

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

THE WASHINGTON HARBOUR
3000 K STREET, NW, SUITE 300
WASHINGTON, DC 20007-5116
TELEPHONE (202) 424-7500
FACSIMILE (202) 424-7647
WWW.SWIDLAW.COM

NEW YORK OFFICE
THE CHRYSLER BUILDING
405 LEXINGTON AVENUE
NEW YORK, NY 10174
TEL. (212) 973-0111
FAX (212) 891-9598

JULIA MOORE
DIRECT DIAL: (202) 295-8357
FAX: (202) 424-7643
JULIAMOORE@SWIDLAW.COM

April 15, 2003

The Honorable Magalie Roman Salas
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

**Re: California Independent System Operator Corporation
Docket No. ER03-____-000
Amendment No. 51 to the ISO Tariff**

Dear Secretary Salas:

Pursuant to Section 205 of the Federal Power Act, 16 U.S.C. § 824d, and Sections 35.11 and 35.13 of the Federal Energy Regulatory Commission's ("Commission") rules and regulations, 18 C.F.R. §§ 35.11, 35.13, the California Independent System Operator Corporation ("ISO")¹ respectfully submits for filing an original and six copies of an amendment ("Amendment No. 51") to the ISO Tariff. As described below, Amendment No. 51 relates to Settlement Statement re-runs and adjustments to Scheduling Coordinator invoices. Expedient action on this matter is imperative if the ISO is to complete a series of preparatory market re-runs that are prerequisites for the major re-run necessary in the California refund proceeding in Docket Nos. EL00-95, *et al.* (the "Refund Proceeding"). For this reason, the ISO is requesting an effective date of May 1, 2003 for this amendment.

¹ Capitalized terms not otherwise defined herein are defined in the Master Definitions Supplement, ISO Tariff Appendix A, as filed August 15, 1997, and subsequently revised.

I. PROPOSED TARIFF CHANGES

On March 26, 2003, the Commission issued an order in the Refund Proceeding stating that it expected that refunds in the Refund Proceeding would be distributed by the end of the summer.² The ISO has determined that before it even can begin to conduct the Refund Proceeding re-run, though, the ISO must ensure that the data needed for the Refund Proceeding re-run are accurate. In order to obtain accurate data, the ISO must complete certain “preparatory” adjustments and re-runs described below.

The preparatory adjustments and re-runs encompass over 18 major issues, including:

Adjustments needed to correct several cases of meter data under-reporting spanning the time period from April 1998 through June 2001.

Adjustments needed to collect and distribute settlements reached in several proceedings to resolve Good Faith Negotiations (“GFN”).

Adjustments needed to collect and disburse the settlement issued by the Commission on April 30, 2001 concerning AES Southland, Inc. and Williams Energy Marketing & Trading Company.³

Adjustments needed to collect and disburse corrections required by Energy Exchange contracts with other control areas.

Adjustments identified by the ISO Compliance Department to eliminate payments for scheduled Ancillary Service capacity that was unavailable due to uninstructed deviations, and to correct certain adjustments to payments for Regulation Reserve.

The ISO needs to complete these re-runs in order to “re-baseline” its systems in preparation for the significant re-run associated with the Refund Proceeding. One significant reason for the need for these preparatory re-runs involves the California Power Exchange (“Cal PX”). The Cal PX represented a significant portion of the market prior to ceasing operations in 2001. The Cal PX is in bankruptcy and may wind up its affairs following the conclusion of the Refund Proceeding. To ensure proper cost responsibility for the period prior to the dates covered by the Refund Proceeding, the ISO must complete, to the best of its ability, any re-runs associated with the earlier period of operations.

Efforts to conduct these preparatory adjustments and re-runs must, however, overcome the hurdle that currently, under the ISO Tariff, charges and adjustments for **past** Trade Dates are added to **current** trade month Settlement Statements and

² *San Diego Gas & Electric Co., et al.*, 102 FERC ¶ 61,317, at P 1 (2003) (“March 26 Order”).

