

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

**Pacific Gas and Electric Company     )     Docket No. ER02-11-000**

**JOINT MOTION BY THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION, THE CALIFORNIA PUBLIC UTILITIES COMMISSION, THE CALIFORNIA ELECTRICITY OVERSIGHT BOARD, AND THE PACIFIC GAS AND ELECTRIC COMPANY TO EXTEND THE PROTEST DEADLINE**

The California Independent System Operator Corporation ("ISO"), the California Public Utilities Commission ("CPUC"), the California Electricity Oversight Board ("EOB"), and the Pacific Gas and Electric Company ("PG&E") (collectively, "Joint Parties") jointly move for an extension of the protest deadline in this matter to January 10, 2002. Contingent upon the Federal Energy Regulatory Commission ("Commission") granting this motion, the ISO, CPUC and EOB withdraw without prejudice the protests filed in this proceeding to date. In support thereof, the Joint Parties state as follows:

**I.     BACKGROUND**

On October 1, 2001, PG&E submitted an informational rate filing proposing rate revisions under its Reliability Must-Run ("RMR") Service Agreements ("PG&E filing").<sup>1</sup> The PG&E filing was made in compliance with the terms of a settlement agreement approved by the Commission under which each

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<sup>1</sup> Because the generating units covered by these agreements must operate at certain times for the reliability of the transmission grid, they are referred to as "reliability must-run" or "RMR" units and the agreements covering them are referred to as "RMR Agreements." Other capitalized terms that are not defined in this filing have the same meaning set forth in the Master Definitions Supplement, Appendix A to the ISO Tariff.

RMR Owner is required to adjust rates annually, beginning with calendar year 2002, using the rate formula set forth in Schedule F of the RMR Agreement. Schedule F establishes the procedures and methodology for determining the Annual Fixed Revenue Requirements (“AFRR”) and Variable Operating and Maintenance (“O&M”) Rates for facilities designated for RMR service. PG&E’s filing provided updated cost information used in determining the AFRR and the Variable O&M Rates to be effective January 1, 2002.

On October 22, 2001, the ISO, CPUC and EOB each independently moved to intervene and protest the PG&E filing. Among other claims, the ISO, CPUC and EOB contended that PG&E’s filing did not include all of the information required under Schedule F. On October 23, 2001, the Commission issued a Notice of Extension of Time, extending the time for filing protests and interventions in this matter to December 14, 2001.

## **II. BASIS FOR MOTION FOR EXTENSION OF TIME**

Since the filing of the October 22 motions to intervene and protests by the ISO, CPUC and EOB, the Joint Parties have been collaborating to resolve their differences. Without conceding individual views about the information that should have been filed initially, the Joint Parties have focused on identifying and exchanging the information that the ISO, CPUC and EOB consider necessary to assess adequately PG&E’s filing. While that process is underway, the Joint Parties require additional time, through January 10, 2002, to complete the information exchange and detailed assessment. The Joint Parties are committed to continuing this collaborative discussion and exchange of information and

believe that by extending the protest deadline to January 10, 2002, protests other than protests based on irreconcilable substantive differences will be prevented.

Provided that the deadline for filing protests is extended to January 10, 2002, the ISO, CPUC and EOB withdraw the protests they filed on October 22, 2001, without prejudice. Moreover, the Joint Parties agree that the rates filed by PG&E in Docket No. ER02-198-000 that are based on the Schedule F information may go into effect, subject to refund, on January 1, 2002.<sup>2</sup> The ISO, CPUC, and EOB explicitly reserve the right to re-file protests by the January 10, 2002 protest deadline, in the event that the collaborative discussions fail to resolve all outstanding issues among the Joint Parties.

The Joint Parties believe that granting this motion is in the public interest as it will reduce the need for protests based solely on inadequate information and a lack of understanding of PG&E's filing.

## **V. CONCLUSION**

For the foregoing reasons, the Joint Parties respectfully request that the Commission extend the deadline for filing protests in this matter to January 10, 2002. Subject to the Commission granting this motion, the ISO, CPUC and EOB withdraw the protests they filed on October 22, 2001, without prejudice.

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<sup>2</sup> On October 30, 2001, PG&E filed an annual update to certain operating data and rates including changes to rates based on AFRR values to be determined based on the filing made in this proceeding. On November 21, the ISO, CPUC and EOB intervened and filed a protest in that proceeding and requested the Commission to sever consideration of AFRR values from ER02-208-000 and consolidate the issue into this proceeding. The Joint Parties agree that any issues regarding AFRR values that remain unresolved by the January 10, 2002 protest deadline in this Docket No. ER02-11-000 should be resolved in one consolidated proceeding covering both this Docket No. ER02-11-000 and Docket No. ER02-208-000.

Respectfully submitted,

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System Operator Corporation

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Commission

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Counsel for the California Electricity  
Oversight Board

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Counsel for the Pacific Gas and Electric  
Company

Date: December 5, 2001

## **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Folsom, CA, on this 5th day of December, 2001.

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December 5, 2001

David P. Boergers, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

Re: **Pacific Gas and Electric Company,  
Docket No. ER02-11-000**

Dear Secretary Boergers:

Enclosed please find an electronic filing of the Joint Motion by the California Independent System Operator, the California Public Utilities Commission, the California Electricity Oversight Board, and Pacific Gas and Electric Company to Extend the Protest Deadline. Thank you for your attention to this filing.

Respectfully submitted,

Jeanne M. Solé  
Counsel for the California Independent  
System Operator Corporation