# UNITED STATES OF AMERICA BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

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San Diego Gas & Electric Company

Docket No. ER99-2172-000

### MOTION TO INTERVENE AND MOTION TO CONSOLIDATE OF THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION

Pursuant to Rules 212 and 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission ("Commission"), 18 C.F.R. §§ 385.212 and 385.214, and the Commission's March 17, 1999, Notice of Filing, the California Independent System Operator Corporation ("ISO") hereby moves to intervene in the above-captioned proceeding. The ISO also moves to consolidate the above proceeding with the ongoing proceeding in <u>San Diego Gas & Electric</u>, Docket Nos. ER98-496-000, <u>et al.</u><sup>1</sup> In support thereof, the ISO states as follows:

# I. COMMUNICATIONS

Please address communications concerning this filing to the following persons:

N. Beth Emery Vice President and General Counsel Roger E. Smith, Regulatory Counsel The California Independent System Operator Corporation 151 Blue Ravine Road Folsom, CA 95630 Tel: (916) 351-2334 Fax: (916) 351-2350

J. Phillip Jordan Mark R. Klupt Sara C. Weinberg Swidler Berlin Shereff Friedman, LLP 3000 K Street, NW, Suite 300 Washington, DC 20007 Tel: (202) 424-7500 Fax: (202) 424-7643

<sup>1</sup> Also note that on March 29, 1999, in Docket Nos. ER98-496-000, <u>et al</u>., various parties are scheduled to submit a stipulation and agreement which constitutes a partial settlement related to the terms, conditions, and rates under which Reliability Must-Run services have and will be provided to the ISO. As part of the filing, a new <u>pro forma</u> Reliability Must-Run Agreement will be submitted.

### II. BACKGROUND

On March 16, 1999, Cabrillo Power I LLC ("Cabrillo Power I") tendered for filing pursuant to Section 205 of the Federal Power Act (16 U.S.C. § 824d), an amendment to the jurisdictional Reliability Must-Run Agreement applicable to the Encina Generating Station (the "Encina RMR Agreement"). The Encina RMR Agreement was originally filed in Docket Nos. ER98-496-000 and ER98-2160-000 by the San Diego Gas & Electric Company ("SDG&E") on October 31, 1997, and subsequently amended on March 11, 1998. Pursuant to its filing, Cabrillo Power I proposes to adopt the Encina RMR Agreement as its own. Cabrillo Power I has requested that the amendment become effective as of the date it acquires the plant, which will be on or about March 31, 1999.

#### III. BASIS FOR MOTION TO INTERVENE

The ISO is a non-profit public benefit corporation organized under the laws of the State of California and responsible for the reliable operation of a grid comprising the transmission systems of SDG&E, Southern California Edison Company, and Pacific Gas and Electric Company, as well as for the coordination of the competitive electricity market in California.

At issue in this proceeding is an RMR Agreement to which the ISO is a party and that could affect the reliability of the ISO Controlled Grid. The ISO therefore has an interest in this proceeding that cannot be represented by any other party. Accordingly, the ISO requests that it be permitted to intervene herein with full rights of a party.

The ISO raises no substantial issues at the present time but reserves the right to do so in any further aspects of the proceeding ordered by the Commission.

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# IV. BASIS FOR MOTION TO CONSOLIDATE

The ISO moves to consolidate this proceeding with the ongoing proceeding in <u>San Diego Gas & Electric</u>, Docket Nos. ER98-496-000, <u>et al</u>. Consolidation is appropriate as the proceeding in Docket Nos. ER98-496-000, <u>et al</u>., has been established to resolve all outstanding issues regarding RMR Agreements. The ISO submits that in light of the related nature of the two proceedings, SDG&E's assignment of the Encina RMR Agreement should be subject to the resolution of Docket Nos. ER98-496-000, <u>et al</u>.

### V. CONCLUSION

Wherefore, for the foregoing reasons, the ISO respectfully requests (1) that the Commission permit it to intervene, and that it be accorded full party status in this proceeding, and (2) that the Commission consolidate this proceeding with Docket Nos. ER98-496-000, et al.

Respectfully submitted,

Sara C. Weinberg Swidler Berlin Shereff Friedman, LLP 3000 K Street, NW, Suite 300 Washington, DC 20007 Tel: (202) 424-7500 Fax: (202) 424-7643 Attorney for the California Independent System Operator Corporation

Date: March 26, 1999

# CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, DC, on this 26<sup>th</sup> day of March, 1999.

Sara C. Weinberg

March 26, 1999

The Honorable David P. Boergers Secretary Federal Energy Regulatory Commission 888 First Street, NE Washington, DC 20426

#### Re: San Diego Gas & Electric Company Docket No. ER99-2172-000

Dear Secretary Boergers:

Enclosed for filing are one original and 14 copies of the Motion to Intervene and Motion to Consolidate of the California Independent System Operator Corporation in the above-referenced proceeding. An additional copy of the filing is also enclosed. Please stamp the additional copy with the date and time filed and return it to the messenger.

Thank you for your assistance in this matter.

Respectfully submitted,

Sara C. Weinberg Swidler Berlin Shereff Friedman, LLP 3000 K Street, NW, Suite 300 Washington, DC 20007 Tel: (202) 424-7500 Fax: (202) 424-7643

Attorney for the California Independent System Operator Corporation

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