

UNITED STATES OF AMERICA
Before the
FEDERAL ENERGY REGULATORY COMMISSION

Trans-Elect NTD Path 15, LLC) Docket No. ER05-17-007

**JOINT MOTION OF ATLANTIC PATH 15, LLC AND THE CALIFORNIA
INDEPENDENT SYSTEM OPERATOR CORPORATION FOR EXTENSION
OF TIME TO MAKE REFUNDS**

Pursuant to Rules 212 and 2008 of the Federal Energy Regulatory Commission's ("FERC" or "Commission") Rules of Practice and Procedure, 18 C.F.R. §§ 385.212 and 385.2008 (2006), Atlantic Path 15, LLC ("Path 15")¹ and the California Independent System Operator Corporation ("CAISO") hereby move for an extension of the time to comply with the Commission's order issued on May 30, 2007 in the above captioned docket.² In support of its motion, CAISO states the following.

I. BACKGROUND

On October 4, 2004, Path 15 filed its Transmission Owner Tariff, including its Transmission Revenue Requirement ("TRR"), with the Commission. The Commission accepted and suspended the filing effective December 22, 2004, subject to refund, and set the matter for hearing. As a result of the hearing and the Commission's orders on the Initial Decision that resulted from the hearing, Path 15 is now required to provide refunds. Specifically, in the

¹ Since the time that the original filing was made commencing this proceeding, the entity formerly known as Trans-Elect NTD Path 15, LLC has changed its name to Atlantic Path 15, LLC. To avoid confusion, the entity will be referred to as "Path 15" throughout this motion.

² *Trans-Elect NTD Path 15, LLC*, 119 FERC ¶ 61,205 (2007) ("May 30 Order").

May 30 Order, the Commission directed Path 15, *inter alia*, to provide refunds within thirty (30) days of that order and to submit a refund report within sixty (60) days of that order.³

As is the case with any CAISO Participating Transmission Owner, Path 15's TRR forms a part of the CAISO transmission Access Charge ("TAC"). This charge is calculated by the CAISO using data from the Participating TO, and is administered by the CAISO. Similarly, it is the CAISO that calculates and processes any refunds of the TAC. As such, the May 30 Order requires action on the part of the CAISO.

II. MOTION FOR EXTENSION OF TIME

As described in the attached Declaration of Brad Bouillon, who serves as Billing and Settlements Manager at the CAISO (Attachment A), it normally takes the CAISO thirty (30) to forty-five (45) days to process a TAC refund covering a period of one year. In the instant case, the refund required by the May 30 Order is for a period of nearly two and a half years. In addition, the CAISO personnel needed to process such a refund are currently involved in other significant and time-intensive matters, most notably the Market Design and Technology Upgrade ("MRTU") proceedings. For these reasons, Path 15 and the CAISO request an extension of time until August 28, 2007, or ninety (90) days after the May 30 Order, to provide the necessary refunds and a corresponding extension of time for the submission of a refund report until thirty (30) days after the refund date.

No parties will be harmed by this extension of time, as refunds to the TAC will include interest on the refunded amounts. Therefore, there is good cause to grant the relief sought in this motion.

³ On June 12, 2007, Path 15 submitted revised tariff sheets in compliance with the May 30 Order.

III. CONCLUSION

For the reasons set forth above, Path 15 and the CAISO request that the Commission grant this motion for extension of the time permitted to comply with the May 30 Order.

Respectfully submitted,

<p><u>/s/ Julia Moore</u> Kenneth G. Jaffe Michael E. Ward Julia Moore Alston & Bird LLP The Atlantic Building 950 F Street, NW Washington, DC 20004 Tel: (202) 756-3300 Attorneys for the California Independent System Operator Corporation</p>	<p><u>/s/ Robert C. Fallon</u> Robert C. Fallon Tamir Ben-Yoseph Leonard, Street and Deinard 1627 Eye Street, NW Suite 610 Washington, DC 20006 Tel: (202) 974-6100 Attorneys for Atlantic Path 15, LLC</p>
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Dated: June 14, 2007

ATTACHMENT A

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Trans-Elect NTD Path 15, LLC) Docket No. ER05-17-007

DECLARATION OF
BRAD BOUILLON

1 I, Brad Bouillon, declare as follows:

2 1. My name is Brad Bouillon and I am a Billing and Settlements
3 Manager for the California Independent System Operator ("ISO"). My business
4 address is 151 Blue Ravine Road, Folsom, California 95630. As the Billing and
5 Settlements Manager, I am responsible for the timely and accurate Settlement of
6 daily statements and monthly invoices. One of my responsibilities is to oversee
7 the processing of FERC-ordered transmission Access Charge refunds, making
8 sure the charges and payments are calculated accurately and settled timely, in
9 accordance with FERC orders.

10 2. The purpose of my affidavit is to describe the ISO's role in
11 processing refunds for its transmission Access Charge based on the
12 Commission's ruling on a Participating Transmission Owner's Transmission
13 Revenue Requirement ("TRR").

14 3. When a Participating Transmission Owner, such as Atlantic Path
15 15, LLC, files a TRR with the Commission, and it is accepted or approved by the
16 Commission, the ISO calculates a revised transmission Access Charge. The
17 ISO then makes an informational filing with the Commission to indicate the new
18 transmission Access Charge rate. When the TRR is changed, per order of the
19 Commission, it is the ISO that then recalculates the TAC (based on figures
20 provided by the Participating Transmission Owner) to determine appropriate
21 refunds, and processes the refunds themselves.

22 4. Normally, it takes the ISO 30-45 days to process refunds for
23 periods of one year.

24 5. In the case of Atlantic Path 15, LLC, the Commission has ordered
25 refunds dating back to December 2004, which is a period of over two years, and
26 provided only 30 days for these refunds to be made.

1 I declare under penalty of perjury that the foregoing is true and correct to
2 the best of my knowledge and belief.

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Brad Bouillon

7 Dated: June 13, 07

CERTIFICATE OF SERVICE

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

Dated at Folsom, CA this 14th day of June, 2007.

/s/ Charity Wilson

Charity Wilson