## UNITED STATES OF AMERICA BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

NRG Power Marketing, LLC

Docket No. ER19-385-000

## NOTICE OF WITHDRAWAL OF PLEADINGS OF THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION

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The California Independent System Operator Corporation (CAISO)<sup>1</sup> submits a notice of withdrawal of the pleading it has filed in the captioned proceeding: Motion to intervene and comments that the CAISO filed with the Commission on December 11, 2018.<sup>2</sup>

# I. Background

On November 20, 2018, NRG Power Marketing, LLC (NRG) submitted pursuant to Section 205 of the Federal Power Action,<sup>3</sup> its filing to recover fuel costs not covered through CAISO market settlements for the July 23, 2018, trade day. The Commission issued a Combined Notice of Filings setting December 11, 2018, as the deadline for interventions and protests in this proceeding. On December 11, 2018, the CAISO filed a motion to intervene and comments stating that cost relief requested by NRG has not been shown to be just and reasonable. Additionally, the CAISO requested the Commission to hold in abeyance all hearing or settlement procedures until February 28, 2019 to give the CAISO and

<sup>&</sup>lt;sup>1</sup> Capitalized terms not otherwise defined herein have the meanings set forth in Appendix A to the CAISO tariff.

<sup>&</sup>lt;sup>2</sup> The CAISO files this notice of withdrawal pursuant to Rule 216 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.216 (2018).

<sup>&</sup>lt;sup>3</sup> 16 U.S.C. §§ 824d and 824e.

NRG an opportunity to resolve the issue.

#### II. Withdrawal of the CAISO's Motion to Intervene and Comments

Since the CAISO filed its motion to intervene and comments, the CAISO and NRG have discussed issues raised in the CAISO's comments. NRG has provided additional information, which has allowed the CAISO to better understand NRG's proposal and methodology. In addition, the CAISO also exchanged information and consulted internally with its independent Department of Market Monitoring. As a result, the CAISO no longer has any concerns regarding NRG's request and there is no reason for the Commission to defer taking action, as previously requested, for informal resolution. Therefore, the CAISO respectfully withdraws its motion to intervene and comments.

Pursuant to Rule 216 of the Commission's regulations, this notice of withdrawal will become effective January 24, 2019 (*i.e.*, 15 days after it was filed) if no motion is submitted in opposition to the notice of withdrawal and the Commission does not issue an order disallowing the withdrawal within that 15-day period.<sup>4</sup> If a motion in opposition to the notice of withdrawal is filed within the 15-day period, the withdrawal will become effective only if the Commission issues an order accepting the withdrawal.<sup>5</sup> The CAISO has no reason to believe any party will oppose this notice of withdrawal and, for the reasons explained above, the withdrawal is appropriate.

<sup>&</sup>lt;sup>4</sup> 18 C.F.R. § 385.216(b)(1).

<sup>&</sup>lt;sup>5</sup> 18 C.F.R. § 385.216(b)(2).

# III. Conclusion

For the foregoing reasons, the Commission should grant this notice of withdrawal.

Respectfully submitted,

# <u>By /s/ Sidney L. Mannheim</u>

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Dated: January 9, 2019

# **CERTIFICATE OF SERVICE**

I hereby certify that I have served the foregoing document upon all of the parties listed on the official service list for the above-referenced proceeding, pursuant to the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.2010).

Dated at Folsom, California, this 9<sup>th</sup> day of January, 2019.

<u>Isl Grace Clark</u> Grace Clark