³ *AES Southland, Inc. and Williams Energy Marketing & Trading Company*, 95 FERC ¶ 61,167 (2001).

invoices. This arrangement is not compatible with the resolution of the preparatory adjustments and re-runs. The preparatory adjustments and re-runs involve a high level of complexity due to bankruptcies in the ISO Market, the large sums of money potentially involved, and the length of time covered by the re-runs. Further, many of the preparatory adjustments and re-runs span the dates of the refund period in the Refund Proceeding – October 2, 2000 to June 20, 2001. Additionally, re-runs and major adjustments stemming from litigation or GFN/Alternative Dispute Resolution (“ADR”) results, or from directives in Commission orders, often involve payment adjustments for trade dates that are months or years prior to current trade months. Collection of these past charges on current month invoices will cause several problems:

1. Some of the Scheduling Coordinator debtors associated with the recalculated charges may be no longer active in the ISO Market. Thus, they cannot properly be assessed charges using the ISO Market mechanism.
2. Application of old charges to current invoices can expose new market entrants to charges that occurred before they were involved in the ISO Market. Equity thus requires that any such charges be kept separate from the current market charges so that a mismatch of cost causers and cost payers does not result.
3. The complexity and the extensive nature of the re-run adjustments on current Settlement Statements and large dollar invoices would add significant confusion to the clearing of current market transactions.

It is also important that adjustments to past charges do not assess improper charges to Scheduling Coordinators that were not in the market at the time of the transactions that are being adjusted.

Because of these complexities and potential difficulties, the ISO Market would benefit from having the invoicing and Settlement process for the preparatory adjustments and re-runs completely separated (*i.e.*, “walled off”) from the invoicing and Settlement process that currently is used to clear the ISO Market.⁴ Moreover, the ISO is mindful of the need to finish the preparatory adjustments and re-runs as quickly as practicable, in light of the expectation expressed in the March 26 Order that refunds in the Refund Proceeding would be distributed by the end of the summer.⁵

⁴ In Attachment C to the present filing, the ISO provides the affidavit of Donald Fuller, Director Billing & Settlements, which explains further the need for the ISO to wall off the preparatory adjustments and re-runs (“Fuller Affidavit”).

⁵ The ISO estimates that completing both the preparatory adjustments and re-runs and the Refund Proceeding re-run will require a total of about 5-6 calendar months, assuming that no other issues must be accounted for in the re-runs. Fuller Affidavit at ¶ 6. The ISO plans to be ready to begin the preparatory adjustments and re-runs by May 5, 2003.

Therefore, the ISO respectfully requests that the Commission approve the proposed modifications to the ISO Tariff included in Attachment B to the present filing,⁶ effective May 1, 2003. The first of these modifications, to Section 11.6.3.2 of the ISO Tariff, provides that the ISO Governing Board may order the cost of a Settlement Statement re-run to be borne by the Scheduling Coordinator requesting it, unless the circumstances described apply. Further, the ISO proposes to modify Section 11.6.3.3 to remove the last sentence of the section, which provides that the net balance of all adjustments shall go into a balancing account, as a debit or credit, to the Grid Management Charge. Another proposed change is the addition of Section 11.6.3.4, providing that re-runs and the financial outcomes of dispute resolution may be invoiced separately from monthly market activities, and that the ISO will give a market notice at least 30 days prior to such invoicing identifying the components of such invoice. Finally, the ISO proposes that Section 11.9 be modified to reiterate that re-runs and the financial outcomes of dispute resolution may be invoiced separately from market activities, and that the ISO will provide a market notice at least 30 days prior to such invoicing identifying the components of such invoice.

Adjustments to the invoices of Scheduling Coordinators affected by the ISO Tariff modifications described above will be done separately from current month invoices in the following manner. Late payments are subject to normal ISO credit practice, including the possibility of a late payment penalty and interest charges at the default interest rate, application of posted credit to satisfy the late payment, etc. Funds received from debtors will be distributed to creditors on a pro rata basis.

II. TIME PERIOD FOR THE FILING OF DISPUTES

While not directly related to the "wall-off" of invoices, the ISO wishes to note another issue related to the complexity noted earlier. This relates to the dispute window in the ISO Tariff that provides SCs eight business days to file a dispute on their Settlement Statements. Some Market Participants have stated that the current Tariff requirement allowing eight business days to file disputes will not allow for a successful review of the extensive number of statements they will receive during the rerun processes. The ISO appreciates this issue and has agreed to take steps to assist Scheduling Coordinator review of the statements. The ISO will provide Settlement Detail Files for all settlement statements in the rerun, whereas in the past they have not been provided. Also, the ISO will provide regular communications to SCs regarding the issues that will be included in the preparatory rerun. This additional information will greatly assist SCs in their statement analysis.

