

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

Duke Energy Oakland, LLC)

Docket No. ER04-133-000

**MOTION TO INTERVENE OF
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 (2003), the California Independent System Operator Corporation (“ISO”) submits this motion to intervene in the captioned proceeding.

I. Description of Proceeding

On October 31, 2003, Duke Energy Oakland, LLC (“DEO”) filed, pursuant to Section 205 of the Federal Power Act (“FPA”), revisions to certain Reliability Must-Run Rate Schedules of its Reliability Must Run Agreement (“RMR Agreement”) with the ISO for Contract Year 2004 for the Oakland Power Plant (“§ 205 Filing”) and filed information supporting the proposed changes to its Annual Fixed Revenue Requirements (“AFRR”) pursuant to Schedule F of DEO’s RMR Agreement (“Schedule F Filing”) (collectively the “DEO Filing”).

On November 7, 2003, the Commission issued a “Notice of Filing” setting November 21, 2003, as the date for interventions, comments and protests.

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 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 this proceeding be provided to:

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Senior Regulatory Counsel
California Independent System
Operator Corporation
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916-351-4400 (tel)
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Mary Anne Sullivan
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555 Thirteenth Street, N.W.
Washington, D.C. 20004
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202-637-5910 (fax)

III. ISO’s Interest

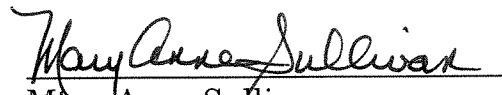
The Oakland Power Plant is located within PG&E’s transmission system and is needed to maintain reliability in the Greater Bay Area (“GBA”). ^{1/} As the Control Area Operator responsible for maintaining reliability in the GBA and as the counter party in the RMR Agreement, the ISO has a unique interest in any

^{1/} The GBA essentially covers the regions surrounding the San Francisco Bay including Alameda, Contra Costa, Santa Clara, San Mateo, and San Francisco Counties.

Commission proceeding concerning proposed changes to the RMR Agreement. Accordingly, the ISO has a direct and substantial interest in the proposed rate changes and requests that it be permitted to intervene in this proceeding 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.

WHEREFORE, the ISO respectfully requests that it be permitted to intervene in the above-captioned proceeding and that it be made a party thereto, with full rights to have notice of and participate in any hearings, to present evidence, cross-examine witnesses, file briefs, and participate in oral argument, if any, and for all other proper and needful purposes.

Respectfully submitted



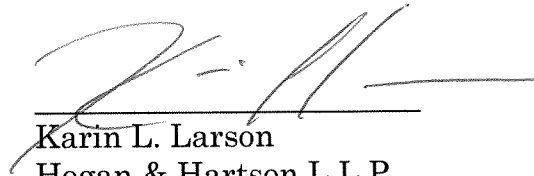
Mary Anne Sullivan
Karin L. Larson
Hogan & Hartson L.L.P
555 13th Street, N.W.
Washington, D.C. 20004

Counsel for
California Independent System
Operator Corporation

Dated: November 21, 2003

CERTIFICATE OF SERVICE

I hereby certify that I have this 21st day of November, 2003 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.



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