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January 12, 2004

## **VIA ELECTRONIC FILING**

The Honorable Magalie R. Salas  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

**Re: Gilroy Energy Center, LLC  
Docket No. ER04-321-000**

Dear Secretary Salas:

Enclosed is the Motion to Intervene of the California Independent System Operator Corporation, submitted in the above-captioned proceeding. Please contact the undersigned if you have any questions regarding this filing.

Respectfully submitted,

*/s/ Bradley R. Miliauskas*

J. Phillip Jordan  
Bradley R. Miliauskas

Counsel for the California  
Independent System Operator  
Corporation

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

**Gilroy Energy Center, LLC**

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**Docket No. ER04-321-000**

**MOTION TO INTERVENE OF THE  
CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION**

Pursuant to Rule 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), 18 C.F.R. § 385.214 (2003), and the Commission’s December 31, 2003 Notice of Filing, the California Independent System Operator Corporation (“ISO”)<sup>1</sup> submits this Motion to Intervene in the captioned proceeding.<sup>2</sup>

**I. Description of the Proceeding**

On December 22, 2003, Gilroy Energy Center, LLC (“Gilroy”) filed an unexecuted Must-Run Service Agreement and accompanying schedules (“RMR Agreement”) between Gilroy and the ISO setting forth the rates, terms, and conditions under which Gilroy will provide reliability must-run services to the ISO.

**II. Description of the ISO and Communications**

The ISO is a non-profit public benefit corporation organized under the laws of the State of California with a principal place of business at 151 Blue Ravine Road, Folsom, CA 95630. The ISO is the Control Area operator responsible for the reliable operation of a grid comprising the transmission systems of Pacific Gas and Electric Company (“PG&E”), Southern California Edison Company, San Diego Gas & Electric

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<sup>1</sup> Capitalized terms not otherwise defined herein are used in the sense given in the Master Definitions Supplement, Appendix A to the ISO Tariff, as filed August 15, 1997, and subsequently revised.

<sup>2</sup> The ISO is filing today, together with Pacific Gas and Electric Company and under separate cover, a Joint Provisional Protest in this proceeding.

Company, and the Cities of Vernon, Anaheim, Azusa, Banning, and Riverside, California, as well as for the coordination of the competitive ancillary services and real-time electricity markets in California.

The ISO requests that all communications and notices concerning this motion and these proceedings be provided to:<sup>3</sup>

Sidney L. Mannheim  
Regulatory Counsel  
California Independent System  
Operator Corporation  
151 Blue Ravine Road  
Folsom, CA 95630  
916-351-4400 (tel)  
916-608-7222 (fax)

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California Independent System  
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151 Blue Ravine Road  
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### **III. ISO's Interest**

Gilroy's Reliability Must-Run Units are located within PG&E's transmission system and are needed to maintain the reliability of the PG&E transmission system. As the Control Area operator responsible for maintaining reliability in the PG&E transmission system and as the counter party to the RMR Agreement, the ISO has a unique interest in any Commission proceeding concerning an RMR Agreement. Accordingly, the ISO has a direct and substantial interest in the proposed RMR Agreement in this proceeding and requests that it be permitted to intervene with full

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<sup>3</sup> Pursuant to 18 C.F.R. § 385.101(e), the ISO requests waiver of the Commission's limit on persons to be served, as set forth in 18 C.F.R. § 385.203(b)(3).

rights of a party. Because no other party can adequately represent the ISO's interests in this proceeding, the ISO's intervention is in the public interest and should be granted.

**WHEREFORE**, the ISO respectfully requests that the Commission grant this Motion to Intervene and make the ISO a party in the above-caption proceeding with full rights of participation.

Respectfully submitted

/s/ J. Phillip Jordan  
J. Phillip Jordan  
Bradley R. Miliauskas  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, NW, Suite 300  
Washington, DC 20007

Counsel for  
California Independent System  
Operator Corporation

Dated: January 12, 2004

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list for the captioned proceeding, in accordance with Rule 2010 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.2010).

Dated at Folsom, CA, on this 12<sup>th</sup> day of January, 2004.

/s/ Sidney L. Mannheim  
Sidney L. Mannheim