The ISO opposes a change in the dispute window based on its understanding of the Commission's schedule to implement the California refunds. A change in the

⁶ On March 27, 2003, the ISO Governing Board authorized ISO Management to file Tariff amendments to allow major re-run invoicing to occur separately from the current Tariff invoicing provisions.

dispute window would have a day-for-day impact on the ISO's schedule to complete the rerun work. It even could have a doubling effect, meaning a change in the dispute window would add that amount of time to the schedule after the preparatory rerun and again after the refund rerun. If, however, the refund timeline is delayed for any reason, allowing more time for review of preliminary statements would provide SCs a more thorough and detailed analysis of their statements. If this extra time is available in the schedule, the ISO would not oppose allowing SCs 12-15 business days at the end of each month's statements in the reruns to file disputes on those statements, rather than the current eight-day period.

III. EFFECTIVE DATE

For the reasons described above, the ISO respectfully requests that the Commission issue an order concerning the present filing as soon as possible, and make the modifications proposed in this filing effective as of May 1, 2003. In this regard, the ISO requests that the Commission shorten the period for comments on this filing, to allow their resolution as quickly as possible. Due to the urgency of the re-runs to be performed, the ISO submits that good cause exists, in accordance with Section 35.11 of the Commission's regulations, 18 C.F.R. § 35.11, for the Commission to approve the requested effective date. Approval by the Commission by May 1, 2003 will facilitate the current re-run schedule, which calls for the preparatory re-runs to begin on May 5, 2003.

IV. COMMUNICATIONS

Communications regarding this filing should be addressed to the following individuals, whose names should be placed on the official service list established by the Secretary with respect to this submittal:

Charles F. Robinson
General Counsel
Gene L. Waas
Regulatory Counsel
The California Independent System
Operator Corporation
151 Blue Ravine Road
Folsom, CA 95630
Tel: (916) 351-4400
Fax:(916) 608-7296

David B. Rubin
Bradley R. Miliauskas
Swidler Berlin Shereff Friedman, LLP
3000 K Street, NW
Suite 300
Washington, DC 20007
Tel: (202) 424-7500
Fax: (202) 424-7643

V. SERVICE

The ISO has served copies of this letter, and all attachments, on the Public Utilities Commission of the State of California, the California Energy Commission, the

California Electricity Oversight Board, and on all parties with effective Scheduling Coordinator Service Agreements under the ISO Tariff. In addition, the ISO is posting this transmittal letter and all attachments on the ISO Home Page.

VI. ATTACHMENTS

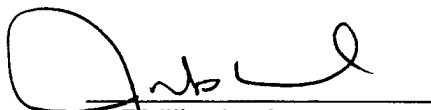
The following documents, in addition to this letter, support this filing:

- | | |
|--------------|---|
| Attachment A | Revised Tariff sheets to implement Amendment No. 51 to the ISO Tariff, if necessary as described above |
| Attachment B | Black-lined Tariff provisions showing the proposed changes contained in Amendment No. 51 |
| Attachment C | Affidavit of Donald L. Fuller |
| Attachment D | Notice of this filing, suitable for publication in the Federal Register (also provided in electronic format). |

Two extra copies of this filing are also enclosed. Please stamp these copies with the date and time filed and return them to the messenger.

Please feel free to contact the undersigned if you have any questions concerning this matter.

Respectfully submitted,



Charles F. Robinson
General Counsel
Gene L. Waas
Regulatory Counsel
The California Independent System
Operator Corporation
151 Blue Ravine Road
Folsom, CA 95630

J. Phillip Jordan
David B. Rubin
Julia Moore
Bradley R. Miliauskas
Swidler Berlin Shereff Friedman, LLP
3000 K Street, NW
Suite 300
Washington, DC 20007

Attorneys for the California Independent System Operator Corporation

Enclosures

ATTACHMENT A

11.6.2 Basis for Billing and Payment.

The Preliminary and the Final Settlement Statements shall constitute the basis for billing and associated automatic funds transfers in accordance with this ISO Tariff. The Preliminary Settlement Statement shall constitute the basis for billing and associated automatic funds transfers for all charges in the first instance. The Final Settlement Statement shall constitute the basis for billing and associated automatic funds transfers for adjustments to charges set forth in the Preliminary Settlement Statement. Each Scheduling Coordinator shall pay any net debit and shall be entitled to receive any net credit shown in an invoice on the Payment Date, whether or not there is any dispute regarding the amount of the debit or credit.

