

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

Pacific Gas and Electric Company

)  
)

Docket No. ER11-2592-000

**INTERVENTION AND COMMENTS OF THE  
CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION  
ON REQUEST FOR TEMPORARY WAIVER**

Pursuant to Rules 211 through 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. §§ 385.211, 385.212, 385.213, and 385.214 (2010) and the Combined Notice of Filings dated January 3, 2011 in the above-captioned proceeding, the California Independent System Operator Corporation ("ISO") respectfully moves to intervene and file comments in the above-captioned proceeding.

**I. SUMMARY OF PG&E'S REQUEST**

On December 31, 2010, the Pacific Gas and Electric Company ("PG&E") submitted a request for a temporary waiver of the forced outage reporting requirements contained in the ISO Tariff that apply to Qualifying Facility ("QF") power purchase agreements for which PG&E is the Scheduling Coordinator. PG&E claims that it lacks the contractual ability under the QF power purchase agreements to obtain forced outage information from the QFs in order to meet the outage reporting requirements of ISO Tariff Section 40.9.5. PG&E seeks the temporary waiver of the reporting requirements in order to avoid being assessed a penalty for violating ISO Tariff 37.6.1, which provides that information required

by the ISO Tariff must be submitted to the ISO in a complete and accurate matter.<sup>1</sup>

## **II. COMMUNICATIONS**

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

Beth Ann Burns  
Senior Counsel  
California Independent System  
Operator Corporation  
250 Outcropping Way  
Folsom, CA 95630  
Tel: (916) 608-7146  
Fax: (916) 608-7222  
E-mail: [bburns@caiso.com](mailto:bburns@caiso.com)

## **III. MOTION TO INTERVENE**

The ISO is a non-profit public benefit corporation organized under the laws of the State of California, with a principal place of business at 250 Outcropping Way, Folsom, CA 95630. The ISO 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 PG&E, San Diego Gas & Electric Company, Southern California Edison Company, the Cities of Vernon, Pasadena, Anaheim, Azusa, Banning, and Riverside, California, of Atlantic Path 15, LLC and Startrans IO, L.L.C. and, with regard to the Path 15 transmission lines in California, the Western Area Power Administration, Sierra Nevada Region. As the Balancing Authority, the ISO coordinates the ancillary services and electricity markets within its Balancing Authority Area.

---

<sup>1</sup> Capitalized terms not otherwise defined herein have the same meaning as set forth in the ISO Tariff, Appendix A, Definitions.

The ISO operates under the terms of the ISO Tariff, which is on file with the Commission. PG&E's request seeks waiver from ISO Tariff Section 40.9.5, which provides that:

Scheduling Coordinators for Generating Units or Resource-Specific System Resources that are also Resource Adequacy Resources with a maximum output capability of one (1) MW or more, but which do not meet the requirement to provide information on Forced Outages in accordance with Section 9.3.10, shall provide equivalent availability-related information in the form and on the schedule specified in the Business Practice Manuals. This information shall identify all Forced Outages, non-ambient de-rates, and temperature-related ambient de-rates that have occurred over the previous calendar month and shall contain all relevant details needed to enable the CAISO to perform the availability calculation for the resource in accordance with Section 40.9.4, including: the start and end times of any Outages or de-rates, the MW availability in all Availability Assessment Hours, and the causes of any Forced Outages or de-rates. Scheduling Coordinators for Resource Adequacy Resources whose maximum output capability is ten (10) MW or more shall report Outage-related information in accordance with the reporting obligations in Section 9.3.10.

The requested waiver from this Tariff provision will temporarily relieve PG&E from the obligation to report forced outage information for the QFs that are resource adequacy ("RA") resources for which PG&E is a Scheduling Coordinator, until such time as the ISO has completed a stakeholder process to address the issues related to the scope, timing, and logistics of submitting of this information to the ISO. ISO Tariff Section 40.9.4.2 contemplates that this forced outage information will be used in the calculation of each QF RA resource's availability each month for purposes of the standard capacity product ("SCP"). ISO Tariff Section 40.9.4.1 contemplates that the information will also be included in the calculation of the availability standard for the fleet of RA resources for the following compliance year. Accordingly, the waiver of the

obligation to provide forced outage information for QFs will affect the ISO's calculation of the availability standard and determination of availability for each QF RA resource. Accordingly, the ISO has an interest in this proceeding that no other party can represent and the Commission should permit the ISO to intervene.

#### **IV. COMMENTS**

On April 28, 2009, the ISO filed its initial proposal to apply SCP to all RA capacity that is confirmed through supply plans, as an availability incentive mechanism that would assess non-availability charges to RA resources that failed to meet the availability standard each month or would identify RA resources eligible to receive an availability incentive payment if they exceeded the availability standard. In this initial proposal, the ISO did not apply SCP to RA resources whose qualifying capacity is determined by the California Public Utilities Commission ("CPUC") or a local regulation authority based on historical output data rather than maximum or nameplate capacity<sup>2</sup> because the application of SCP to those resources with qualifying capacity calculated in that manner could result in a double counting of the impact of the forced outages. On June 26, 2009, the Commission issued an order that, *inter alia*, conditionally accepted SCP and approved the exemption for the wind, solar, and QF facilities.<sup>3</sup> The order emphasized that the exemptions were temporary and directed the ISO to work with stakeholders, the CPUC, and local regulatory authorities toward ending

---

<sup>2</sup> The resources subject to this historical determination of qualifying capacity include wind and solar resources, as well as QFs that are non-dispatchable cogeneration, non-dispatchable biomass and non-dispatchable geothermal facilities.

