

A. Calpine Witness Ron Calvert Reply Testimony.

The ISO moves to strike all of the reply testimony of Calpine witness Ron Calvert. This testimony does not “reply” to the opening testimony submitted by the parties on June 25, but it does respond the testimony presented by Mr. Sparks and introduces new information into the record. Specifically, Mr. Calvert has conducted a power flow analysis, using the ISO inputs and assumptions, for the Moorpark sub-area for the purpose of considering non-generation alternatives.³ While Mr. Calvert attempts to link this study to comments made by DRA and SCE, the study is clearly directed to the ISO’s OTC study results and this information should have been presented in the June 25 Calpine opening testimony in response to Mr. Sparks testimony. If Mr. Calvert’s power flow results had been introduced at the appropriate stage, the ISO would have had an opportunity to respond in its July 23 reply testimony. By inappropriately including the study results in reply testimony, the ISO has been prejudiced and deprived of the opportunity to respond. Thus, if the ISO’s motion to strike all of this testimony is not granted, the ISO should be given an opportunity to conduct additional discovery regarding the Calpine study, if necessary, and submit surrebuttal testimony responding to the study results.

B. DRA Witness Robert Fagan Reply Testimony.

The ISO moves to strike the following portions of DRA witness Fagan’s reply testimony: 1) page 4, beginning at line 19 and ending on page 5, line 10; and 2) page 6, beginning at line 13 and ending at page 12, line 1. Like Calpine, at these portions of the reply testimony, Mr. Fagan does not actually “reply” to anyone else but the ISO and he introduces a new analysis for a

³ Calpine Reply Testimony, 2:17-3:10.

smaller LCR sub-area.⁴ Mr. Fagan admits that the load and resource table on page 8 is “analogous” to the one he presented in his initial testimony in response to the ISO testimony.⁵ This is new information that should have been set forth in Mr. Fagan’s opening testimony so that the ISO would have had an opportunity to respond. Should this motion to strike not be granted, the ISO seeks an opportunity to respond to this additional analysis through surrebuttal testimony.

C. Supplemental Direct Testimony of CEJA witness Julia May.

CEJA, through the “supplemental” testimony of Ms. May dated July 22, takes the opportunity to introduce much new information into the record, almost all of which addresses the ISO’s LCR study methodology and should have been included in the CEJA opening testimony. Accordingly, the ISO moves to strike Ms. May’s testimony beginning on page 5 starting at Section C. through page 10 ending at Section F. With respect to Sections C, D and E of the testimony, Ms. May cites to one paragraph of SCE testimony, where SCE addresses concerns about the effect of the ISO’s grid planning standards, and then she discusses reserve margin requirements, SCE outage data, an ERCOT report and other subjects. None of these topics has anything to do with the ISO’s grid planning standards. However, the subject matter of Ms. May’s supplemental testimony- the ISO’s purportedly “over-stringent” LCR study assumptions- is also the subject of her opening testimony.⁶

As with the other witnesses, producing new information on these topics eliminates the ISO’s opportunity for responsive testimony. The portions of the CEJA testimony described above are clearly outside the bounds of the ALJ’s ruling and should be stricken from the record.

⁴ Mr. Fagan states that he disagrees with AES and SCE because “they relied upon the CAISO analysis,” and then goes on to conduct an additional analysis using the ISO’s resource inputs.

⁵ Fagan Reply Testimony, 9:2-3.

⁶ See May Opening Testimony, pages 36-43.

Alternatively the ISO requests the opportunity for surrebuttal if the testimony is allowed to become part of the record.

Respectfully submitted,

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