

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

Pacific Gas and Electric Company)	Docket Nos. ER98-495-000
)	ER98-1614-000
)	ER98-2145-000
)	ER99-3603-000
)	

To: Honorable H. Peter Young

**AMENDED MOTION TO INTERVENE OF
THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION**

Pursuant to Rules 214 and 215 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), 18 C.F.R. §§ 385.214 and 385.215, the California Independent System Operator Corporation (“ISO”) hereby files an amended Motion to Intervene in the above-captioned proceeding. In support thereof, the ISO states as follows:

I. COMMUNICATIONS

Please address communications concerning this filing to the following persons:

Roger E. Smith, Senior Regulatory
Counsel
Deborah Le Vine, Director of
Contracts & Compliance
The California Independent System
Operator Corporation
151 Blue Ravine Road
Folsom, CA 95630
Tel: (916) 608-7135
Fax: (916) 351-4436

Edward Berlin
J. Phillip Jordan
Michael E. Ward
Swidler Berlin Shereff Friedman, LLP
3000 K Street, NW, Suite 300
Washington, DC 20007
Tel: (202) 424-7500
Fax: (202) 424-7643

II. BACKGROUND

On December 16, 1999, the ISO filed a Motion to Intervene in this proceeding. On December 17, 1999, the Honorable H. Peter Young, the Presiding Judge in this proceeding, directed the ISO to clarify whether it considers this motion to be timely. The following procedural history is relevant to the ISO's position on the timeliness of its motion.

The ISO was previously granted intervention in Docket No. ER98-495-000, on December 17, 1997 (81 FERC ¶ 61,332). On March 30, 1998, the Commission granted the ISO's intervenor status in Docket Nos. ER98-1614-000 and ER98-2145-000, and consolidated those dockets with Docket No. ER98-495-000 (82 FERC ¶ 61,326).

At a prehearing conference on May 13, 1999, the issues in the consolidated proceedings identified above were phased, and the issues that would subsequently be denominated Phase 1 (i.e., the issues in this proceeding) were placed on the same procedural schedule as identical issues in Docket Nos. ER98-441, *et al.* (concerning Southern California Edison units) and Docket Nos. ER98-496, *et al.* (concerning San Diego Gas and Electric Company units). The question of the consolidation or severance for hearing of certain issues in the three sets of Dockets was deferred. On October 12, 1999, Chief Administrative Law Judge Curtis Wagner directed that the issues in the instant proceeding be severed for hearing from the issues in Docket Nos. ER98-441, *et al.*, and Docket Nos. ER-441, *et al.* No new subdockets were designated for the instant proceeding.

Meanwhile, the Commission had granted the ISO's motion to intervene in Docket ER99-3603-000 on September 14, 1999 (88 FERC ¶ 61,213), and consolidated that proceeding with Docket Nos. ER98-495-000, *et al.*

In an email dated December 15, 1999, from Judge Wagner to Sidney Jubien, Senior

Staff Counsel for the California Electricity Oversight Board, Judge Wagner stated:

Unfortunately, I believe it is necessary for the parties in ER98-441 et al. who desire to participate in the severed cases to file petitions for leave to intervene. The three severed cases are NEW cases with different sub-numbers. Also, they are far more limited in issues and party interest than was the case with ER98-441 et al.

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 Pacific Gas & Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company. The ISO is responsible for the reliability of electric transmission to be scheduled through the ISO control area.

As the purchaser of the energy and ancillary services offered pursuant to the rate schedules at issue in this proceeding, the ISO has an interest in the proceeding that cannot adequately be represented by any other party. In addition, because the ISO is responsible for assuring the reliability of the ISO Controlled Grid, which will be affected by the services provided under the rate schedules, the ISO's request for intervention is in the public interest.

Based on the Commission's orders granting the ISO intervention in these the dockets and subdockets that are identified for this proceeding, the ISO believes it is already a party to this proceeding. If the Presiding Judge believes that the ISO is currently a party, the ISO requests that he so determine and deny this motion as moot.

If the Presiding Judge determines that new motions to intervene are indeed necessary, the ISO requests that he grant this motion for the reasons identified above. The ISO believes that this motion is timely under Rule 210 (18 C.F.R. § 385.210) because the Commission has

not issued a notice setting a date for new motions to intervene and this motion is therefore not outside any time prescribed. If the Presiding Judge nonetheless considers this motion untimely, the ISO requests that it be permitted to intervene out-of-time for good cause shown. In light of the complicated procedural history of this case and the Commission's prior orders, the ISO has reasonably believed it is a party. Moreover, no party will be prejudiced, because the ISO has consistently participated in this proceeding as a party to date.

Accordingly, the ISO requests that it be permitted to intervene herein with full rights of a party. The ISO requests expedited consideration of this Motion since testimony in the above-captioned dockets is due on December 22, 1999.

IV. CONCLUSION

Wherefore, for the foregoing reasons, the ISO respectfully requests that the Commission permit it to intervene, and that it be accorded full party status in this proceeding.

Respectfully submitted,

Roger E. Smith, Senior Regulatory
Counsel
Deborah Le Vine, Director of
Contracts and Compliance
California Independent System
Operator Corporation
151 Blue Ravine Road
Folsom, CA 95630
Tel: (916) 608-7135
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Edward Berlin
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Swidler Berlin Shereff Friedman, LLP
3000 K Street, NW, Suite 300
Washington, DC 20007
Tel: (202) 424-7500
Fax: (202) 424-7643

Counsel for the California Independent
System Operator Corporation

Date: December 17, 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 17th day of December, 1999.

Michael E. Ward

December 17, 1999

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

Re: **Pacific Gas and Electric Company,
Docket Nos. ER98-495-000 *et al.***

Dear Secretary Boergers:

Enclosed for filing are one original and 14 copies of the Amended Motion to Intervene of the California Independent System Operator Corporation in the above-referenced proceedings. Two copies are being provided to Judge Young. Two additional copies of the filing are also enclosed. Please stamp the two additional copies with the date and time filed and return them to the messenger.

Thank you for your assistance in this matter.

Respectfully submitted,

J. Phillip Jordan
Michael E. Ward
Swidler Berlin Shereff Friedman, LLP
3000 K Street, NW, Suite 300
Washington, DC 20007
Tel: (202) 424-7500
Fax: (202) 424-7643

Counsel for the California
Independent System Operator Corporation