

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

San Diego Gas & Electric Company,)	
Complainant,)	
)	Docket Nos. EL00-95-000, <i>et al.</i>
)	
v.)	
)	
Sellers of Energy and Ancillary Services)	
Into Markets Operated by the California)	
Independent System Operator and the)	
California Power Exchange,)	
Respondents)	
)	
Investigation of Practices of the California)	Docket Nos. EL00-98-000, <i>et al.</i>
Independent System Operator and the)	
California Power Exchange)	

**RESPONSE OF THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR TO
CALIFORNIA PARTIES' MOTION FOR RELEASE OF ISO/PX DATA
AND REQUEST FOR EXPEDITED TREATMENT**

Pursuant to Rule 213 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213 (2001), and the Commission's August 18, 2008 "Notice Shortening Answer Period," the California Independent System Operator Corporation ("ISO") hereby submits its answer to the California Parties' Motion for Release of ISO/PX Data and Request for Expedited Treatment ("Cal Parties' Motion"), filed in the above-captioned dockets on August 16, 2006.

I. ANSWER

A. Date for Release of Data

In their Motion, the California Parties request that the Commission order the ISO and PX to release certain data by August 31, 2006 in order to facilitate settlement discussions between the California Parties and other parties to this proceeding. The ISO does not object to the Commission requiring the ISO to release the data specified by the California Parties. However, after researching this issue internally, the ISO has determined that it will not be able to prepare and release this data by the date requested. The ISO requires until September 6, 2006 to complete the process of assembling and releasing the data. Therefore, the ISO requests that the Commission, in any order requiring the ISO and PX to release the data requested by the California Parties, set the date for such release no earlier than September 6, 2006.

B. Scope of Data Requested

Some of the categories of data requested by the California Parties from the ISO involve some adjustments that have not yet been performed by the ISO. For example, the California Parties request data on the allocation of Good Faith Negotiations (“GFNs”). However, the ISO is still in the midst of resolving several GFNs, or making adjustments to account for the resolution of GFNs, that relate to the period identified by the California Parties. Therefore, ISO data released in the next several weeks would necessarily not include adjustments relating to these GFNs. The ISO requests that the Commission make clear in any order requiring the release of the identified data that such data shall be limited to adjustments made as of the date of release.

C. Confidentiality of Data

In their Motion, the California Parties state that confidentiality concerns should not delay the release of the requested data because the data relate to transactions entered into years ago, and that earlier versions of this data have been made public. The California Parties therefore request that the Commission order the ISO and PX to make the requested data available without condition. The ISO does not oppose the California Parties' request, but requests that the Commission's order either direct that the data be made public or, alternatively, that it be released subject to a protective order. Although much of the data that the California Parties request has been made public, it is certainly the case that some of it has not been made public. Determining which data falls into which category would be an extremely difficult and time-consuming task. Moreover, the confidentiality protections afforded by the ISO Tariff, which cover much of the non-public data requested by the California Parties, do not expire by operation of time. Of course, any Commission order stating that such data should be made public would override the applicable confidentiality provisions of the ISO Tariff. However, absent a Commission order stating that the data will be made available on a public basis, it would be impossible for the ISO to determine which data would need to be released as protected, and which could be made available publicly, under the tight timeframe contemplated for release. The ISO would need at least several more weeks to determine which data would need to be protected, and which could be released publicly. As an alternative, the ISO could release the entire data set subject to protection in order to expedite release. The ISO understands, however, that neither of these outcomes is ideal.

II. CONCLUSION

The ISO requests that the Commission accept the foregoing answer, and consider it as part of its deliberations on the California Parties' Motion.

Respectfully submitted,

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