

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

San Diego Gas & Electric Company)	Docket No. EL00-95-000
v.)	
Sellers of Energy and Ancillary Services)	
)	
Investigation of Practices of the California)	Docket No. EL00-98-000
Independent System Operator and the)	
California Power Exchange)	
)	

**EXPEDITED MOTION OF THE
CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION
FOR ESTABLISHMENT OF DATE FOR REPLY COMMENTS
REGARDING COMPLIANCE FILINGS AND
REQUEST FOR SHORTENED COMMENT 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 (2016), the California Independent System Operator Corporation (“ISO”) respectfully requests that the Commission establish November 30, 2016 as the due date by which parties will be permitted to file replies to comments on the compliance filings made by the ISO and the California Power Exchange (“PX”) in the above-captioned proceeding on May 4, 2016 and May 5, 2016 respectively.¹ The ISO is authorized to state that the PX, as well as all of the parties that filed comments on the ISO and PX compliance filings, either support or do not oppose this motion.² The ISO also requests that the

¹ Compliance Filing of the California Independent System Operator Corporation Regarding Orders About the Refund Rerun, Financial Adjustments and Interest, Docket Nos. EL00-95-000, *et al.* (May 4, 2016) (“ISO Compliance Filing”); California Power Exchange Corporation Refund Rerun Compliance Filing, Docket Nos. EL00-95-000, *et al.* (May 5, 2016) (“PX Compliance Filing”) (collectively, the “Compliance Filings”).

² Comments on the Compliance Filings were filed by the California Parties, Automated Power Exchange (“APX”), Midway Sunset Cogeneration Company and Shell Energy North America (“Shell”).

Commission (i) require answers to this motion to be filed no later than five business days after the date of this filing (i.e. October 5, 2016) and rule on this motion no later than October 7, 2016.

I. MOTION FOR ESTABLISHMENT OF REPLY COMMENT PERIOD

The ISO and PX Compliance Filings represent the culmination of a massive process involving reruns and related calculations performed in response to numerous Commission orders issued over the past fifteen years. As the California Parties³ pointed out in their motion earlier this year requesting an extension of time for comments on the Compliance Filings, they contain large amounts of information, including dozens of spreadsheets, representing the results of innumerable calculations. The California Parties therefore requested that the Commission provide parties with an additional 120 days to file comments on the Compliance Filings. In their motion, the California Parties also requested that the Commission set a due date for reply comments of December 22, 2016, so as “to give parties adequate time to reply to any comments on the compliance filings.”

Based on these facts, the Commission granted the California Parties’ motion to set the date for comments on the Compliance Filings to September 23, 2016, thereby providing the California Parties and other parties an additional 120 days to file comments on the ISO and PX Compliance Filings.⁴ The Commission did not,

³ For purposes of their motion, the California Parties included the People of the State of California ex rel. Kamala D. Harris, Attorney General, the Public Utilities Commission of the State of California, Pacific Gas and Electric Company, and Southern California Edison Company.

⁴ Notice of Extension of Time, Docket Nos. EL00-95-291, et al. (May 25, 2016).

however, address the California Parties' request to establish a date for reply comments.

In their comments on the ISO and PX Compliance Filings, the California Parties raise sixteen discrete substantive issues regarding the Compliance Filings, make several procedural requests, and include a number of exhibits and data sets.⁵ The issues and data presented by the California Parties and other commenters relate to many different components of the ISO's and PX's compliance calculations, and implicate various Commission orders. Given the volume and complexity of these issues, as well as the critical importance of the ISO and PX Compliance Filings as a key step in concluding these long-running proceedings, the ISO submits that the Commission's decision-making process would greatly benefit from receiving and considering reply comments from the ISO, PX, and other interested parties. The ISO therefore requests that the Commission issue an order indicating that parties will be permitted to submit reply comments, and establishing November 30, 2016 as the deadline for doing so. A November 30 deadline will provide parties with adequate time to address the numerous issues raised in comments. Moreover, it will provide for time for the ISO and PX to discuss with parties certain issues raised in the comments and attempt to clarify and resolve these issues between the parties, in order to potentially avoid the necessity of having the Commission do so.

The ISO has discussed this request with the PX and all of the parties that filed comments on the ISO and PX Compliance Filings, and is authorized to state that all of these parties either support or do not oppose the Commission granting this motion.

⁵ The comments filed by APX, Midway Sunset and Shell are of a much more limited scope than those filed by the California Parties.

II. REQUEST FOR SHORTENED COMMENT PERIOD AND EXPEDITED CONSIDERATION

Under the Commission's rules, any answers made to comments on the ISO and PX Compliance Filings could potentially be considered answers to answers, which are not permitted absent a specific Commission order to the contrary.⁶ Moreover, even if such answers were permitted, they would normally be due no later than 30 days after the comments were filed.⁷ Therefore, in order to remove any potential uncertainty as to the acceptance and timing of reply comments, the ISO respectfully requests that the Commission issue an order on this motion no later than October 7, 2016. The ISO also requests that the Commission order that answers to this motion will be due no later than October 5, 2016. This shortened answer period should not prejudice any party given that none of the parties that filed comments on the Compliance Filings object to establishing a November 30, 2016 date for reply comments.

III. CONCLUSION

Wherefore, for the reasons stated above, the ISO respectfully requests that the Commission issue an order stating that it will permit reply comments on the ISO and PX Compliance Filings and establish November 30, 2016 as the date by which such reply comments will be due. The ISO also respectfully requests that the Commission order that answers to this motion will be filed no later than October 5, 2016 and issue its ruling on this motion by October 7, 2016.

⁶ 18 C.F.R. Section 385.213(a).

⁷ See 18 C.F.R. Section 385.213(d) (providing that any answer to a pleading or amendment to a pleading, other than a complaint or an answer to a motion, and which is not published in the Federal Register, must be made no later than 30 days after the pleading or amendment is filed).

Respectfully Submitted,

/s/ Michael Kunselman

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Dated: September 28, 2016

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of this document upon the email listserv established by the Commission for this proceeding.

Dated this 28th day of September, 2016 in Washington, DC.

/s/ Michael Kunselman

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