

MAR 25 2009

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TRANSMITTAL COVER PAGE

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FROM: Charles E. Keen

FIRM: Geiger & Keen LLP

DATE: March 25, 2009 TIME: 4:00 p.m.

CLIENT: Sarale, Julie Ann - P. G. & E. matter

FILE NO.: 1969-2

SUBJECT: Supplement to Statement of Appeal

TOTAL NUMBER OF PAGES, INCLUDING COVER PAGE: 5

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APPEAL TO THE BOARD OF
 GOVERNORS OF THE CALIFORNIA
 INDEPENDENT SERVICE OPERATOR
 CORPORATION OF THE DENIAL OF
 RECORDS AND DECISION ON APPEAL
 TO GOVERNANCE BOARD DATED
 MARCH 3, 2009

I.

SUPPLEMENT TO STATEMENT OF APPEAL

12 This supplements my written submission sent by facsimile on March 23, 2009, relating
 13 to CAISO's total or partial denial for Request for Records of December 31, 2008. The
 14 supplementary submission is necessary because CAISO's attorney required that I submit my
 15 written appeal by March 23, 2009, but continued to produce documents and change the CAISO
 16 response which I am appealing by emails to my attorney as late as Saturday afternoon, March 21,
 17 2009. One set of documents sent in the belated documentary snowstorm were Annual
 18 Maintenance Reports for the years 2000 through 2006 (2007 omitted) which had been redacted
 19 heavily in what appeared to be relevant parts. While it my hope that your Board will order that
 20 the documents will be provided to me, given what has happened so far, I am concerned that this
 21 appeal will be denied. If it is denied I request that you tell me if there is any other appeal I can
 22 make to you or to any other agency like the Electricity Oversight Board. I do not want to take
 23 this to court, so I would like to know if there is anything I can do short of that.

II.

BY REFUSING TO PRODUCE COMPLETE ANNUAL MAINTENANCE REPORTS**CAISO IS VIOLATING PUBLIC UTILITIES CODE SECTION 348**

Public Utilities Code section 348 reads as follows:

348. The Independent System Operator shall adopt inspection, maintenance, repair, and replacement standards for the transmission facilities under its control no later than September 30, 1997. The standards, which shall be performance or prescriptive standards, or both, as appropriate, for each substantial type of transmission equipment or facility, shall provide for high quality, safe, and reliable service. In adopting its standards, the Independent System Operator shall consider: cost, local geography and weather, applicable codes, national electric industry practices, sound engineering judgment, and experience. The Independent System Operator shall also adopt standards for reliability, and safety during periods of emergency and disaster. The Independent System Operator shall report to the Oversight Board, at such times as the Oversight Board may specify, on the development and implementation of the standards in relation to facilities under the operational control of the Independent System Operator. *The Independent System Operator shall require each transmission facility owner or operator to report annually on its compliance with the standards. The report shall be made available to the public.* [emphasis added]

The last two sentences require that annual maintenance reports be made available to the public. CAISO initially refused to produce them asserting confidentiality and saying that PG&E had to give its permission. The last sentence says "shall" and making the documents public does not seem to be optional on your part. It does not say anything about getting PG&E's permission or letting them change or redact the reports. Since these reports relate to vegetation management, they were within the scope of my document requests. Unless I am missing something, CAISO should not need PG&E's permission to obey a California law.

Over the weekend, on Saturday afternoon, PG&E 'consented' to production of altered versions of these reports which had been redacted to obliterate any meaningful information. Since the statute does not say that altered or redacted reports shall be produced, the belated gesture continues to disobey the law. The sad thing is not that PG&E continues to defy the law, but that the CAISO did not obey it in the first place and continues to allow PG&E's disobedience. The board would seem to have a duty to order its Chief Executive Office to

1 comply with the law regardless of what PG&E wants.

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IV.
**THE BOARD SHOULD DIRECT COMPLIANCE WITH THE LAW REQUIRING
PUBLIC DISCLOSURE**

My request for records was submitted because I wanted to see the CAISO law or regulation which PGE said authorized it to cut my walnut trees down to stumps. The Public Utilities Code sections that created the CAISO went out of its way to include provisions, including that quoted above, that should have made my request for CAISO's documents a routine clerical exercise. Instead, my request was ignored, then blown off with a token production of documents, and most recently subjected to a snowstorm of irrelevant and redacted documents which I suppose was intended to give those who ignored and mishandled my request a basis to tell you in on this appeal that the request and the law had been complied with in the last week before this hearing. It has not.

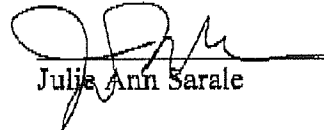
For reasons which escape me, I have been given the runaround by an agency which is supposed to work for the public with no other apparent reason other than that agency's wanting to protect PG&E, a utility it is supposed to be regulating for the public benefit, not shielding from those whose property it destroyed. The really crazy thing about the runaround is that the information we are talking about, vegetation management, has to do with safety and grid reliability. If there is a better, more efficient way to do it, your agency should be ordering that it be shared between the utilities to prevent fires and grid failures.

I again ask that the Board direct its Chief Executive Officer to obey the law and produce the documents I requested in full and not redacted so as to be meaningless. I would also suggest that the Board ask its officers and employees to reflect upon whose interests your organization was created to protect. I realize that vegetation management is a relatively small item on your

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plate, but if the handling of this matter indicates where you place your priorities as between the citizens you serve and utilities you should be regulating, there may be a problem.

Dated: 3-25-09



Julie Ann Sarale