

November 21, 2005

### **VIA ELECTRONIC FILING**

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

Re: CalPeak Power - Vaca Dixon, LLC Docket No. ER06-93-000

Dear Secretary Salas:

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

Thank you for your attention to this matter.

Yours truly,

/s/ Sidney Mannheim Davies

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

Enclosure

cc: Service List

# UNITED STATES OF AMERICA BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

CalPeak Power – Vaca Dixon, LLC ) Docket No. ER06-93-000

# 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 November 4, 2005, Notice of Filing, the California Independent System Operator Corporation ("CAISO") submits this Motion to Intervene in the above captioned proceeding. In support thereof, the CAISO states as follows:

#### I. DESCRIPTION OF THE PROCEEDING

On October 31, 2005, CalPeak Power, LLC on behalf of CalPeak Entities ("CalPeak") submitted modifications of certain schedules contained in the Reliability Must-Run ("RMR") Service Agreements with CAISO, including the RMR Service Agreement for CalPeak's Vaca Dixon Unit. On November 18, 2005, Cal Peak tendered for filing corrected rate schedules intended to supercede rate schedules included in CalPeak's October 31, 2005. By its Notice issued November 4, 2005, the Commission established November 21, 2005, as the date motions to intervene are to be filed in the above-captioned proceeding.

#### II. 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
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California Independent System
Operator Corporation
151 Blue Ravine Road
Folsom, CA 95630
Tel: (916) 608-7144

Tel: (916) 608-7144 Fax: (916) 608-7222

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151 Blue Ravine Road

Tel: (916) 608-5804 Fax: (916) 351-2487 E-mail: rkott@caiso.com

Folsom, CA 95630

#### III. CAISO'S INTEREST

CalPeak's Vaca Dixon RMR Unit is located within PG&E's transmission system and is 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.

IV. **COMMENTS** 

Although the CAISO has not received the "as filed" version of CalPeak's

November 18, 2005 submission of corrected rate schedules for the RMR Service

Agreement for the Vaca Dixon RMR Unit, the CAISO has discussed the

corrections with CalPeak. Assuming the rate sheets contain the agreed-upon

corrections, the Noveber 18, 2005 submission resolves the CAISO's concerns.<sup>1</sup>

The CAISO supports CalPeak's request for a January 1, 2006 effective date.

٧. **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: November 21, 2005

Respectfully submitted

/s/ Sidney Mannheim Davies

Sidney Mannheim Davies California Independent System Operator Corporation

151 Blue Ravine Road Folsom, CA 95630

(916) 608-7144 (tel)

(916) 608-7222 (fax)

The CAISO reserves all rights to comment and protest in the event the corrected rate schedules do not reflect the agreed-upon corrections.

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## **CERTIFICATE OF SERVICE**

I hereby certify that I have, this 21<sup>st</sup> day of November 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