



September 21, 2006,<sup>2</sup> the CAISO proposed modifications to MRTU Tariff Section 6.5.1 to comply with the directive in the September 21 Order that the CRR FNM be made available to all Market Participants who sign non-disclosure agreements with the CAISO, not just CRR Participants who execute the agreement.<sup>3</sup> On January 16, 2007, the CAISO filed an answer in response to comments filed by several parties addressing the CAISO's proposed modifications.

On February 22, 2007, Global filed a motion to intervene out of time as well as comments on the CAISO's proposed process for making the CRR FNM available to Market Participants. Global is a consultancy firm that provides, among other services, power market analysis and price forecasting. In its comments, Global contends that the CAISO's proposal to restrict access to the CRR FNM to CAISO Market Participants<sup>4</sup> is unjustified, and will impede Global's ability to provide effective price forecasting services to Market Participants and others under the MRTU Tariff. Global also states that such restriction is inconsistent with the September 21 Order. As explained below, Global's arguments are without merit, and the Commission should therefore deny Global's request that the Commission reject the CAISO's proposal to restrict access to the CRR FNM to Market Participants.

---

<sup>2</sup> *California Independent System Operator Corp.*, 116 FERC ¶ 61,274 (2006) ("September 21 Order").

<sup>3</sup> September 21 Order at P 46.

<sup>4</sup> The MRTU Tariff defines "Market Participant" as: "An entity, including a Scheduling Coordinator, who: 1) participates in the CAISO Markets through the buying, selling, transmission, or distribution of Energy, Capacity, or Ancillary Services into, out of, or through the CAISO Controlled Grid; or 2) participates in the allocation of or auctions for CRRs or hold CRRs."

## II. ANSWER

Global's first argument, that the CAISO's proposal to restrict access to the CRR FNM to CAISO Market Participants is unjustified, lacks merit. In its January 16 answer, the CAISO explained its proposed process for providing access to the CRR FNM in detail, as well as the reasons underlying it. In particular, the CAISO emphasized that the process as filed in its November 20 Compliance Filing resulted from extended negotiations with the Participating Transmission Owners ("PTOs") and other stakeholders, and was designed to achieve a fair and equitable means to distribute the CRR FNM to Market participants in order to assist them in preparing for the implementation of MRTU, while at the same time protecting the confidential and/or security-sensitive information that the model contains.<sup>5</sup> The CAISO went through great efforts to achieve a balance between transparency and respecting the security concerns articulated by the PTOs. Global's insistence that the CRR FNM be made available to non-Market Participants threatens to upset that balance and compromise the CAISO's efforts to implement a workable solution.

Also, contrary to Global's assertion, restricting the CRR FNM to Market Participants is entirely consistent with the September 21 Order. In fact, the Commission's directive to the CAISO specifically mentioned Market Participants: "Accordingly, we direct the CAISO to submit a compliance filing . . . that indicates that the Full Network Model is available to market participants if they sign a non-

---

<sup>5</sup> The CRR FNM contains information pertaining to transmission facilities that is similar to information that transmission owners annually submit to Commission on FERC Form 715, Annual Transmission Planning and Evaluation Report, which the Commission treats as Critical Energy Infrastructure Information.

disclosure agreement.”<sup>6</sup> Global’s only response to this plain language is that it does not believe that the Commission, in this passage, meant to refer to “Market Participants” as that term is defined in the CAISO Tariff.<sup>7</sup> Global provides no support for this belief, except to suggest that perhaps the Commission did not mean to restrict its discussion to “Market Participants” because it did not capitalize the words. This argument strains credibility. The Commission, in its orders, rarely capitalizes defined terms as they are used in the CAISO Tariff. For instance, in the first sentence of the next paragraph of the September 21 Order following the discussion of the CRR FNM issue, the Commission, in explaining the CAISO’s own proposal, uses, uncapitalized, three terms that are defined and capitalized in the MRTU Tariff: “congestion,” “energy,” and “ancillary services.”<sup>8</sup> There are numerous other examples of such usage in the September 21 Order alone, and many, many more in other Commission orders issued in this proceeding. It is illogical to conclude, absent any other supporting evidence, that because the Commission did not capitalize these words, it intended that these words should have a meaning different than that set forth in the MRTU Tariff. The Commission should reject Global’s attempt to read ambiguity into the September 21 Order where there clearly is none.

---

<sup>6</sup> September 21 Order at P 46.

<sup>7</sup> Global Comments at 7.

<sup>8</sup> September 21 Order at P 47.

### III. CONCLUSION

Wherefore, for the reasons stated above, the CAISO respectfully requests that the Commission accept the CAISO's proposal to make the CRR FNM available to Market Participants, as set forth in the November 20 Compliance Filing, and reject Global's request to require the CAISO to release the CRR FNM to non-Market Participants.

Respectfully submitted,

/s/ Sidney M. Davies

Sidney M. Davies, Assistant General Counsel  
Anna McKenna, Counsel  
Grant Rosenblum, Senior Counsel  
Michael Dozier, Counsel  
Beth Ann Burns, Senior Counsel  
California Independent System  
Operator Corporation  
151 Blue Ravine Road  
Folsom, CA 95630  
Tel: (916) 351-4400

Sean A. Atkins  
Michael Kunselman  
Bradley Miliauskas  
Alston & Bird LLP  
The Atlantic Building  
950 F Street NW  
Washington, DC 20004  
Tel: (202) 756-3300

Dated: March 9, 2007

### **Certificate of Service**

I hereby certify that I have this day served a copy of this document upon all parties listed on the official service list compiled by the Secretary in the above-captioned 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 this 9<sup>th</sup> day of March, 2007 at Folsom in the State of California.

/s/ Sidney M. Davies

Sidney M. Davies

(916) 608-7144