

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Critical Path Transmission, LLC, and Clear Power LLC)	
)	
v.)	Docket No. EL11-11-000
)	
California Independent System Operator Corporation)	

**MOTION OF
THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION
FOR EXTENSION OF TIME, SHORTENING OF TIME, AND EXPEDITED
RULING**

Pursuant to Rules 212 and 2008 of the Commission’s Rules of Practice and Procedure,¹ the California Independent System Operator Corporation (“ISO”) respectfully requests an extension of time for filing its answer to the complaint filed on December 14, 2010, in this proceeding (“December 14 Complaint”) by Critical Path Transmission, LLC (“Critical Path”) and Clear Power LLC (“Clear Power”). The ISO requests that the time for an answer to the December 14 Complaint be extended to January 21, 2010. In support of this motion, the ISO states as follows:

1. On December 14, Critical Path and Clear Power filed a complaint alleging that the ISO has not acted in accordance with the ISO’s Tariff by deferring consideration of economic projects submitted in the ISO’s 2008-2009 Request Windows. Under Rule 206 of the Commission’s Rules of Practice and Procedure,² the ISO’s answer to this

¹ 18 C.F.R. §§ 385.212 and 385.2008 (2010),

² 18 C.F.R. § 385.206(f) (2010).

complaint would normally be due on January 3, 2011, absent a Commission order otherwise.

2. The December 14 Complaint includes a 30 page complaint, an affidavit, and numerous supporting attachments. The December 14 Complaint includes dozens of factual assertions that, under the Commission's rules,³ may require a specific response from the ISO. In order to provide the Commission with a complete response, the ISO must evaluate the accuracy and relevance of each of these assertions. Preparing full and accurate responses will require significant review of internal documents and discussions with multiple ISO personnel.

3. The ISO is currently preparing a response to another complaint involving transmission planning issues which requires substantial input from the same personnel that will need to review and respond to the allegations in the December 14 Complaint. In that regard, on November 29, 2010, Transmission Technology Solutions, ("TTS") and Western Grid Development, LLC ("WGD") filed a complaint in Docket No. EL11-8 involving the ISO's rejection of their proposed projects in the ISO's 2009 and 2010 Transmission Planning Processes (the "TTS/WGD Complaint"). The TTS/WGD Complaint includes even more extensive factual allegations than the December 14 Complaint, including economic data and analyses that have never before been presented to the ISO. The ISO must commit substantial resources of its limited personnel with knowledge of the transmission planning process to evaluate and respond to these allegations. The ISO sought an extension of time until January 10, 2011, to respond to the TTS/WGD Complaint based on the substantial commitment of

³ See 18 C.F.R. § 385.213(c) (2010).

resources needed to properly respond to the TTS/WGD Complaint, and the Commission granted this extension.

4. Although both the TTS/WGD Complaint and the December 14 Complaint of Critical Path and Clear Power involve project proposals submitted in the ISO's 2008 and 2009 Request Windows, the factual allegations and legal issues raised in the December 14 Complaint are almost entirely distinct from the factual allegations and legal issues in the TTS/WGD Complaint. However, the same ISO personnel will be responsible for responding to both complaints.

5. It would be extremely difficult, and likely impossible, for the ISO to complete the review and analysis necessary for a full and accurate answer to the December 14 Complaint by January 3 while the same ISO personnel are preparing concurrently a response to the TTS/WGD Complaint. Adherence to a January 3 answer date would deprive the ISO of a fair opportunity to defend its actions in a manner that complies with the Commission's rules regarding answers. These circumstances will be aggravated further because most of ISO staffers with knowledge of the facts related to both the TTS/WGD Complaint and the December 14 Complaint will be unavailable for extended periods over the next few weeks due to the holidays.

6. For these reasons, the ISO requests an extension of time to file its answer to the December 14 Complaint. Many of the ISO personnel that will need to respond to the December 14 Complaint will be affected by a move to the ISO's new Iron Point facility in mid-January. This move will further affect the availability of key ISO personnel even after January 10. As such, the ISO respectfully submits that it would be appropriate for the extension to include a reasonable period of time following the

January 10 due date of the answer to the TTS/WGD Complaint. The ISO therefore asks that it be permitted to file its answer by January 21, 2010, an extension of 18 days from the standard period for answers to complaints.

7. Although Critical Path and Clear Power request expedited treatment of the December 14 Complaint, they provide no explanation why expedited treatment is appropriate. In light of the period of time that has passed since the events that gave rise to the complaint, an extension will not prejudice Critical Path and Clear Power. Indeed, most of the events that gave rise to the December 14 Complaint occurred in 2009, with the last relevant ISO action cited in the complaint being a June 4 tariff filing in Docket No. ER10-1401. Although Critical Path and Clear Power have known all of the relevant information which they allege justifies the December 14 Complaint for over six months (and well over a year for most elements of their complaint), they have waited until just before the holiday season to file the complaint. In addition, Critical Path and Clear Power are well aware of the ISO's need to devote resources to respond to the TTS/WGD Complaint, as the counsel for Clear Power is also the counsel for TTS and WGD, and one the partners of Clear Power is a consultant to WGD and TTS and filed an affidavit supporting their complaint. The ISO needs sufficient time to file a proper response to these complaints raising similar but distinct issues that were serially filed by parties right before the holidays.

8. Until the Commission rules on this motion, the ISO must of necessity commence an effort to prepare a response to the December 14 Complaint by January 3 at the same time most of the same personnel are preparing a response to the TTS/WGD Complaint. This effort will significantly disrupt the ability of ISO personnel to

perform their regular duties especially given the staffing limitations due to the holidays. In order to avoid any unnecessary diversion of resources, the ISO requests that the Commission expedite a ruling on this motion and, consistent with such expedition, shorten the time for answering to this motion to two days. Counsel for the ISO has informed counsel for Critical Path and Clear Power of the request for shortened time to respond to this motion.

CONCLUSION

For the reasons set forth above, the CAISO respectfully requests that the Commission extend time for filing an answer to the December 14 Complaint in this proceeding until January 21, 2010.

Respectfully submitted,

/s/ Sean Atkins

Sean A. Atkins

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Dated: December 15, 2010

Certificate of Service

I hereby certify that I have this day served a copy of this document upon all parties listed on the official service list compiled by the Secretary in the above-captioned proceedings, in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.2010).

Dated this 15th day of December, 2010, in Washington D.C.

/s/ Sean Atkins

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