11.6.3 Settlement Statement re-runs and post final adjustments.

The ISO is authorized to perform Settlement Statement re-runs following approval of the ISO Governing Board. A request to perform a Settlement Statement re-run may be made at any time by a Scheduling Coordinator by notice in writing to the ISO Governing Board. The ISO Governing Board shall, in considering whether to approve a request for a Settlement Statement re-run, determine in its reasonable discretion, whether there is good cause to justify the performance of a Settlement Statement re-run.

11.6.3.1 If a Settlement Statement re-run is ordered by the ISO Governing Board, the ISO shall arrange to have the Settlement Statement re-run carried out as soon as is reasonably practicable following the ISO Governing Board's order, subject to the availability of staff and computer time, compatible software, appropriate data and other resources.

11.6.3.2 The Governing Board may order the cost of a Settlement Statement re-run to be borne by the Scheduling Coordinator requesting it, unless the Settlement Statement re-run was needed due to a clerical oversight or error on the part of the ISO staff.

11.6.3.3 Where a Settlement Statement re-run indicates that the accounts of Scheduling Coordinators should be debited or credited to reflect alterations to Settlements previously made under this ISO Tariff, for those Scheduling Coordinators affected by the statement re-run, the ISO shall reflect the amounts to be debited or credited in the next Preliminary Settlement Statements that it issues following the Settlement Statement re-run to which the provisions of this Section 11 apply.

11.6.3.4 Reruns, post closing adjustments and the financial outcomes of Dispute Resolution may be invoiced separately from monthly market activities. The ISO shall provide a market notice at least 30 days prior to such invoicing identifying the components of such invoice.

11.7 Confirmation and Validation.

11.7.1 Confirmation.

It is the responsibility of each Scheduling Coordinator to notify the ISO if it fails to receive a Preliminary Settlement Statement or a Final Settlement Statement on the date specified for the publication of such Settlement Statement in the ISO Payments Calendar. Each Scheduling Coordinator shall be deemed to have received its Settlement Statement on the dates specified, unless it notifies the ISO to the contrary.

11.7.2 Validation.

Each Scheduling Coordinator shall have the opportunity to review the terms of the Preliminary Settlement Statements that it receives. The Scheduling Coordinator shall be deemed to have validated each Preliminary Settlement Statement unless it has raised a dispute or reported an exception within eight (8) Business Days from the date of issuance. Once validated, a Preliminary Settlement Statement shall be binding on the Scheduling

11.8.4 No Co-Mingling.

The ISO shall not co-mingle any funds standing to the credit of an ISO Account with its other funds and shall promptly withdraw any amounts paid into an ISO Account representing amounts paid for the account of the ISO.

11.9 Invoices.

The ISO shall prepare and send to each Scheduling Coordinator two invoices for each calendar month. The first invoice will be based on the Preliminary Settlement Statements and the second invoice will be based on the Final Settlement Statement(s). Each invoice will show amounts which are to be paid by or to each Scheduling Coordinator, the Payment Date, being the date on which such amounts are to be paid or received and details of the ISO Clearing Account to which any amounts owed by Scheduling Coordinators are to be paid. Returns, post closing adjustments and the financial outcomes of Dispute Resolution may be invoiced separately from monthly market activities. The ISO shall provide a market notice at least 30 days prior to such invoicing identifying the components of such invoice.

11.10 Instructions for Payment.

Each Scheduling Coordinator shall remit to the ISO Clearing Account the amount shown on the invoice as payable by that Scheduling Coordinator for value not later than 10:00 a.m. on the Payment Date.

11.11 ISO's Responsibilities.

On the due date for payment of amounts shown in an invoice, the ISO shall ascertain whether all amounts required to be remitted to the ISO Clearing Account have been credited to it. If any such amount has not been so credited, it shall ascertain which Scheduling Coordinators have failed to pay the amount owed by them and it may take steps to recover any overdue amount.

ATTACHMENT B

Amendment 51 Tariff Changes
Black-Line Version

11.6.3 Settlement Statement re-runs and post final adjustments.

The ISO is authorized to perform Settlement Statement re-runs following approval of the ISO Governing Board. A request to perform a Settlement Statement re-run may be made at any time by a Scheduling Coordinator by notice in writing to the ISO Governing Board. The ISO Governing Board shall, in considering whether to approve a request for a Settlement Statement re-run, determine in its reasonable discretion, whether there is good cause to justify the performance of a Settlement Statement re-run.

