

Regarding the specific requests at issue here:

1. **SMD-ISO-2.1 and 2.2.** The ISO has discussed what SMUD regards as the shortcomings in its responses to these requests provided on April 14, 2005 and April 19, 2005 respectively. The ISO has agreed to provide the additional information requested by SMUD. The ISO will provide the response to SMD-ISO-2.1 by May 3, 2005 (tomorrow). The ISO believes that it can respond by Friday, May 6, 2005 and possibly sooner.

2. **SMD-ISO-2.4.** The ISO provided invoices in response to this request on April 19, 2005. Subsequently, counsel for SMUD in an e-mail on April 27 stated that it required “an answer 2.4 to the extent it requests that the ISO confirm any late/non-payments” of the invoices. The ISO discussed the matter internally and determined it would provide the requested information regarding non-payment of invoices but not that regarding late payment of invoices. Counsel for the ISO conveyed to SMUD via e-mail on April 29, 2005 that it regarded information regarding late payment of invoices to be overly burdensome to produce in light of its lack of relevance to the issues in this proceeding.

Counsel for SMUD now characterizes the ISO’s position on 2.4 as a late objection to the original question in 2.4. SMUD Motion at 4. The original question, however, says nothing about late payment of invoices. Instead, the relevant language is as follows:

Please detail all instances where an above invoice payment was either (a) **not paid** by the Scheduling Coordinator or proxy scheduling coordinator of the above portfolios in its entirety when the invoice was a net payment due to the CAISO, or (b) the CAISO did **not pay** the Scheduling Coordinator(s) or proxy scheduling coordinator(s) of the above portfolios in its entirety when the invoice was a net payment due to the Scheduling Coordinator(s) or proxy scheduling coordinator(s) of the above portfolios.

It is clear that the original question requests information regarding non-payments (which the ISO has agreed to produce) but not about late payment. There is thus no issue here of an out of time

objection on the part of the ISO.

The ISO will provide the information regarding non-payment of the invoices by May 3, 2005 (tomorrow).

Respectfully submitted,

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CERTIFICATE OF SERVICE

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

Dated at Folsom, CA, on this 2nd day of May, 2005.

/s/ Gene L Waas
Gene L. Waas