

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

California Independent System) Docket No. ER12-1855-000
Operator Corporation)

**ANSWER TO MOTION TO EXTEND PERIOD FOR FILING COMMENTS ON TARIFF
AMENDMENT**

The California Independent System Operator Corporation hereby answers American Wind Energy Association's (AWEA) motion filed June 11, 2012 requesting to extend the period for submitting comments on the TPP-GIP tariff amendment filed May 25, 2012 in this proceeding.¹

Commission rules require AWEA to demonstrate that good cause justifies its request to extend the comment period for the TPP-GIP tariff amendment beyond the Commission's standard 21-day period.² As explained below, AWEA's motion fails to demonstrate good cause.

AWEA is an apparent latecomer to the TPP-GIP effort. The ISO conducted a robust ten-month TPP-GIP stakeholder process to provide ample opportunity to review and comment on the development of the TPP-GIP proposal and tariff amendment. As explained in the ISO tariff amendment filing, there was extensive stakeholder interaction during that ten-month period, including a well-attended all-day event with working group

¹ The ISO submits this answer within the time frame directed by the *Notice Shortening Answer Period* issued in this proceeding on June 11, 2012.

² 18 C.F.R. § 385.2008(a) (“[T]he time by which any person is required or allowed to act under any statute, rule, or order may be extended by the decisional authority *for good cause*, upon a motion made before the expiration of the period prescribed or previously extended.”) (emphasis added).

break-out sessions. *Importantly, AWEA never once filed written comments in the stakeholder process.*³

Moreover, AWEA's assertion that granting the extension will not cause delay or prejudice anyone is flatly wrong. Extending the comment period may jeopardize the Commission's ability to issue an order within 61 days after filing of the TPP-GIP tariff amendment (*i.e.*, by July 25, 2012), a date which is critically important, as the ISO has explained in its filing. Extending the comment period would also cause undue delay and place additional burdens on the ISO and participating transmission owners in conducting interconnection studies, and on customers in the interconnection queue.

For these reasons, the Commission should deny AWEA's motion.

I. Answer

The Commission notice issued in this proceeding directs interested persons to submit interventions, comments, or protests regarding the TPP-GIP tariff amendment within 21 days of the date of that filing, *i.e.*, by June 15, 2012.⁴ This is the standard period of time specified in the Commission's regulations for submitting comments, *etc.* on tariff amendment filings.⁵ AWEA, however, argues to extend the comment period by an additional 14 days.⁶ AWEA fails to show that good cause exists to grant its request.

³ The California-based organization California Wind Energy Association (CalWEA) did participate and exercised the opportunity to file comments (*see, e.g.*, comments on the final draft proposal: http://www.caiso.com/Documents/CalWEA_Comments_TransmissionPlanning_GeneratorInterconnectionProceduresIntegrationDraft_Final_Proposal.pdf) and to submit written public comments to the ISO Board of Governors (*see* http://www.caiso.com/Documents/Letter_from_CaliforniaWindEnergyAssociation_re_TPP-GIP.pdf).

⁴ *Combined Notice of Filings #1* at pp. 1-2 (May 29, 2012).

⁵ 18 C.F.R. § 35.8 ("Unless the notice issued by the Commission provides otherwise, any protest or intervention to a rate filing made pursuant to this part must be filed . . . on or before 21 days after the subject rate filing."); *New York Independent System Operator, Inc.*, 110 FERC ¶ 61,359, at P 9 (2005)

AWEA's claim that extending the comment period would not delay the Commission's consideration of the TPP-GIP tariff amendment is incorrect.⁷ The ISO explained in the filing that it is critically important that the Commission accept the proposed tariff revisions by July 25, 2012 (*i.e.*, 61 days after they were submitted).⁸ The ISO is concerned that granting AWEA's request to extend the comment period may jeopardize the Commission's ability to issue an order by July 25. If AWEA's request were granted, comments on the TPP-GIP tariff amendment would be due by June 29, and any answer filed by the ISO would not follow until mid-July. This would leave, at most, only a couple of weeks for the Commission to review the entirety of the docket record to issue an order by July 25. It may be challenging to develop what is likely to be a fairly lengthy and detailed order in that compressed amount of time.

AWEA is also wrong in its assertion that extending the comment period would not prejudice any other party.⁹ If extending the comment period were to result in issuance of a Commission order after July 25 – as may well be the case, for the reasons discussed above – the ISO would have to choose between two unfavorable options, either of which would unduly delay or burden the interconnection process, adversely affecting customers in the interconnection queue. Either the ISO and the participating transmission owners would have to make problematic changes to the planned study

("The Commission's regulations specify that protesters normally will be allowed 21 days to file protests of rate filings like the NYISO filing at issue here.").

⁶ AWEA at 3. Alternatively, AWEA requests a seven day extension if it cannot have fourteen. *Id.*

⁷ *Id.* at 2.

⁸ Transmittal letter for TPP-GIP tariff amendment at 2.

