

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

**Enron Power Marketing, Inc.
and Enron Energy Services, Inc.
City of Redding, California
Colorado River Commission
Las Vegas Cogeneration, L.P.
Modesto Irrigation District
Montana Power Company
Northern California Power Agency
Public Service Company of New Mexico**

Docket No. EL03-180-000

Docket No. EL03-183-000

Docket No. EL03-184-000

Docket No. EL03-191-000

Docket No. EL03-193-000

Docket No. EL03-194-000

Docket No. EL03-196-000

**Docket No. EL03-200-000
(Consolidated)**

**PRESIDING ADMINISTRATIVE LAW JUDGE'S ORDER
AMENDING PROCEDURAL SCHEDULE**

(Issued January 9, 2004)

1. The California Parties' motion filed December 29, 2003 inter alia asked me to change the procedural schedule by allowing approximately six more weeks for each of the procedural steps yet to occur. The Nevada Companies (Nevada Power Company and Sierra Pacific Power Company) and Public Utility District No. 1 of Snohomish County, WA filed a joint answer supporting the motion, and the Commission Trial Staff also filed an answer in support of the extension of time. The Northern California Power Agency (NCPA) filed in opposition to the extension-of-time request on the ground that enough time had been spent on discovery matters, that it had already disclosed all that it could reasonably be required to disclose, and that it was entitled to know the evidence against it without further delay.

2. The Commission's order of December 23, 2003, 105 FERC ¶ 61,362 (2003), made it clear that the intervenors in this case were entitled to use Paragraph 47 of the Commission's June 25, 2003 hearing order as a vehicle to conduct discovery into "all materials in the possession of Respondents that relate to their culpability." To carry out that mandate, I issued on December 30, 2003 an order establishing procedures for implementing Paragraph 47. That order requires Respondents to disgorge certain designated materials that they may not have provided in prior rounds of discovery. In other words, the December 23 and December 30 orders have extended the permissible scope of discovery in this proceeding. In these circumstances, it would be foolish and self-defeating to deny the intervenors the right to make use of that extended discovery in

preparing their cases-in-chief. Though I sympathize with NCPA’s view that “enough is enough” (it almost always is), the Commission’s issuance of its December 23 order makes an extension of time for the completion of discovery and the filing of the intervenors’ and Staff’s cases in chief almost inevitable. Indeed, if NCPA is correct in its view that it has already revealed all that Paragraph 47 might require, it is not unduly prejudiced by the extension of the discovery process to encompass compliance with that mandate. All it must do is say, “we have no more Paragraph 47 materials than we have already provided.”

3. One other development fits the notion that the extensions requested by the California Parties should be granted. The Chief Administrative Law Judge on January 8, 2004 issued an order extending the deadline for issuance of the initial decision to September 3, 2004. That extension renders it practicable to move the procedural schedule as a whole forward by the time-period that the California Parties have requested.

4. In consideration of the foregoing, the motion of the California Parties seeking a reopening of the period for discovery so that it will close on February 27, 2004 is granted. The motion of the California Parties to extend the deadline for the filing of case-in-chief evidence to February 27, 2004 is also granted. The rest of the procedural dates are changed to accommodate the changes noted above. As so amended, the new procedural schedule is as follows:

Filing of case-in-chief evidence by Staff and all	
Intervenors	February 27, 2004
Last day for discovery on Staff’s and intervenors’	
cases-in-chief	April 23, 2004
Filing of rebuttal evidence by all parties	May 14, 2004
Last day for discovery on rebuttal evidence	June 4, 2004
Prehearing briefs due	June 18, 2004
Prehearing conference	June 21, 2004
Hearing begins	June 28, 2004 (10:00 a.m.)

Isaac D. Benkin
Presiding Administrative Law Judge