

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 March 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

---

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.

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 and, again on March 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 April 22, 2005.

## **II. STATUS**

During the past thirty days, the Parties have been actively engaged in settlement negotiations. The Parties wish to continue discussions and, to that end, 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: April 22, 2005

Stuart K. Gardiner  
Michael Yuffee  
McDermott Will & Emery LLP  
600 13<sup>th</sup> St., N.W.  
Washington, D.C. 20005

*Attorney for Mirant Delta, LLC and  
Mirant Potrero, LLC*

Kenneth L. Glick  
California Electricity Oversight Board  
770 L Street; Suite 1250  
Sacramento, CA 95814

*Attorney for the California Electricity  
Oversight Board*

Respectfully submitted

/s/ Mary Anne Sullivan

Mary Anne Sullivan  
Karin L. Larson  
Hogan & Hartson L.L.P  
555 13th Street, N.W.  
Washington, D.C. 20004

*Counsel for California Independent  
System Operator Corporation*

Stuart K. Gardiner  
Pacific Gas and Electric Company  
Law Department, B30A  
P.O. Box 7442  
San Francisco, CA 94120

*Attorney for Pacific Gas  
and Electric Company*

and

Nicholas Sher  
Public Utilities Commission of the State  
of California  
505 Van Ness Avenue, Room 5131  
San Francisco, CA 94102

*Attorney for the Public Utilities  
Commission of the State of California*

## CERTIFICATE OF SERVICE

I hereby certify that I have this 22<sup>nd</sup> day of April, 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  
Sidney Mannheim Davies  
Senior Regulatory Counsel  
California Independent System  
Operator Corporation  
151 Blue Ravine Road  
Folsom, CA 95630