⁹ AWEA at 2.

schedules for the queue cluster 5 and 6 interconnection study processes while trying to preserve the important linkages to the transmission planning process and its established time line, or the ISO would have to forego applying the proposed Generator Interconnection and Deliverability Allocation Procedures (GIDAP) to cluster 5 entirely and process the nearly 15,000 MW of new interconnection requests under the current generator interconnection procedures.¹⁰ As a result, “granting the requested extension is not warranted and would cause undue delay and place additional burdens on the applicant and other parties.”¹¹

AWEA bases its extension request on a purported need “to ensure that AWEA and its members are able to provide more fully developed comments,” and to afford other parties this supposed opportunity.¹² The record of stakeholder efforts clearly demonstrates that it is not appropriate to grant this extra measure of time.

The ISO and stakeholders developed the proposal embodied in final form in the TPP-GIP tariff amendment over a ten-month process leading up to the May 25 filing. ISO-stakeholder discussions on the issues that motivated the TPP-GIP tariff amendment began with the ISO’s posting of an issue paper in February 2011. The ISO then formally kicked off the TPP-GIP initiative by issuing its first straw proposal in July 2011, and the ISO conducted several iterations of proposals, stakeholder meetings, and written comments through April 26, 2012.¹³

¹⁰ Transmittal letter for TPP-GIP tariff amendment at 2, 61; Zhu testimony (Attachment B to TPP-GIP tariff amendment) at 25-26.

¹¹ *Maritimes & Northeast Pipeline, L.L.C.*, 118 FERC ¶ 61,137, at P 22 (2007).

¹² AWEA at 2.

¹³ The ISO conducted a stakeholder process for the proposed tariff language as well. The ISO posted the first draft of the GIDAP (new Appendix DD) tariff language on March 22, 2012, the day before

During that time, AWEA and other stakeholders had ample time to review and provide feedback on the concepts and the draft tariff provisions as they were being put together. *Draft tariff language for GIDAP has been in the public domain since March 22, two months before the ISO's May 25 tariff amendment filing. But AWEA has not once filed written comments on the initiative.*¹⁴ This lack of participation by AWEA further highlights that AWEA cannot demonstrate good cause to justify its requested extension, given that the ISO went to great lengths to involve stakeholders in the development of the TPP-GIP proposal and tariff amendment.¹⁵ Then, after this extensive stakeholder process, the Commission gave stakeholders the standard 21-day period to review the final TPP-GIP tariff amendment before submitting their comments.

Under the circumstances here, the Commission should find, as it has previously done regarding the Midwest ISO's stakeholder process to enhance its tariff provisions on generator interconnection, that "stakeholders in [the ISO's] footprint have long had

the ISO Board of Governors approved the TPP-GIP integration proposal. Stakeholders were given an opportunity to comment on the draft tariff language, and the ISO held two stakeholder conference calls on April 4 and 5. The ISO then posted a second revised draft on April 19, and received additional comments through April 26. The ISO's stakeholder efforts are documented on the TPP-GIP stakeholder initiative webpage at:

http://www.caiso.com/informed/Pages/StakeholderProcesses/TransmissionPlanning_GeneratorInterconnectionIntegration.aspx.

¹⁴ Perhaps AWEA considers its interests in the TPP-GIP initiative to have been represented by CalWEA, who did participate fully in the stakeholder process and filed written comments in each round. If that is the case, then it should be noted that CalWEA made the following statement in its final round of written comments: "Given how far astray the CAISO has fallen from what should be the main goals of TPP-GIP integration, we do not see any point in commenting on the specifics of the final draft proposal, which we oppose." (CalWEA comments of March 1, 2012, page 2, available on the ISO website at: http://www.caiso.com/Documents/CalWEA_Comments_TransmissionPlanning_GeneratorInterconnectionProceduresIntegrationDraft%20Final%20Proposal.pdf) If AWEA was relying on CalWEA to represent its interests in the TPP-GIP initiative, the above statement hardly seems consistent with the assertion in AWEA's motion that it "would also use that additional time to reach out to the CAISO in advance of any filing that we may make in hopes of potentially narrowing the issues in contention in this proceeding." (AWEA at 2.)

¹⁵ Transmittal letter for TPP-GIP tariff amendment at 8-9, 54-60 (describing stakeholder process); Attachment J to TPP-GIP tariff amendment (listing key dates in stakeholder process).

notice of the direction that [the ISO's] interconnection reform proposals would take and did not need an extended time in which to comment on the precise terms of the [tariff amendment]."¹⁶

II. Conclusion

For the reasons provided herein, the ISO respectfully requests that the Commission deny AWEA's motion for an extension of the period for submitting comments on the TPP-GIP tariff amendment.

Respectfully submitted,

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¹⁶ *Midwest Independent Transmission System Operator, Inc.*, 124 FERC ¶ 61,183, at PP 26-28 (2008).

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, in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.2010).

Dated at Folsom, CA this 14th day of June, 2012.

Is/ Anna Pascuzzo

Anna Pascuzzo

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