

Cabrillo Order.txt

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

103 FERC * 61,054
April 14, 2003

In Reply Refer To:

Docket No. ER02-1264-000

Skadden, Arps, Slate, Meagher & Flom LLP
Attn:William R. Hollaway, Esq.
Attorney for Cabrillo Power I LLC and
Cabrillo Power II LLC
1440 New York Avenue, NW
Washington, DC 20005-2111

Dear Mr. Hollaway:

1. On December 31, 2002, as supplemented on January 15, 2003, on behalf of Cabrillo Power I LLC and Cabrillo Power II LLC (jointly Cabrillo), the California Independent System Operator Corporation (ISO), and San Diego Gas & Electric Company, you filed a settlement in the above-referenced docket. You state that the California Electricity Oversight Board and the California Public Utilities Commission have authorized the parties to state that they do not oppose the settlement. No comments were filed. On March 17, 2003, the Chief Judge certified the offer of settlement to the Commission as uncontested.

2. The subject settlement is in the public interest and is hereby approved. The revisions to the Reliability Must-Run Contracts (RMR Contracts) for Cabrillo Power I LLC and Cabrillo Power II LLC between Cabrillo and the ISO submitted as part of the settlement are accepted for filing and made effective on the dates requested by the parties. The Commission's acceptance of this settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding. The Commission retains the right to investigate the rates, terms and conditions under the just and reasonable and not unduly discriminatory or preferential standard of section 206 of the Federal Power Act, 16 U.S.C. * 824e (2000).

3. Within thirty (30) days from the date of this letter order, all charges under the RMR Contracts affected by the terms of the settlement shall be recalculated as though such terms were in place and effective on the date specified in the settlement, and shall be refunded together with interest computed under Section 35.19a of the Commission's regulations. 18 C.F.R. * 35.19a (2002). Within fifteen (15) days after making such refunds, Cabrillo shall file with this Commission a compliance refund report showing monthly billing determinants, revenue receipt dates, revenues under the prior, present, and settlement rates, the monthly revenue refund, and the monthly interest computed, together with a summary of such information for the total refund period. Cabrillo shall furnish copies of this report to the affected customers and to each state commission within whose jurisdiction the affected wholesale customers distribute and sell

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electric energy at retail.

4. This letter order terminates Docket No. ER02-1264-000. A
new subdocket will be assigned upon receipt of the required
compliance refund report.

By direction of the Commission.

Magalie R. Salas,
Secretary.

cc: All Parties

Secretary California Public Utilities Commission 505 Van Ness
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