<sup>3</sup> *Cal. Indep. Sys. Operator Corp.*, 127 FERC ¶ 61,298 (2009) ("June 26 Order").

the exemptions in a timely manner.<sup>4</sup>

On June 22, 2010, the ISO filed its SCP Phase II proposal that would, *inter alia*, apply SCP to the temporarily exempt RA resources with qualifying capacity determined by historical output, establish a three-month advisory period for the settlement of non-availability charges and availability incentive payments applicable to these resources, and extend to the RA resources with historical qualifying capacity the grandfathering provision in ISO Tariff Sections 40.9.2(2) and 40.9.2(3) that allows them to request an exemption from SCP for the initial term of the contract.

On August 20, 2010, the Commission issued an order that accepted the ISO's proposed tariff modifications to end the exemption for the RA resources with historical qualifying capacity.<sup>5</sup> In the August 20 Order, the Commission also determined that the deadline for contracts eligible for grandfathering should be August 22, 2010.<sup>6</sup> The SCP Phase II provisions became effective on January 1, 2011.

Based on the Commission's orders, the ISO has no objection to the temporary waiver PG&E has requested of the forced outage reporting requirements for the QF RA resources for which it is the Scheduling Coordinator to the extent that the contracts for these resources are grandfathered from application of the SCP under ISO Tariff Sections 40.9.2(2) or 40.9.2(3). If the requested waiver is granted, PG&E as the Scheduling Coordinator will be temporarily relieved of the obligation to submit forced outage information for

---

<sup>4</sup> *Id.* at P. 56-58.

<sup>5</sup> *Cal. Indep. Sys. Operator Corp.*, 132 FERC ¶ 61,148 (2010) ("August 20 Order").

<sup>6</sup> *Id.* at P. 26-27.

these QF RA resources. However, the absence of this forced outage information will not impact the assessment of SCP non-availability charges and availability incentive payments. As a result of having a grandfathered contract, these QF RA resources are not subject to those financial incentives.

In addition, the ISO has no objection to the requested waiver for non-grandfathered QF RA resources for the period of January 1, 2011 through March 31, 2011. Under ISO Tariff Section 40.9.6, the first three months following the January 1, 2011 effective date of SCP Phase II are an advisory period as a transitional measure for the RA resources that became subject to SCP. The intent of the advisory period is to allow these resources to observe how their management and reporting of forced outages affected the SCP availability calculation, without incurring financial consequences during the transition. Temporarily waiving the reporting requirements for the non-grandfathered QF RA resources will diminish the intended value of the advisory period but will not have actual financial impact on the assessment of the SCP incentive payments or charges.

The ISO does object to the requested waiver for the non-grandfathered QF RA resources beyond the end of the advisory period. As PG&E notes in its request, the Commission has granted temporary waivers from tariff requirements if they are limited in scope, do not have undesirable consequences, and are of benefit to customers. PGE's request as it pertains to the non-grandfathered QF RA resources beyond March 31, 2011 fails to meet the second criteria – it will have undesirable consequences. As of April 1, 2011, the advisory period will end

and these resources will be subject the SCP non-availability charges and availability incentive payments. If PG&E reports no forced outage information for these resources, the SCP calculation will treat them as 100 percent available each month and eligible to receive availability incentive payments. The ISO will not have sufficient data to determine the actual availability of these resources. As a result, availability incentive payments will be allocated to these resources regardless of their actual availability, which will decrease the amount of the availability incentive payments that will be allocated and made to the remainder of eligible RA resources. This financial impact on the other RA resources would clearly be an undesirable consequence of the requested waiver.

Further, PG&E has been aware since issuance of the June 26 Order that the exemption of the QF RA resources from SCP was only temporary. It has also been aware since issuance of the August 22 Order that the temporary exemption was ending January 1, 2011.

The ISO urges the Commission to deny the requested waiver for the non-grandfathered QF RA resources beyond the end of the advisory period. Given the adverse financial consequences and the length of time PG&E has had to develop a process to accommodate the reporting requirements, a waiver beyond March 31, 2011 is unwarranted.

## V. CONCLUSION

For the foregoing reasons, the ISO requests that the Commission grant in part and deny in part PG&E's requested waiver as discussed above.

Respectfully submitted,

**By: /s/ Beth Ann Burns**

Nancy Saracino

General Counsel

Anthony J. Ivancovich

Assistant General Counsel

Beth Ann Burns

Senior Counsel

California Independent System

Operator Corporation

250 Outcropping Way

Folsom, CA 95630

Tel: (916) 608-7146

Fax: (916) 608-7222

[bburns@caiso.com](mailto:bburns@caiso.com)

Attorneys for the California Independent  
System Operator Corporation

Dated: January 24, 2011



## CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in the above-captioned docket, in accordance with the requirements of Rule 2010 of the Commission Rules of Practice and Procedure (18 C.F.R. §385.2010).

Dated this 24<sup>th</sup> day of January, 2011 at Folsom, California.

*/s/ Anna Pascuzzo*

Anna Pascuzzo