

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

El Segundo Power, LLC ) Docket No. ER05-363-000

**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 22, 2005 in the above-captioned proceeding, the California Independent System Operator Corporation ("CAISO"), El Segundo Power, LLC ("El Segundo"), Southern California Edison Company ("SCE"), 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 an additional thirty (30) days. In support thereof, the Parties state as follows:

**I. BACKGROUND**

On December 21, 2004, El Segundo filed a proposed Reliability Must-Run Agreement ("RMR Agreement") with the CAISO for Contract Year 2005 for the El Segundo Units 3 and 4. On January 11, 2005, the CAISO, CPUC, SCE and EOB

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

filed a Joint Protest raising several issues. On January 21, 2005, El Segundo filed an Answer to the Joint Protest.

On February 11, 2005, the Commission accepted for filing and suspended El Segundo's RMR Agreement. 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 (2004). On February 22, March 25 and again on April 22, the Chief Judge granted the Parties' requests to defer appointment of a settlement judge to allow the Parties time to resolve the outstanding issues. The Chief Judge's April 22 Order requires the Parties to file a status report if no settlement had been reached by May 23, 2005.

## **II. STATUS REPORT**

Although the Parties have not reached a settlement yet, during the past thirty days, the Parties have engaged in extensive exchanges of data and views about settlement. The Parties agree that an additional 30 days would allow the Parties to continue to work together productively towards settlement. Accordingly, the Parties 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 settlement negotiations.

Dated: May 23, 2005

Respectfully submitted

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## CERTIFICATE OF SERVICE

I hereby certify that I have this 23rd 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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