

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 Balancing Authority Area Operator responsible for the reliable operation of a grid comprising of the transmission systems of a number of public utilities including SDG&E, as well as the coordination of the day-ahead and real-time energy and ancillary services markets in California.

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

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2/ The ISO requests waiver of Rule 203(b)(3) to the extent necessary to permit each of the individuals identified above to be placed on the Commission's official service list in this proceeding.

III. Motion to Intervene

As the Balancing Authority Area Operator responsible for maintaining reliability of the SDG&E transmission system and, as the counter party to the Dynegy RMR Agreement, the ISO has a unique interest in any Commission proceeding that affects this RMR Agreement. The ISO requests that it be permitted to intervene with full rights of a party. Because no other party can adequately represent the ISO's interests, the ISO's intervention is in the public interest and should be granted.

The CPUC and SDG&E, who join the protest in this pleading, will file motions to intervene separately in this docket.

IV. Joint Protest of the ISO, the CPUC, and SDG&E

Through its filing in this docket, Dynegy seeks to recover certain costs relating to the final year of service at the facility and the end of service life. The ISO, the CPUC, and SDG&E protest Dynegy's filing on the grounds that Dynegy has failed to provide adequate support to establish that the proposed rate schedules are just and reasonable. Regarding end of life service costs, Dynegy has provided inadequate information for the ISO, the CPUC, and SDG&E to make a judgment as to whether the categories of expenses Dynegy seeks to recover or the amounts it seeks to recover in each category are warranted under the terms of the RMR Agreement, and therefore just and reasonable. Also, Dynegy has provided no information to justify its proposal to recover all of the end of service life costs in 2010, rather than as they are incurred, which is projected to be over a period of four years. Finally, the ISO, the CPUC, and SDG&E protest the filing on the grounds that Dynegy has failed to provide the information necessary to determine

how Schedule F costs were determined and allocated to the three remaining RMR Units at the facility.

Because Dynegy has not met its burden to show that its proposed rates are just and reasonable, the ISO, the CPUC, and SDG&E request that the Commission suspend the rate schedules subject to hearing and establish a refund date at the proposed effective date of January 1, 2010.

Discussions are presently underway among the ISO, the CPUC, SDG&E and Dynegy, and the parties anticipate informal exchanges of information in the near term. The ISO, the CPUC, and SDG&E are hopeful these discussions will lead to a mutually agreeable resolution of the issues in this docket. Therefore, the parties to this filing request that the Commission provide all parties with a reasonable opportunity, until January 31, 2010, to resolve this issue before initiating either a hearing or settlement judge procedures.

V. Conclusion

For the foregoing reasons, the ISO respectfully request that the Commission grant its Motion to Intervene in the above-captioned proceeding, giving the ISO full rights of a party. The ISO, the CPUC, and SDG&E request the Commission rule that the rate schedules set forth in Dynegy's filing have not been shown to be just and reasonable, suspend the rate schedules subject to hearing, establish a refund date equal to the proposed effective date, January 1, 2010, and hold in abeyance all hearing or settlement judge procedures until January 31, 2010 to give the parties an opportunity to resolve the outstanding issues.

Respectfully submitted,

/s/ Mary Anne Sullivan

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Counsel for

California Independent System

Operator Corporation

Dated: November 20, 2009

CERTIFICATE OF SERVICE

I hereby certify that I have this 20th day of November, 2009 caused to be served a copy of the forgoing Motion to Intervene and Protest upon all parties listed on the official service list compiled by the Secretary of the Federal Energy Regulatory Commission in this proceeding.

/s/ Samuel T. Walsh
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