

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

Cabrillo Power II, LLC

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Docket No. ER09-307-000

**MOTION TO INTERVENE AND COMMENTS OF THE
CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION**

Pursuant to Rule 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), 18 C.F.R. § 385.214, and the Commission’s November 20, 2008, Notice of Filing, the California Independent System Operator Corporation (“CAISO”) submits this Motion to Intervene in the above captioned proceeding. In support thereof, the CAISO states as follows:

I. DESCRIPTION OF THE PROCEEDING

On November 14, 2008 Cabrillo Power II, LLC (“Cabrillo II”) submitted a Notice of Termination of the Reliability Must-Run Agreement (“RMR Agreement”) with the CAISO. By its Notice issued November 20, 2008, the Commission established December 5, 2008, as the date motions to intervene are to be filed in the above-captioned proceeding.

II. DESCRIPTION OF THE ISO AND COMMUNICATIONS

The CAISO is a non-profit public benefit corporation organized under the laws of the State of California with its principal place of business at 151 Blue Ravine Road, Folsom, CA 95630. The CAISO is the Balancing Authority Area operator responsible for the reliable operation of the electric grid comprising the transmission systems of a number of utilities including San Diego Gas and

Electric Company (“SDG&E”), Southern California Edison Company, and Pacific Gas and Electric Company, as well as the coordination of the ancillary services and real-time electricity markets in California.

The CAISO requests that all communications and notices concerning this motion and these proceedings be provided to:

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III. CAISO’S INTEREST

Cabrillo II’s RMR Unit is located within SDG&E’s service area. This facility is needed to maintain the reliability of the ISO Controlled Grid. As the Balancing Authority Area operator and as the counter party to the RMR Agreement, the CAISO has a unique interest in any Commission proceeding that affects any RMR Agreement. Accordingly, the CAISO has a direct and substantial interest in this proceeding and requests that it be permitted to intervene. Because no other party can adequately represent the CAISO’s interests in this proceeding, the CAISO’s intervention is in the public interest and should be granted.

IV. COMMENTS

At its October 29, 2008 meeting, the CAISO Board of Governors removed the dual fuel requirement for the San Diego local area. In light of this change, the fact that the CAISO can obtain Black Start from Cabrillo II pursuant to the Interim Black Start Agreement, filed by Cabrillo II in docket No. ER09-308, and the fact that the resource is under a resource adequacy contract, the CAISO has concluded that it can obtain the same level of reliability services from Cabrillo II as provided in the RMR Agreement and, therefore the RMR Agreement is not necessary. Accordingly, the CAISO agrees that the RMR Agreement can be terminated.

V. CONCLUSION

For the foregoing reasons, the CAISO respectfully requests that the Commission grant this Motion to Intervene and make the CAISO a party in the above-caption proceeding with full rights of participation.

Dated: December 5, 2008

Respectfully submitted

/s/ Sidney Mannheim Davies

Sidney Mannheim Davies

CERTIFICATE OF SERVICE

I hereby certify that I have, this 5th day of December 2008, caused to be served a copy of the forgoing document upon all parties listed on the official service list compiled by the Secretary of the Federal Energy Regulatory Commission in this proceeding.

/s/ Anna Pascuzzo
Anna Pascuzzo