

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

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

**MOTION TO INTERVENE OF THE
CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION**

Pursuant to Rule 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), 18 C.F.R. § 385.214 (2004), the California Independent System Operator Corporation (“ISO”) submits this Motion to Intervene in the captioned proceeding.

I. Description of the Proceeding

On December 16, 2004, Mirant Delta, LLC (“Mirant Delta”) and Mirant Potrero, LLC (“Mirant Potrero”) (collectively “Mirant”) filed, pursuant to Section 205 of the Federal Power Act (“FPA”), its Limited 205 Filing. The Limited 205 Filing contains revisions to certain Reliability Must-Run Rate Schedules of its Reliability Must Run Agreements (“RMR Agreements”) with the ISO for Contract Year 2005 for the generation units currently owned by Mirant Delta, the Contra Costa Power Plant Units 4, 5 and 7, and Pittsburg Power Plant Units 5 and 6, and those currently owned by Mirant Potrero, commonly known as the Potrero Power Plant Units 3, 4, 5 and 6 (collectively the “RMR Units”). ^{1/} Mirant’s Limited 205

^{1/} Because the generation units covered by these agreements must operate at certain times for the reliability of the transmission grid, they are referred to as “reliability must-run” or RMR Units and the agreements covering them are referred to as “RMR Agreements.” Other capitalized terms that are not defined in this filing have the same meaning set forth in the RMR Agreements or in the Master Definitions Supplement, Appendix A to the ISO Tariff.

Filing proposes a number of changes to the rate schedules for the RMR Agreements including the: (1) Air Emissions Limitations; (2) Contract Service Limits; (3) Hourly Availability Charges and Penalty Rates; (4) Capital Item Charges and Penalty Rates for the RMR; (5) Prepaid Start-up Costs; (6) Outage Hours; (7) Owner's Repair Cost Obligations; (8) Annual Fixed Revenue Requirements ("AFRRs"); and (9) Variable O&M Rates ("VOM Rates"). Mirant requested an effective date of January 1, 2005. On December 23, 2004, the Commission issued a "Notice of Filing" setting January 6, 2005, as the date for interventions, comments and protests.

As noted in Mirant's December 16, 2005 Transmittal Letter, Mirant, ISO and PG&E have been engaged in settlement negotiations regarding Mirant's 2005 RMR Filing. Mirant, ISO and PG&E anticipate filing an Offer of Partial Settlement in the near future which resolves all issues in this proceeding related to (i) Owner's Repair Cost Obligations; (ii) AFRRs; and (iii) VOM Rates. This intervention is for purposes of addressing other issues.

II. Description of the ISO and Communications

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 151 Blue Ravine Road, Folsom, CA 95630. The ISO is the Control Area Operator responsible for the reliable operation of a grid comprising of the transmission systems of a number of public utilities including the Pacific Gas and Electric Company ("PG&E"), as well as for the coordination of the competitive ancillary services and real-time electricity markets in California.

The ISO requests that all communications and notices concerning this motion and these proceedings be provided to: 2/

Sidney L. Mannheim
Regulatory Counsel
California Independent System
Operator Corporation
151 Blue Ravine Road
Folsom, CA 95630
916-608-7144 (tel)
916-608-7222 (fax)
sjubien@caiso.com

Robert C. Kott
Manager of Reliability Contracts
California Independent System
Operator Corporation
151 Blue Ravine Road
Folsom, CA 95630
916-608-5804 (tel)
916-351-2487 (fax)
rkott@caiso.com

Mary Anne Sullivan
Hogan & Hartson L.L.P.
555 Thirteenth Street, N.W.
Washington, D.C. 20004
202-637-3695 (tel)
202-637-5910 (fax)
masullivan@hhlaw.com

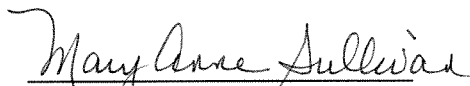
III. ISO's Interest

Mirant's RMR Units are located within PG&E's transmission system and are needed to maintain the reliability of the ISO Controlled Grid. As the Control Area operator and as the counter party to the RMR Agreements, the ISO has a unique interest in any Commission proceeding concerning proposed changes to the RMR Agreements. Accordingly, the ISO has a direct and substantial interest in the proposed changes in this proceeding and requests that it be permitted to intervene with full rights of a party. Because no other party can adequately represent the ISO's interests in this proceeding, the ISO's intervention is in the public interest and should be granted.

2/ Pursuant to Rule 101(e), 18 C.F.R. § 385.101(3), the ISO requests waiver of the Commission's limit on persons to be served, as set forth in 18 C.F.R. §385.203(b)(3).

WHEREFORE, the ISO respectfully requests that the Commission grant this Motion to Intervene and make the ISO a party in the above-caption proceeding with full rights of participation.

Respectfully submitted



Mary Anne Sullivan

Karin L. Larson

Hogan & Hartson L.L.P

555 13th Street, N.W.

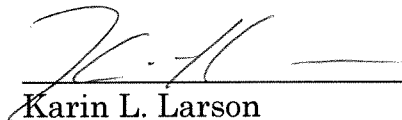
Washington, D.C. 20004

Counsel for
California Independent System
Operator Corporation

Dated: January 6, 2005

CERTIFICATE OF SERVICE

I hereby certify that I have this 6th day of January, 2005 caused to be served a copy of the forgoing Motion to Intervene upon all parties listed on the official service list compiled by the Secretary of the Federal Energy Regulatory Commission in this proceeding.



Karin L. Larson
Hogan & Hartson L.L.P.
555 Thirteenth Street, N.W.
Washington, D.C. 20004-1109
(202) 637-6861 (tel)
(202) 637-5910 (fax)