

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

**California Independent System  
Operator Corporation**

**Docket Nos. ER00-2019-006  
ER01-819-002**

**ORDER DENYING MOTION FOR LEAVE  
TO FILE INTERLOCUTORY APPEAL**

**(Issued January 9, 2003)**

1. On January 2, 2003, the City of Vernon, California (“Vernon”) filed a Motion for Leave to File Interlocutory Appeal to the Commission (“Motion”). The Motion concerns the undersigned Presiding Judge’s Order of December 17, 2002, adopting a procedural schedule for the above-identified matter, in which the California Independent System Operator Corporation (“ISO”) was authorized to file supplemental direct testimony for its case-in-chief (identified as Updated ISO Testimony). On January 8, 2003, the ISO filed an Answer in opposition to the Motion<sup>1</sup> which was considered by the undersigned Presiding Judge and adopted herein in relevant part.
2. It is the determination of the undersigned Presiding Judge that the arguments advanced by Vernon in support of its motion were fully considered and rejected at the time that the procedural schedule was adopted. The procedural schedule, which was supported by Staff and all intervenors except Vernon, is consistent with the Federal Power Act (“FPA”) and Commission regulations and will effect a more efficient and equitable proceeding.
3. Further, the procedural schedule does not interfere with Vernon’s preparation of its case. As the ISO points out, because Vernon already has the ISO’s initial filing and has participated in the settlement negotiations, Vernon is aware of the vast majority, and more likely virtually all, of the ISO’s case. Vernon will have sixteen and one half weeks from the establishment of the procedural schedule to propound discovery and prepare testimony on the issues and, for at least eight weeks of that period, Vernon will have had access to, and be able to

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<sup>1</sup>The ISO recognized that, under section 715 of the Commission’s Rules of Practice and Procedure, the Presiding Judge is not required to consider an answer to a motion for leave to file an interlocutory appeal; nor, however, is the Presiding Judge prohibited from considering such an answer.

address, whatever few modifications the ISO may make. Finally, as the undersigned Presiding Judge has previously noted, because Vernon cannot know at this time if the supplemental testimony will improperly expand the scope of the proceeding, the proper time to challenge the content of the ISO's supplemental testimony, if at all, is after it has been filed. If, upon review of the testimony, Vernon believes that the ISO has impermissibly modified its filing or has introduced new issues such that Vernon is prejudiced in its preparation of the case, Vernon can move for appropriate relief at that time.

4. For these reasons, Vernon's Motion does not meet the Commission's "extraordinary circumstances" standard for granting interlocutory appeals, and is denied.

**SO ORDERED.**

**Bobbie J. McCartney  
Presiding Administrative Law Judge**

