

108 FERC ¶ 61, 315
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
Nora Mead Brownell, Joseph T. Kelliher,
and Suedeen G. Kelly.

California Independent System Operator Corporation Docket Nos. ER04-445-004

Pacific Gas and Electric Company Docket Nos. ER04-443-003

San Diego Gas and Electric Company Docket Nos. ER04-441-003

Southern California Edison Company Docket Nos. ER04-435-005

(Not Consolidated)

ORDER GRANTING EXTENSION OF TIME
AND PROVIDING CLARIFICATION

(Issued September 28, 2004)

1. On August 30, 2004, the California Independent System Operator Corporation (CAISO) filed a request seeking a 90-day extension of time to file the new compliance filing required by the Commission's July 30, 2004 Order, 108 FERC ¶ 61,104 (2004) (July 30 Order). CAISO's request noted that the Governor of California will soon be making new appointments to CAISO's Governing Board. Given CAISO's concurrently filed rehearing request, and the fact that this Commission in the July 30 Order rejected CAISO's earlier compliance filing on the ground that CAISO's board was not independent, and given that the board will soon be changing, CAISO submits that it would be premature for the Commission to require it to make a compliance filing that relies on the standards articulated in Order Nos. 2003 and 2003-A¹ for non-independent

¹ Standardization of Generator Interconnection Agreements and Procedures, Order No. 2003, FERC Stats. & Regs. ¶ 31,146 (2003), *order on reh'g*, Order No. 2003-A, FERC Stats. & Regs. ¶ 31,160 (2004), *reh'g pending*; *see also* Standardization of Generator Interconnection Agreements and Procedures, 106 FERC ¶ 61,009 (2004).

entities. CAISO concludes that a 90-day extension will provide sufficient time for the appointment of new members to the board, and for the Commission to evaluate the effects these new appointments have on CAISO's status.

2. Separately, on August 30, 2004, the California Parties² filed a joint request for clarification and rehearing of the Commission's July 30 Order. The California Parties seek clarification that the Commission in its July 30 Order did not intend to deny the three Participating Transmission Owners (PTOs)³ the right to file proposed revisions to the *pro forma* Large Generator Interconnection Agreement (LGIA) jointly with CAISO, as in the parties' initial LGIA compliance filing. The California Parties also seek clarification on the effective date of CAISO's new compliance filing, stating that the Commission should clarify that implementing the filing will not precede a Commission ruling on the filing. Finally, the California Parties seek clarification whether the three PTOs are required to re-file their Transmission Owner Tariff (TO Tariff) changes, and, if so, when those filings should be made.

Discussion

3. With regard to CAISO's request for a 90-day extension, upon consideration, we will grant CAISO an extension of time to comply with the Commission's July 30 Order until the close of business on January 5, 2005.

4. While we here make no determination on the requests for rehearing, we will provide the following clarifications. First, the July 30 Order does not preclude the PTOs from joining with CAISO in the new compliance filing or the proposed LGIA itself. Should the parties so choose, they may make another joint LGIA compliance filing using the three-party structure of their earlier joint LGIA compliance filing. Second, at this time, we will set the new effective date as January 5, 2005;⁴ in their January 5 filing, the parties may renew their request for further delay, and we will consider such a request, as

² The California Parties jointly requesting clarification and rehearing are the Public Utilities Commission of the State of California, Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), and Southern California Edison Company (SCE).

³ The PTOs at issue here are PG&E, SDG&E and SCE.

⁴ Order No. 2003 already established a compliance obligation by setting an effective date on which non-independent transmission providers' OATTs would be deemed to include the *pro forma* LGIP and LGIA. Here we are allowing CAISO and the PTOs more time than they otherwise would have, moving that effective date for the CAISO and the PTOs back to January 5, 2005.

Docket No. ER04-445-004, *et al.*

3

well as any opposition to it. Until that time, we will allow CAISO's existing interconnection procedures and agreements to continue to apply. Finally, the three PTOs must re-file their proposed changes to their TO Tariffs on the same date CAISO's compliance filing is now due, January 5, 2005.

By the Commission.

(S E A L)

Linda Mitry,
Acting Secretary.