

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

Mirant Potrero, LLC

)

Docket No. ER11-2218-000

**MOTION TO INTERVENE AND COMMENTS OF THE
CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION**

Pursuant to Rule 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (Commission), 18 C.F.R. § 385.214, and the Commission's November 30, 2010 Combined Notice of Filings, which established December 21, 2010 as the comment date, the California Independent System Operator Corporation ("ISO") submits this motion to intervene and comments in the above captioned proceeding.

On November 30, 2009, Mirant Potrero, LLC (Mirant Potrero) submitted revisions to its Reliability Must-Run (RMR) Agreement with the ISO along with Unplanned Repair Notices (Schedule L-1s) . The revisions to the RMR Agreement include Mirant Potrero's annual RMR update along with amendments that would allow the ISO to terminate the RMR agreement during the contract year. In addition to the rates, terms and conditions that would be applicable during term of the contract year, Mirant Potrero's filing would address the terms and conditions of early termination of the RMR Agreement. Finally, Mirant Potrero requests waiver of the 60-day notice period so that the agreement can become effective January 1, 2011. As discussed below, the ISO supports Mirant Potrero's filing in its entirety.

I. DESCRIPTION OF THE ISO AND COMMUNICATIONS

The ISO is a non-profit public benefit corporation organized under the laws of the State of California with its principal place of business at 151 Blue Ravine Road, Folsom, CA 95630. The ISO is the Balancing Area operator responsible for the reliable operation of the electric grid comprising the transmission systems of a number of utilities including Pacific Gas and Electric Company (PG&E) as well as the coordination of the ancillary services and real-time electricity markets in California.

The ISO requests that all communications and notices concerning this motion and these proceedings be provided to:

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II. ISO'S INTEREST

Mirant Potrero is interconnected to PG&E's transmission systems. As the Balancing Area operator and as the counter-party to the RMR Agreement, the ISO has a unique interest in any Commission proceeding that affects the RMR Agreement. Accordingly, the ISO has a direct and substantial interest in this proceeding and requests that it be permitted to intervene. Because no other party can adequately represent the ISO's interests in this proceeding, the ISO's intervention is in the public interest and should be granted.

III. COMMENTS

Mirant Potrero, the ISO, PG&E and the California Public Utilities Commission worked diligently to resolve all the rates, terms and conditions associated with the 2011 contract year. In addition, these entities also worked diligently to negotiate the contract amendments along with the rates, terms and conditions that would apply in the event the ISO provides notice of termination during the contract year. Commission acceptance of Mirant Potrero's filing will allow orderly retirement of Mirant Potrero power plant without the need for further Commission involvement apart from the contractually require notice of termination that Mirant Potrero must file in accordance with Section 2.3 of the RMR Agreement.

IV. CONCLUSION

For the foregoing reasons, the ISO respectfully requests that the Commission grant this motion to intervene. The ISO also requests that the Commission accept Mirant's Potrero's filing in its entirety effective as of January 1, 2011.

Respectfully submitted

/s/ Sidney Mannheim Davies

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Attorneys for the California Independent
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Dated: December 21, 2010

CERTIFICATE OF SERVICE

I hereby certify that I have, this 21st day of December, 2010, caused to be served a copy of the forgoing document upon all parties listed on the official service list compiled by the Secretary of the Federal Energy Regulatory Commission in this proceeding.

/s/ Anna Pascuzzo
Anna Pascuzzo