

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

San Diego Gas & Electric Company,
Complainant,

Docket No. EL00-95-069

v.

Sellers of Energy and Ancillary Services
into Markets Operated by the California
Independent System Operator Corporation
and the California Power Exchange,
Respondent.

Investigation of Practices of the California
Independent System Operator and the California
Power Exchange

Docket No. EL00-98-058

DISCOVERY MASTER ORDER SCHEDULING ORAL ARGUMENT

(Issued January 8, 2003)

1. CALifornians for Renewable Energy, Inc. (“CARE”), representing itself to be a non-profit public benefit corporation, as well as a party intervenor unrepresented by legal counsel and suffering economic hardship, electronically submitted an eighty-one (81) page document designated “Request for Administrative Law Judge Assistance, Motion of [CARE] to Compel Data Responses of Buyers and Sellers of Energy and Ancillary Services into Markets Operated by the California Independent System Operator Corporation and the California Power Exchange” in these proceedings on December 10, 2002 (“CARE Motion”).
2. The CARE Motion subsumed various requests that were patently inconsistent with various procedures established to ensure optimal information exchange in these proceedings. Rather than deny CARE’s motion summarily on those bases, I granted CARE leave to appear and argue its position at the January 7, 2003 (or any subsequent) oral argument—provided CARE gave all parties at least ten (10) business days notice of its intent to do so—in Paragraph 13 of my December 12, 2003 Order Establishing Procedures/Addressing Pending Motions (“December 12 Order”).

3. CARE electronically served a “NOTICE OF JANUARY 14, 2003 APPEARANCES TO PRESENT ORAL ARGUMENTS” on January 3, 2003 (“January 3 Notice”). The January 3 Notice did not provide the notice required by Paragraph 12 of the December 12 Order. Moreover, various parties objected to the January 3 Notice on the ground that CARE had not made the good faith efforts to resolve the underlying disputes required by Paragraph 5 of the December 12 Order. The CARE Motion therefore may not appropriately be heard on January 14, 2003.

4. The CARE Motion will be heard at 10:00 a.m. on January 23, 2003 in Hearing Room #1 of the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

5. Many, if not all, of the matters raised in the Care Motion have been addressed in previous orders or rulings at oral argument. I believe that any remaining issues reasonably could be worked out among the participants in the interim before January 23, 2003. CARE is directed to make every reasonable good faith effort to do so. CARE is further directed to notify the Discovery Master not later than 5:00 p.m. (EST) on January 17, 2003 whether oral argument on the CARE Motion is still required. If not, CARE immediately shall so notify all participants via LISTSERV. In that event, the Discovery Master will issue an order canceling the January 23, 2003 oral argument on January 21, 2003.

SO ORDERED.

H. Peter Young
Discovery Master