

November 22, 2000

The Honorable David P. Boergers  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

**Re: California Independent System Operator Corporation  
Docket No. ER01-\_\_\_ - 000 ; 2nd Revised Service  
Agreement No. 135 of ISO Tariff Rate Schedule 1**

Dear Secretary Boergers:

Please find enclosed a notice concerning the termination of the Participating Generator Agreement (“PGA”) between the California Independent System Operator Corporation (“ISO”) and Burney Forest Power (“Burney”).<sup>1</sup> The PGA was filed with the Commission on June 4, 1998, in Docket No. ER98-3223-000, and accepted for filing by letter order dated July 6, 1998.<sup>2</sup> Pursuant to the Commission’s acceptance of the settlement in Docket Nos. ER98-992-000, et al., by letter order dated February 24, 2000,<sup>3</sup> the ISO submitted an amended PGA on June 23, 2000. The Commission accepted this amended PGA for filing in a letter order dated August 9, 2000.

Section 3.2.2 of the PGA provides that Burney may terminate the agreement upon giving the ISO ninety days written notice, and that the agreement shall terminate upon acceptance by the Commission of the notice of termination. The ISO respectfully requests that the PGA be terminated effective as of the date on which Burney sent the

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<sup>1</sup> The enclosed notice of termination also references the Meter Service Agreement for ISO Metered Entities between the ISO and Burney, which is the subject of a separate filing being made today.

<sup>2</sup> An amendment to the PGA between the ISO and Burney was subsequently filed in Docket No. ER98-4563-000, and accepted for filing by the Commission in a letter order dated October 14, 1998.

<sup>3</sup> *California Independent System Operator Corp.*, 90 FERC ¶ 61,176.

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notice of termination – October 13, 2000. Therefore, the ISO requests waiver of the Commission's sixty-day prior notice requirement, pursuant to Section 35.3 of the Commission's regulations, 18 C.F.R. § 35.3.

The ISO requests that all correspondence, pleadings, and other communications concerning this filing be served on the following:

Roger E. Smith\*  
Deborah A. Le Vine  
The California Independent System  
Operator Corporation  
151 Blue Ravine Road  
Folsom, CA 95630  
Phone: 916-608-7135  
Fax: 916-351-4436

Kenneth G. Jaffe  
David B. Rubin\*  
Julia Moore  
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3000 K Street, N.W., Suite 300  
Washington, D.C. 20007  
Phone: 202-424-7500  
Fax: 202-424-7647

\* Individuals designated for service pursuant to Rule 203(b)(3),  
18 C.F.R. § 385.203(b)(3).<sup>4</sup>

In addition to the notice of termination, please find enclosed a notice of filing suitable for publication in the *Federal Register* and a computer disk containing the notice in WordPerfect format.

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<sup>4</sup> In addition to Mr. Smith and Mr. Rubin, the ISO respectfully requests that Ms. Le Vine be included on the Official Service List. Mr. Smith and Ms. Le Vine work in separate buildings, and it would be of significant assistance to the ISO if both were included on the list.

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Two extra copies of the filing are also enclosed. Please date-stamp the extra copies with the time and date of filing and return them to the messenger. Thank you for your assistance in this matter.

Respectfully submitted,

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Kenneth G. Jaffe  
David B. Rubin  
Julia Moore  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, N.W., Suite 300  
Washington, D.C. 20007  
Telephone: 202-424-7516  
Facsimile: 202-424-7647

Attorneys for the California Independent  
System Operator Corporation



## **CERTIFICATE OF SERVICE**

I hereby certify I have this day served this document upon Burney Forest Power and the California Public Utilities Commission 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 Washington, D.C. this 22nd day of November, 2000.

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Julia M. Moore