# UNITED STATES OF AMERICA BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

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California Independent System Operator Corporation	) Docket Nos. ER01-313-000 and ER01-313-001
Pacifica Gas & Electric Company	) Docket Nos. ER01-424-000 and ) ER01-424-001

## MOTION OF THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION TO SUPPLEMENT RECORD

Pursuant to Rule 212 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.212, the California Independent System Operator Corporation ("ISO") respectfully moves the Commission to supplement the record in the above-identified docket with the attached letter dated May 20, 2002, from Eddie Lim, Chair of the Compliance Monitoring and Operating Practices Subcommittee ("CMOPS") of the Operating Committee of the Western Electricity Coordinating Council ("WECC").

#### DISCUSSION

In the proceeding before Presiding Judge Bobbie J. McCartney, the ISO presented testimony, based on, *inter alia*, a deposition of WECC staff, that the ISO's Control Area load responsibility under WECC Minimum Operating Reliability Criteria included behind-the-meter load served by Qualifying Facilities. In their Brief on Exceptions at, the Cogeneration Association of California and the Energy Producers and Consumers Coalition ("CAC/EPUC") argued that the testimony of WECC staff did

not represent an official WECC position and asserted on information and belief that CMOPS had recently voted against the interpretation of load responsibility set forth by WECC staff. In its Brief Opposing Exceptions, the ISO explained that no action had been taken rejecting that the WECC staff interpretation, and it remained operative.

The attached letter confirms the ISO's conclusions about the WECC position.

Unfortunately, counsel was unable to obtain a copy of the letter prior to the deadline for the Brief Opposing Exceptions. Nonetheless, because CAC/EPUC attempted to introduce new evidence on this issue, albeit on information and belief, the Commission should permit the ISO to supplement the record with documentary evidence that responds to CAC/EPUC's contention.

#### CONCLUSION

For the reasons described above, the Commission should grant the ISO's motion and accept into the record the attached letter.

Respectfully Submitted,

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Dated: July 3, 2002

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### **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the service list compiled by the Secretary in this proceeding.

Dated at Washington, DC, this 3<sup>rd</sup> day of July, 2002.

Julia Moore (202) 295-8357