



2. The Complaint comprises 430 pages. It includes a 32 page complaint, 172 end notes, two affidavits of 36 pages each, and 24 documentary attachments.

3. The Complaint includes scores of factual assertions that, under the Commission's rules,<sup>3</sup> 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 review of large numbers of internal documents and discussions with multiple ISO personnel. The review is complicated by the fact that most of the specific allegations are included in the affidavits not in the complaint itself, and which include no references to specific attachments.

4. The Complaint includes 39 pages of economic data and analysis in support of one of the affidavits. Much of this economic data and analysis have never before been presented to the ISO and will require extensive review by the ISO in the preparation of its answer.

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 and to prepare a response to the 430-page Complaint by December 20, let alone by December 13. Adherence to the December 13 filing date, or even a December 20 filing 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 could be aggravated further because a key ISO staffer most familiar with certain aspects of

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<sup>3</sup> See 18 C.F.R. § 385.213(c) (2010).

the factual background underlying the complaint may be unavoidably unavailable during a portion of December due to circumstances beyond his control.

6. For these reasons, the ISO requests an extension of time to file its answer. Because a more limited extension would require an ISO answer when many ISO staffers with knowledge of the facts related to the Complaint might be out due to the holidays, the ISO believes that it would be appropriate for the extension to include a reasonable period of time following the holidays. The ISO therefore asks that it be permitted to file its answer by January 10, 2010, an extension of 21 days from the standard period for answers to complaints.

7. Although TTS and WGD request expedited treatment of the complaint, they provide no reasoned 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 TTS and WGD. Indeed, the events that gave rise to the Complaint occurred during a period from December 2008 to May 2010. Although TTS and WGD have known all of the relevant information which they allege justify their Complaint for over six months (and well over a year for some elements of their Complaint), they have waited until just before the holiday season to file the Complaint and now suggest that the Commission must act on the Complaint in less than two months.<sup>4</sup> Other than a conclusory assertion that “time is of the essence,” TTS and WGD offer no justification as to why expedited action on their Complaint is necessary.

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<sup>4</sup> Indeed, the ISO rejected TTS project submissions as reflected in an amended 2009 transmission plan that was issued in June 2009. TTS has waited 17 months to file a complaint regarding the rejection of their proposals; yet under the notice issued by the Commission, the ISO would only be given two weeks to respond to the extensive complaint materials.

8. Until the Commission rules on this motion, the ISO must of necessity commence an effort to prepare a response by December 13. This effort will significantly disrupt the ability of ISO personnel to perform their regular duties. 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 TTS and WGD of the request for shortened time, who has stated that TTS and WGD have consented to the request of a 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 Complaint in this proceeding until January 10, 2010.

Respectfully submitted,

/s/ Michael E. Ward

Michael E. Ward

Nancy Saracino  
General Counsel  
Anthony J. Ivancovich  
Assistant General Counsel  
The California Independent System  
Operator Corporation  
151 Blue Ravine Road  
Folsom, CA 95630  
Tel: (916) 351-4400  
Fax: (916) 608-7296

Sean A. Atkins  
Michael E. Ward  
Alston & Bird LLP  
The Atlantic Building  
950 F Street, NW  
Washington, DC 20004  
Tel: (202) 239-3300  
Fax: (202) 654-4875

Counsel for the  
California Independent System  
Operator Corporation

Dated: December 1, 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 1<sup>st</sup> day of December, 2010, in Washington D.C.

/s/ Michael E. Ward