



September 30, 2005

VIA ELECTRONIC FILING

The Honorable Magalie R. Salas
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

**Re: Mirant Potrero, LLC
Docket No. ER05-1463-000**

Dear Secretary Salas:

Transmitted herewith for electronic filing in the above-referenced proceeding is the Motion to Intervene and Comments of the California Independent System Operator Corporation.

Thank you for your attention to this matter.

Yours truly,

/s/ Sidney Mannheim Davies

Sidney Mannheim Davies
Associate General Counsel
Counsel for the California Independent
System Operator Corporation

Enclosure

cc: Service List

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

Mirant Potrero, LLC

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Docket No. ER05-1463-000

**MOTION TO INTERVENE AND COMMENTS 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, and the Commission’s September 16, 2005, Notice of Filing, the California Independent System Operator Corporation (“CAISO”) submits this Motion to Intervene and Comments in the above captioned proceeding. In support thereof, the CAISO states as follows:

I. DESCRIPTION OF THE PROCEEDING

On September 9, 2005, Mirant Potrero, LLC (“Mirant”) submitted for filing revisions to its Must-Run Service Agreement (“RMR Agreement”) with the California CAISO. The filing proposes revisions to Schedule B of the RMR Agreement to allow Mirant to recover capital costs associated with adding Selective Catalytic Reduction equipment (“SCR Capital Project”) to the boiler of Potrero Unit 3, on of the Units covered by the RMR Agreement.

II. STATEMENT OF ISSUES

A. The CAISO requests that the Commission grant this motion to intervene pursuant to Rule 214. Mirant's filing concerns the RMR Agreement between Mirant and the CAISO and, therefore, the Commission should grant the CAISO intervenor status.

B. The CAISO urges the Commission to accept Mirant's rate filing as of the effective date of July 1, 2005 proposed by Mirant. Mirant has fully complied with the process specified in the RMR Agreement for seeking and obtaining approval for the SCR Capital Project. *Central Hudson Gas & Electric Corp.*, 60 FERC ¶ 61,106, *order on reh'g*, 61 FERC ¶ 61,089 (1992).

III. DESCRIPTION OF THE ISO AND COMMUNICATIONS

The CAISO is a non-profit public benefit corporation organized under the laws of the State of California with its principal place of business at 151 Blue Ravine Road, Folsom, CA 95630. The CAISO is the Control Area operator responsible for the reliable operation of the electric grid comprising the transmission systems of a number of utilities including, Pacific Gas and Electric Company ("PG&E") as well as the coordination of the ancillary services and real-time electricity markets in California.

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

Sidney Mannheim Davies
Assistant General Counsel

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IV. CAISO'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 Agreement, the CAISO has a unique interest in any Commission proceeding that affects an RMR Agreement. Accordingly, the CAISO has a direct and substantial interest in this proceeding and requests that it be permitted to intervene. Because no other party can adequately represent the CAISO's interests in this proceeding, the CAISO's intervention is in the public interest and should be granted.

V. COMMENT

Mirant has fully complied with the requirements of the RMR Agreement set forth in Article 7 relating to the process for obtaining approval for capital improvements and the CAISO has approved the SCR Capital Project. The CAISO supports Mirant's filing, including the proposed effective date of July 1,

2005, without suspension or hearing. Waiver of the sixty-day prior notice requirement is appropriate in these circumstances because the rate change and the effective date are prescribed by contract. *Central Hudson Gas & Electric Corp.*, 60 FERC ¶ 61,106, *order on reh'g*, 61 FERC ¶ 61,089 (1992).

VI. CONCLUSION

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

Dated: September 30, 2005

Respectfully submitted

/s/ Sidney Mannheim Davies

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CERTIFICATE OF SERVICE

I hereby certify that I have this 30th day of September 2005 caused to be served a copy of the forgoing document upon all parties listed on the official service list compiled by the Secretary of the Federal Energy Regulatory Commission in this proceeding.

/s/ Sidney Mannheim Davies
Sidney Mannheim Davies