

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

**San Diego Gas & Electric Company,
Complainant,**

v.

Docket No. EL00-95-045

**Sellers of Energy and Ancillary Service Into
Markets Operated by the California
Independent System Operator Corporation
and the California Power Exchange,
Respondents**

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

Docket No. EL00-98-042

ORDER DENYING MOTION TO LODGE

(Issued December 6, 2002)

1. By a motion filed on November 27, 2002, Dynegy seeks to lodge in these proceedings the Commission's November 25, 2002 Order Setting Issues for Hearing, Denying Rehearing, Clarifying Creditworthiness Issues and Accepting in Part Compliance Filings, 101 FERC ¶ 61,241 (2002) and that with regard to the August 26 JS, 100 FERC ¶63,018 (2002) and stipulated issue I.A. 3. ("What other errors, if any, did the ISO make in implementing its settlement reruns?"), I incorporate the Commission's direction, mimeo at 9, in Dockets Nos. ER01-889-011 and ER01-3013-003 that "the CAISO. . .reallocate its pro rate disbursements for the entire month of January 2001, and disburse funds from DWR allocated for January 2001 to those that supplied power for the period January 17-31, 2001." The Modesto Irrigation District filed (MID) an answer in opposition to the motion on December 5, 2002. MID argues that the relief sought is premature as it intends to seek rehearing of this finding and that as the record in phase 2 is closed, parties will not have the opportunity to challenge or rebut the ISO's calculations on this matter. Based upon my review of the matters raised in the pleadings, I find that good cause has not been shown to grant the motion. The proceedings before me are concerned with determination of the appropriate MMCP's consistent with the Commission's pricing mitigation methodology and determination of who owes what to

Docket No. EL00-95-045
and EL00-98-042

- 2 -

whom based upon application of the appropriate MMCP's. The matters raised by Dynegy's motion in the first instance are the subject of unrelated proceedings, do not involve pricing mitigation, and are properly for resolution in those proceedings. Consequently, the motion is denied.

Bruce L. Birchman
Presiding Administrative Law Judge