

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

Mirant Delta, LLC ) Docket No. ER05-343-000  
Mirant Potrero, LLC )

**JOINT STATUS REPORT ON SETTLEMENT NEGOTIATIONS  
AND REQUEST FOR CONTINUED DEFERMENT OF  
THE APPOINTMENT OF A SETTLEMENT JUDGE**

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

Pursuant to the *Order of Chief Judge Deferring Appointment of Settlement Judge*, issued on April 25, 2005 in the above-captioned proceeding, the California Independent System Operator Corporation (“CAISO”), Mirant Delta, LLC and Mirant Potrero, LLC (“Mirant”), Pacific Gas and Electric Company (“PG&E”), the California Electricity Oversight Board (“EOB”), and the California Public Utilities Commission (“CPUC”) (collectively, the “Parties”) 1/ submit this Status Report and request that the Chief Judge defer appointment of a settlement judge for another thirty (30) days. In support thereof, the Parties state as follows:

**I. BACKGROUND**

On December 16, 2004, Mirant filed a Limited § 205 Filing which filing contained revisions to certain Reliability Must-Run Rate Schedules of its Reliability Must Run Agreements (“RMR Agreements”) with the CAISO for Contract Year 2005 for the Contra Costa Plant, Pittsburg Power Plant and the Potrero Power Plant. On

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1/ The Parties have authorized the CAISO to file on their behalf this Joint Status Report and Request for Continued Deferment of the Appointment of a Settlement Judge.

January 7, 2005, Mirant amended its Limited § 205 Filing to reflect a partial settlement of the issues related to its proposed revisions. On January 6, 2005, the CAISO, CPUC, PG&E and EOB filed a Joint Protest addressing two discrete issues. On January 21, 2005, Mirant filed an Answer to the Joint Protest responding to the issues raised in the Joint Protest.

On February 11, 2005, the Commission accepted for filing and suspended the proposed revisions to Mirant's 2005 RMR Agreements. In addition, the Commission initiated settlement procedures pursuant to Rule 603 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.603. On February 22, March 25 and, again on April 25, the Chief Judge granted the Parties' request to defer appointment of a settlement judge to allow the Parties time to resolve the two outstanding issues. The Chief Judge's Order requires the Parties to file a status report if no settlement had been reached by May 25, 2005.

## **II. STATUS**

During the past thirty days, the Parties have continued to actively engage in settlement negotiations. The Parties agree that an additional 30 days would allow the Parties to continue to work together productively on the remaining issues. Accordingly, the Parties wish to continue discussions and request that the Chief Judge defer appointment of a settlement judge for an additional 30 days.

## **III. CONCLUSION**

WHEREFORE, for the foregoing reasons, the Parties respectfully request that the Chief Judge defer appointment of a settlement judge in this proceeding for an additional thirty (30) days to allow the Parties to actively continue negotiations.

Dated: May 25, 2005

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Respectfully submitted

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## CERTIFICATE OF SERVICE

I hereby certify that I have this 25<sup>th</sup> day of May, 2005 caused to be served a copy of the forgoing Joint Status Report on Settlement Negotiations and Request for Continued Deferment of the Appointment of a Settlement Judge upon all parties listed on the official service list compiled by the Secretary of the Federal Energy Regulatory Commission in this proceeding.

/s/ Sidney M. Davies  
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