

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

Dynergy Oakland, LLC

)

Docket No. ER13-260-000

**MOTION TO INTERVENE OUT-OF-TIME 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 (2012), and the Commission’s November 1, 2008 Combined Notice of Filings, the California Independent System Operator Corporation (“CAISO”) submits this Motion to Intervene Out-of-Time in the above captioned proceeding. In support thereof, the CAISO states as follows:

I. DESCRIPTION OF THE PROCEEDING

On October 31, 2012, Dynergy Oakland, LLC (“Dynergy Oakland”) submitted, pursuant to Section 205 of the Federal Power Act, revisions to certain Reliability Must-Run (“RMR”) Rate Schedules of its RMR Service Agreement with the CAISO. Dynergy Oakland has requested an effective date of January 1, 2013.

By its Notice issued November 1, 2012, the Commission established November 21, 2012, as the date motions to intervene were to be filed in the above-captioned proceeding.

II. DESCRIPTION OF THE CAISO AND COMMUNICATIONS

The CAISO is a non-profit public benefit corporation organized under the laws of the State of California with its principal place of business at 250 Outcropping Way,

Folsom, CA 95630. The CAISO is the Balancing Authority Area Operator responsible for the reliable operation of the electric grid consisting of the transmission systems of a number of utilities, including Pacific Gas and Electric Company (“PG&E”), as well as the coordination of the day-ahead and real-time energy and ancillary services markets in California.

The CAISO requests that all communications and notices concerning this motion and these proceedings be provided to:

Sidney M. Davies
Assistant General Counsel
CALIFORNIA INDEPENDENT SYSTEM
OPERATOR
250 Outcropping Way
Folsom, CA 95630
Tel: 916-608-7144
Fax: 916-608-7296
sdavies@caiso.com

Mary Anne Sullivan
HOGAN LOVELLS US LLP
555 Thirteenth Street, N.W.
Washington, DC 20004
Tel: 202-637-3695
Fax: 202-974-5910
maryanne.sullivan@hoganlovells.com

III. CAISO’S INTEREST

Dynegy Oakland’s Units are located within PG&E’s service area. This facility is needed to maintain the reliability of the CAISO Controlled Grid. As the Balancing Authority Area Operator responsible for maintaining reliability of the PG&E transmission system and, as the counter party to the Dynegy Oakland RMR Agreement, the CAISO has a unique interest in any Commission proceeding that affects this RMR Agreement. Accordingly, the CAISO has a direct and substantial interest in this proceeding and requests that it be permitted to intervene with full rights of a party. Because no other party can adequately represent the CAISO’s interests in this proceeding

and in the absence of any prejudice to any party to this proceeding¹, the CAISO's intervention is in the public interest and should be granted. Dynegy Oakland and PG&E have both advised the CAISO that they do not object to the out-of-time filing.

IV. CONCLUSION

For the foregoing reasons, the CAISO respectfully requests that the Commission grant this Motion to Intervene Out-of-Time and make the CAISO a party to the above-captioned proceeding with full rights of participation.

Respectfully submitted

/s/ Mary Anne Sullivan

Mary Anne Sullivan

HOGAN LOVELLS US LLP

555 Thirteenth Street, N.W.

Washington, DC 20004

Counsel for

California Independent System

Operator Corporation

Dated: November 26, 2012

¹ Due to a combination of out-of-town travel associated with the Thanksgiving holiday and an unusual number of other FERC matters requiring filings during the same general time frame, the CAISO inadvertently missed the deadline for intervention set by the Commission in this proceeding.

CERTIFICATE OF SERVICE

I hereby certify that I have this 26th day of November, 2012 caused to be served a copy of the foregoing Motion to Intervene Out-of-Time upon all parties listed on the official service list compiled by the Secretary of the Federal Energy Regulatory Commission in this proceeding.

/s/ Mary Anne Sullivan

Mary Anne Sullivan
HOGAN LOVELLS US LLP
555 Thirteenth Street, N.W.
Washington, DC 20004
202-637-3695