

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

Cabrillo I LLC) **Docket No. ER04-308-000**
Cabrillo II LLC)

**MOTION FOR EXTENSION OF TIME
AND REQUEST FOR WAIVER OF ANSWER PERIOD**

Pursuant to Rule 212 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), 18 C.F.R. § 385.212 (2004), Cabrillo I LLC (“Cabrillo I”) and Cabrillo II LLC, LLC (“Cabrillo II”)(collectively, “Cabrillo”)and the California Independent System Operator Corporation (“CAISO”), (collectively, the “Moving Parties”) move for a limited extension of the date by which Cabrillo is required to submit a filing in accordance with the Must-Run Service Agreements (“RMR Agreements”) between Cabrillo and the CAISO that are presently on file with the Commission.¹ In support thereof, the Moving Parties state the following:

STATEMENT OF ISSUES

Pursuant to Rule 203(a)(7), 18 C.F.R § 385.207(a)(7), the Parties submit the following issue:

Whether the parties have satisfied the requirements of Rule 212 and Rule 2008 of the Commission's Rules of Practice and Procedure and, therefore, demonstrated good cause for an extension of the deadline for submission of the 2005 RMR Filing?

Whether the Moving Parties have shown that good cause exists to waive the period for answers to the present Motion in accordance with 18 C.F.R. § 385.101(e)?

I. BACKGROUND.

¹ Cabrillo is authorized to state that San Diego Gas & Electric Company, in whose service territory Cabrillo is located, does not oppose this Motion.

The RMR Agreements pertain to generating facilities owned by Cabrillo. Cabrillo I owns and operates the Encina Power Plant in Carlsbad California and Cabrillo II consists of 12 combustion turbines located throughout San Diego County. The RMR Agreements are designated as Cabrillo Power I LLC First Revised Rate Schedule No. 2 and Cabrillo Power I LLC First Revised Rate Schedule No. 2. The RMR Agreements are designated as Cabrillo Power I LLC First Revised Rate Schedule No. 2 and Cabrillo Power I LLC First Revised Rate Schedule No. 2.

On December 14, 2004, in Docket No. ER04-308-000, an Offer of Settlement was filed that resolved all issues relating to the Cabrillo RMR Agreements annual fixed cost revenue requirements and other aspects of the RMR Agreements, for the Contract Years 2004, 2005, and 2006 (“Offer of Settlement”). On February 14, 2005, the Commission issued an Order approving the Offer of Settlement.

By October 31, the RMR Agreements (Sheet 124) require Cabrillo to file annual revisions to the rates of units subject to the Agreements (the “Section 205 Filing”), in the event that the CAISO extends the existing RMR Agreements for another Contract Year.

In October, 2005, the CAISO extended RMR status to Cabrillo I (with the exception of Unit 4) and Cabrillo II.

II. MOTION FOR BRIEF EXTENSION OF TIME.

But for the exclusion of Cabrillo I, Unit 4, and other issues that have recently come up, both substantive and administrative (the loss of a key analyst working on this project), Cabrillo would have made a timely filing revising its rates for Contract Year 2006. In the interest of administrative efficiency, Cabrillo respectfully requests an extension of the filing deadline until November 10, 2005. This extension will permit Cabrillo to complete the work necessary to file

its 2006 Contract Year rates, may additionally resolve new issues recently raised by CAISO and thus permit the Section 205 Filing to be submitted as uncontested.

Accordingly, Cabrillo and CAISO respectfully request that the Commission grant it an extension of time up to and including November 10, 2005, for Cabrillo to submit to the Commission its Section 205 Filing due on October 31, 2005. At the time of the filing on November 10, Cabrillo will seek a waiver of the Commission's sixty-day notice period so that the rates reflected in the Section 205 Filing may go into effect on January 1, 2006.

Given the short extension request, the Moving Parties believe that no party's interests would be compromised in any way by granting the Motion.

III. REQUEST FOR WAIVER OF ANSWER PERIOD.

The Commission's Rules of Practice and Procedure permit parties 15 days to file an answer to a motion. 18 C.F.R. § 385.213(d). The Commission, however, can waive a rule for good cause shown. 18 C.F.R. § 385.101(e). The Moving Parties respectfully submit that good cause exists to waive the period for answers to the present Motion and respectfully request that the Commission grant this request. As noted above, Cabrillo believes that no party's interests would be compromised by shortening the answer period and parties (and other intervenors) may still raise any substantive objections once the Section 205 Filing is made.

IV. CONCLUSION.

WHEREFORE, for the foregoing reasons, the Moving Parties respectfully request that the Commission: (1) grant Cabrillo an extension of time until November 10, 2005 to submit to the Commission its Section 205 Filing and (2) waive the period for filing answers to the present Motion.

Respectfully submitted,

s/ Mary Anne Sullivan
Mary Anne Sullivan
Hogan & Hartson L.L.P.
555 Thirteenth Street, N.W.
Washington, D.C. 20004
(202) 637-3695
*Counsel for the California Independent
System Operator Corporation*

s/ Joseph M. Paul
Joseph M. Paul
Dynegy Marketing and Trade
2420 Camino Ramon, Ste 215
San Ramon, CA 94583
(925) 866- 4909
*Counsel for Cabrillo I LLC
and Cabrillo II LLC*

Dated: October 28, 2005
San Ramon, CA 94583

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of October, 2005, I mailed, via first class mail, postage prepaid, a true and correct copy of the foregoing document to all parties on the official service list in ER04-308.

 /s/ Joseph M. Paul
Joseph M. Paul
Dynergy Marketing and Trade
2420 Camino Ramon, Ste 215
San Ramon, CA 94583
925-866-4909
Counsel for Cabrillo