



November 12, 2004

VIA ELECTRONIC FILING

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

**Re: Duke Energy Oakland, LLC
Docket No. ER05-115-000**

Dear Secretary Salas:

Transmitted herewith for electronic filing in the above-referenced proceeding is the Motion to Intervene and Request for 45-Day Comment Period of the California Independent System Operator Corporation.

Thank you for your attention to this matter.

Yours truly,

/s/ Sidney L. Mannheim

Sidney L. Mannheim
Regulatory Counsel

Counsel for the California Independent
System Operator Corporation

Enclosure

cc: Service List

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

Duke Energy Oakland, LLC) Docket No. ER05-115-000

**MOTION TO INTERVENE AND REQUEST FOR 45-DAY COMMENT PERIOD
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 November 4, 2004 Notice of Filing, the California Independent System Operator Corporation ("ISO") submits this Motion to Intervene in the above captioned proceeding. In support thereof, the ISO states as follows:

I. DESCRIPTION OF THE PROCEEDING

On October 29, 2004, Duke Energy Oakland, LLC ("DEO") submitted, pursuant to Section 205 of the Federal Power Act ("FPA"), its annual update filing proposing revised rate schedule sheets to its Reliability Must Run Agreement ("RMR Agreement")¹ with the ISO. DEO also submitted an informational filing describing proposed changes to its Annual Fixed Revenue Requirements under its RMR Agreement.

¹ Because the generation unit(s) covered by this agreement must operate at certain times for the reliability of the transmission grid, they are referred to as "reliability must-run" or RMR Units. Other capitalized terms that are not defined in this filing have the same meaning set forth in the RMR Agreement or in the Master Definitions Supplement, Appendix A to the ISO Tariff.

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

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)
916-608-7222 (fax)
rkott@casio.com

III. ISO’S INTEREST

DEO’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 ISO has a unique interest in any Commission proceeding that affects an RMR Agreement.

Accordingly, the ISO 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 ISO's interests in this proceeding, the ISO's intervention is in the public interest and should be granted.

IV. REQUEST FOR 45-DAY COMMENT PERIOD

The Notice of Filing specifies a comment date of November 19, 2004, twenty-one days from the date of the filing, the Commission's standard comment period. Schedule F of the RMR Agreement, however, provides interested parties with 45 days to protest informational filings submitted pursuant to Part B of Article I of Schedule F. Accordingly, the ISO requests that the Commission establish a 45-day comment period requiring comments and protests to be filed on or before December 13, 2004.

V. CONCLUSION

For the foregoing reasons, 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 and to establish December 13, 2004 as the comment date.

Dated: November 12, 2004

Respectfully submitted

Sidney L. Mannheim
Sidney L. Mannheim
California Independent System
Operator Corporation
151 Blue Ravine Road
Folsom, CA 95630

CERTIFICATE OF SERVICE

I hereby certify that I have this 12th day of November, 2004 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 L. Mannheim

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