11.6.3.1 If a Settlement Statement re-run is ordered by the ISO Governing Board, the ISO shall arrange to have the Settlement Statement re-run carried out as soon as is reasonably practicable following the ISO Governing Board's order, subject to the availability of staff and computer time, compatible software, appropriate data and other resources.

11.6.3.2 The Governing Board may order ~~that~~ the cost of a Settlement Statement re-run shall ~~to~~ be borne by the Scheduling Coordinator requesting it, unless the Settlement Statement re-run was needed due to a clerical oversight or error on the part of the ISO staff.

11.6.3.3 Where a Settlement Statement re-run indicates that the accounts of Scheduling Coordinators should be debited or credited to reflect alterations to Settlements previously made under this ISO Tariff, for those Scheduling Coordinators affected by the statement re-run, the ISO shall reflect the amounts to be debited or credited in the next Preliminary Settlement Statements that it issues following the Settlement Statement re-run to which the provisions of this Section 11 apply. ~~The net balance of all adjustments shall go into a balancing account, on a debit or credit, to the Grid Management Charge.~~

11.6.3.4 Reruns, post closing adjustments and the financial outcomes of Dispute Resolution may be invoiced separately from monthly market activities. The ISO shall provide a market notice at least 30 days prior to such invoicing identifying the components of such invoice.

* * *

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The ISO shall prepare and send to each Scheduling Coordinator two invoices for each calendar month. The first invoice will be based on the Preliminary Settlement Statements and the second invoice will be based on the Final Settlement Statement(s). Each invoice will show amounts which are to be paid by or to each Scheduling Coordinator, the Payment Date, being the date on which such amounts are to be paid or received and details of the ISO Clearing Account to which any amounts owed by Scheduling Coordinators are to be paid. Reruns, post closing adjustments and the financial outcomes of Dispute Resolution may be invoiced separately from monthly market activities. The ISO shall provide a market notice at least 30 days prior to such invoicing identifying the components of such invoice.

ATTACHMENT C

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

California Independent System)
Operator Corporation) Docket No. ER03-____-000

**AFFIDAVIT OF MR. DONALD FULLER CONCERNING THE NEED TO
INITIATE IMMEDIATELY CERTAIN CHANGES IN THE ISO TARIFF TO
ALLOW FOR THE COMPLETION OF SPECIAL SETTLEMENT RERUNS**

1. My name is Mr. Donald Fuller and I am currently employed by the California Independent System Operator (ISO) as the Director of Billing and Settlements. My business address is 151 Blue Ravine Road, Folsom, California 95630.

2. I oversee the operation of the ISO's financial settlement systems to ensure that sellers, buyers and other parties interacting with the ISO markets are paid and charged appropriately according to the settlement provisions of the ISO Tariff. In my current position I oversee a staff of 33 professionals and analysts who are responsible for settling the wholesale electricity activities for all of the ISO's participants, and producing preliminary and final settlement statements and invoices. In addition, my staff is often called upon to produce estimates of the impacts of various hypothetical changes in the ISO's Settlement procedures or in various inputs to the settlement process and to develop the algorithms and processes required to implement changes to the ISO Tariff. I am also responsible for the

billing and settlements activity that will be required of the ISO in order to implement the final order of the Commission as related to refunds in Docket No. EL00-95 and the associated proceedings (collectively, the Refund Proceeding).

3. In my previous position with the ISO, I was Director of Client Relations for 4 years where my responsibilities included working directly with Scheduling Coordinators on settlement disputes and a broad range of business and operational issues involving clients. During this time, I was also involved in the ISO settlement and billing systems and effects of the ISO tariff and other regulatory provisions.
4. Prior to joining the ISO, I was employed for over twenty years at Westinghouse Electric Corporation in its power generation businesses. I held various management positions during this time, most recently as Manager of Subsidiary Operations where I had direct profit/loss responsibility. I hold a B.S. degree in Electrical Engineering from Oregon State University in Corvallis, Oregon and an MBA, with an emphasis in finance, from Widener University in Chester, Pennsylvania.
5. I expect the Refund Proceeding will result in System recalculations for every day from October 2, 2000 to June 20, 2001 (the Refund Period). In addition to the Refund Proceeding rerun, the ISO has begun work on additional adjustments and a preparatory production rerun that must precede the Refund Proceeding recalculations. These preparatory adjustments and reruns are required so that the Refund Proceeding rerun

