

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

Public Utilities Providing Service in)
California under Sellers' Choice Contracts) Docket No. EL04-108-000
)
)

**COMMENT IN SUPPORT OF MOTION TO DEFER PREHEARING
CONFERENCE AND PROCEDURAL SCHEDULE**

**To: The Honorable Curtis L. Wagner, Jr.
Chief Administrative Law Judge**

Pursuant to Rule 213 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission ("FERC" or "Commission"), 18 C.F.R. § 385.213 (2004), the California Independent System Operator Corporation ("CAISO") files this brief comment in support of the "Motion To Defer Prehearing Conference and Procedural Schedule" ("Motion") filed this date by the California Energy Resources Scheduling Division ("CERS") of the California Department of Water Resources ("CDWR").

As noted in the Motion, the CAISO supports and endorses the request in the Motion that the prehearing conference scheduled for April 5, 2005, be postponed to April 12, 2005, and that the date on which the parties are to inform the Chief Judge and Presiding Administrative Law Judge as to whether all parties have reached settlements be deferred to five days prior to the rescheduled prehearing conference. The CAISO has from the outset believed negotiated settlement of the seller's choice issues concerning the CERS contracts to be the best course to ensure the CAISO's ability to implement

locational marginal pricing. CERS and most of its counter-parties have already reached resolutions satisfactory to them. Only a couple of contracts remain, and as reflected in the Motion, with respect to those, CERS and its counter-parties are very close to resolution. Based on discussions with the parties involved, and the representations in the Motion, the CAISO is cautiously optimistic that final documentation of settlements with respect to these last two contracts can be signed within the one week “breathing time” requested in the Motion. It has been a long road, longer than the CAISO would have preferred, but CERS and its counter-parties have worked diligently and in seeming good faith to overcome real complexities in order to get this far; now, when they are so near success, does not seem the time to disrupt those efforts by requiring parties to deal even with the first stages of a litigation schedule.

Respectfully submitted,

/s/ J. Phillip Jordan

Charles F. Robinson
General Counsel
Sidney Mannheim Davies
Senior Regulatory Counsel

California Independent System
Operator Corporation
151 Blue Ravine Road
Folsom, CA 95630
Tel: (916) 351-4400
Fax: (916) 608-7296

J. Phillip Jordan
Ronald E. Minsk

Swidler Berlin LLP
3000 K Street, N.W
Washington, D.C. 20007
Tel: (202) 424-7500
Fax: (202) 424-7647

cc: The Honorable William J. Cowan

Dated: March 30, 2005

Certificate of Service

I hereby certify that I have this day served a copy of this document by posting it to the public document listserv, consistent with the guidelines contained in the Presiding Administrative Law Judge's Prehearing Order of July 1, 2004. Dated at Washington, DC this 30th day of March, 2005.

/s/ *Ronald E. Minsk*
Ronald E. Minsk