third party, while SDG&E recommends third parties seek confidential information directly from the parties themselves, who have provided CAISO their confidential information. The CAISO favors SDG&E's recommendation, because it is the most efficient use of the parties' resources. Regardless which approach is adopted, the CAISO's primary concern

is that it not be asked to submit to a process or procedures that it cannot legally follow.

Section 20 of the CAISO's FERC Tariff obligates the CAISO to follow certain procedures, such as notice to parties, when information is sought in an administrative proceeding. Specifically, Section 20.4 reads:

“If the ISO is required by applicable laws or regulations, or in the course of administrative or judicial proceedings, to disclose information that is otherwise required to be maintained in confidence pursuant to this Section 20, the ISO may disclose such information; provided, however, that as soon as the ISO learns of the disclosure requirement and prior to making such disclosure, the ISO shall notify any affected Market Participant of the requirement and the terms thereof. The Market Participant may, at its sole discretion and own cost, direct any challenge to or defense against the disclosure requirement and the ISO shall cooperate with such affected Market Participant to the maximum extent practicable to minimize the disclosure of the information consistent with applicable law. The ISO shall cooperate with the affected Market Participant to obtain proprietary or confidential treatment of confidential information by the person to whom such information is disclosed prior to any such disclosure.”

CAISO is required by the FERC to abide by the terms and conditions provided for in its Tariff, and in particular, Section 20. As such, CAISO requests that any process established regarding confidential information adopted in this proceeding, be consistent with the procedures included in Section 20 of the CAISO Tariff.

Respectfully submitted,

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August 21, 2008

CERTIFICATE OF SERVICE

I hereby certify that I have served, by electronic and United States mail, the foregoing Reply of the California Independent System Operator Corporation to Responses to TURN's Motion for Adoption of Protective Order and Application of Rules 10.3 And 10.4 to each party in Docket No. R.08-04-012.

Executed on August 21, 2008 at Folsom,
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/s/Susan L. Montana

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