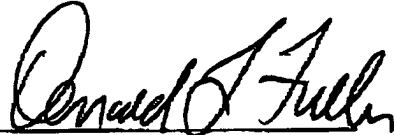
will proceed with the most accurate and complete information. The ISO also anticipates that it will perform a compliance rerun as a result of the final FERC order on the refund matter, which means that unrelated adjustments can not be included during the actual Refund Proceeding rerun. As a part of the preparatory rerun process the ISO also intends to perform manual adjustments to resolve several open issues that occurred prior to the Refund Period. Claims and adjustments relative to the California Power Exchange (PX) are best dealt with, if they can be totally identified, and charged in production prior to the end of the Refund Proceeding rerun as it is anticipated that the PX may not continue to exist after that time. Finally, we are placing a high priority on resolution of all Good Faith Negotiations (GFN) in this period so that most, if not all, of the adjustment activity through mid-2001 will be accomplished when the preparatory adjustments/reruns and the Refund Proceeding rerun are completed. In total, the preparatory reruns/adjustments encompass over 18 issues with financial and other impacts.

6. The ISO estimates that the preparatory reruns/adjustments and the Refund Proceeding rerun will require a total of 5-6 calendar months to complete. This estimate assumes: that no other issues will be included in the rerun, that adequate computing capability is available, and a consistent and intensive effort from ISO staff, likely requiring evening and weekend work.

7. Based on my experience, and consistent with the views of my staff, the complexity and volume of the charges during the preparatory and Refund Proceeding reruns demand that they be invoiced separately from current trading activity. Scheduling Coordinators will receive settlement statements for over 260 days in each of the preparatory and Refund Proceeding reruns and invoices in aggregate totaling billions of dollars. Separating this invoicing from current market invoicing will reduce complexity and confusion. For this reason, I strongly support the fact that the ISO is seeking approval to modify its tariff to allow for financially clearing the preparatory rerun/adjustments separately from current market clearing requirements.
8. This matter was presented to the ISO Governing Board on March 26, 2003 and received its approval.
9. I anticipate that the proposed Tariff language also will provide flexibility to utilize this approach for similar situations in the future, permitting the “walling off” of future reruns/adjustments, including bankruptcies, with appropriate notice to the Market.

10. Further, the timing of this proposed change to the Tariff is critical to completion of the Refund Proceeding rerun. This change is needed to begin the preparatory rerun, so accelerated consideration of the change is requested to prevent delay in implementation of the Refund Proceeding rerun.

I swear that the facts contained in the affidavit provided above are true to the best of my knowledge, information, and belief.

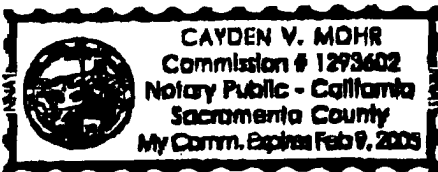


Donald L. Fuller

Subscribed and sworn to before
me on this 15th day of April, 2003.

Notary Public: 

My Commission Expires: 2/9/05



ATTACHMENT D

**NOTICE SUITABLE FOR PUBLICATION IN THE
FEDERAL REGISTER**

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

**California Independent System Operator) Docket No. ER03-_____ -000
Corporation)**

Notice of Filing

[]

Take notice that on April 15, 2003 the California Independent System Operator Corporation ("ISO") tendered for filing with the Commission Amendment No. 51 to the ISO Tariff. The purpose of Amendment No. 51 is to modify the Tariff to facilitate conducting market re-runs necessary in anticipation of the major market re-run required by the Commission in Docket Nos. EL00-95, *et al.*

The ISO states that this filing has been served on the Public Utilities Commission of the State of California, the California Energy Commission, the California Electricity Oversight Board, and all parties with effective Scheduling Coordinator Agreements under the ISO Tariff.

The ISO is requesting waiver of the 60-day notice requirement to allow Amendment No. 51 be made effective May 1, 2003.

Any person desiring to be heard or to protest the filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. §§ 385.211 and 385.214). All such motions or protests must be filed in accordance with § 35.9 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).