

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

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| California Independent System Operator Corporation |) | Docket Nos. ER00-2581-000, |
| |) | ER00-2582-000, and |
| |) | ER00-2583-000 |

**MOTION FOR LEAVE TO RESPOND OUT-OF-TIME AND
RESPONSE TO COMMENTS OF THE CALIFORNIA INDEPENDENT
SYSTEM OPERATOR CORPORATION**

Pursuant to Rules 212, 2008, and 213 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“FERC” or “the Commission”), 18 C.F.R. § 385.212, § 385.2008, and § 385.213 (1999), the California Independent Operator Corporation (“ISO”) respectfully requests leave to respond out-of-time to the Comments filed in the above-captioned dockets, and files this Response to those Comments.

I. Background

On May 24, 2000, the ISO filed Participating Load Agreements (“PLAs”) with the Commission between the ISO and the Ancillary Services Coalition (“ASC”), New West Energy (“New West”), and NewEnergy California, LLC (“NewEnergy”). The purpose of the PLAs is to set forth the terms and conditions that govern a Load’s provision of Ancillary Services, in a manner analogous to the Participating Generator Agreement, or “PGA”, with regard to generating resources. The PLAs filed on May 24 are part of a trial program for the summer of 2000 (Ancillary Services Load Program or “ASLP”) designed to increase participation of Load resources in the ISO’s markets.

On June 14, 2000, Southern California Edison Company (“SCE”) filed Comments on each of the May 24 PLAs. In its Comments, SCE stated that due to an overlap in the

nature of the ISO's ASLP and the load interruption programs of various Investor Owned Utilities ("IOUs"), customers might be paid twice for providing the same service. SCE stated that although it supports the ASLP in general, it cannot support such double payment. Comments at 3. SCE acknowledges that the ISO attempted to address the double payment issue in Schedule 2 of the PLAs, in which the ISO stated its intention not to make capacity payments to customers already receiving payments for the same service by an IOU. SCE contends, however, that the ISO does not have access to the information necessary to determine whether such IOU payments are taking place, or whether Load has been interrupted pursuant to IOU programs. Comments at 4.

II. Motion for Leave to Respond Out of Time

Responses to Comments on the PLAs were due on June 29, 2000, making this Response one day out-of-time. The ISO failed to respond in a timely manner due to administrative oversight. Accepting this Response out-of-time is in the public interest, however, as the information contained will assist the Commission in determining how to proceed with regard to this matter. Therefore the ISO respectfully requests the Commission accept this Response one day out-of-time.

III. Response to Comments

The ISO acknowledges the legitimacy of SCE's concerns, and would like to work with SCE in obtaining the information necessary to ascertain when payments under the ASLP amount to double payments, and hence when to avoid such payments. The ISO has engaged in discussions with Pacific Gas and Electric Company with regard to this issue, about which PG&E had expressed similar concerns. The ISO is cognizant that such information is confidential customer information that cannot be provided to the ISO

absent authorization by the California Public Utilities Commission (“CPUC”) or the individual customer’s consent.¹ Nonetheless, the ISO is confident that a mechanism can be worked out wherein double payments for such service can be avoided. In this regard, the ISO appreciates SCE’s offer to assist the ISO in its monitoring and enforcement efforts related to the ASLP.²

The ISO is encouraged further as to the likelihood of prompt resolution of the problem of access to the necessary data in light of the Advice Letter SCE filed with the CPUC on June 7, 2000, in which SCE sought tariff amendments to allow its interruptible customers to participate in the ISO’s Ancillary Services markets.³ In that Letter, SCE acknowledged the ISO’s willingness to work together to avoid double payments. The ISO filed comments in support of the Advice Letter on June 27, 2000, noting its plans to cooperate with SCE in obtaining the necessary information. These developments in other arenas provide evidence that this matter can be resolved through cooperative efforts.

¹ ISO will use the information for operational purposes only, and will keep it otherwise confidential.

² Comments at 6. The ISO notes that SCE currently provides the ISO with a list of interruptible customers that have curtailed a day ahead pursuant another SCE curtailment program. SCE provides this information pursuant to CPUC Resolution E-3650, issued April 6, 2000.

³ Advice Letter 1457-E. PG&E filed a similar Advice Letter, 2008-E, on the same date.

IV. Conclusion

Wherefore, the ISO respectfully requests the Commission accept this Response one day out of time.

Respectfully submitted,

Charles Robinson
General Counsel
Roger E. Smith
Senior Regulatory Counsel
The California Independent
System Operator Corporation
151 Blue Ravine Road
Folsom, CA 95630

Kenneth G. Jaffe
David B. Rubin
Julia Moore
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W.
Suite 300
Washington, DC 20007

Attorneys for the California Independent
System Operator Corporation

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the restricted service lists compiled by the Secretary in these proceedings.

Dated at Washington, DC, this 30th day of June, 2000.

Julia Moore

June 30, 2000

The Honorable David P. Boergers
Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

**Re: California Independent System Operator Corporation,
Docket Nos. ER00-2581-000, ER00-2582-000, and ER00-
2583-000**

Dear Secretary Boergers:

Enclosed for filing are one original and 14 copies of the Motion for Leave to Respond Out-of-Time and Response to Comments of the California Independent System Operator Corporation in the above-referenced proceedings. Two additional copies of the filing are also enclosed. Please stamp the two additional copies with the date and time filed and return them to the messenger.

Thank you for your assistance in this matter.

Respectfully submitted,

Julia Moore
Swidler Berlin Shereff Friedman, LLP
3000 K Street, NW, Suite 300
Washington, DC 20007
Tel: (202) 424-7500
Fax: (202) 424-7643

Attorney for the California
Independent System Operator Corporation