

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

California Independent System
Operator Corporation) Docket No. ER10-1401-000

**ANSWER OF THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR
CORPORATION TO THE MOTION TO INTERVENE AND FOR EXTENSION OF
TIME OF THE WESTERN INDEPENDENT TRANSMISSION GROUP**

On June 22, 2010, the Western Independent Transmission Group (“WITG”) filed a Motion to Intervene and for Extension of Time in the above-identified proceeding. WITG asks that the deadline for comments on the June 4 transmission planning filing of the California Independent System Operator Corporation (“ISO”) be extended from June 25, 2010, to July 2, 2010. WITG states that it is a regional trade association dedicated to encouraging competition in electric transmission development, construction and ownership in the Western states, and that WITG’s eleven members are actively involved in the ISO market.

The ISO respectfully submits its answer to the Motion.¹ The ISO does not oppose the intervention of WITG, but urges the Commission to reject the request for an extension of time. The requested extension of time serves no valid purpose and will only unnecessarily and inappropriately delay Commission action on the ISO's proposed revised transmission planning process. That in turn will interfere with the ISO's ability to timely implement its revised transmission planning process and approve the transmission upgrades and expansions

¹ This answer is submitted pursuant to Rule 213 of the Commission's Rules of Practice and Procedure. 18 C.F.R. § 385.313 (2010).

necessary if utilities are to be able to comply with California's 33 percent Renewable Portfolio Standard ("RPS").²

This proceeding concerns the ISO's June 4, 2010, filing of proposed amendments to its approved tariff to implement a revised transmission planning process. As explained in the transmittal letter accompanying the filing, the proposed revisions are necessary and appropriate to enable California to meet its ambitious RPS and environmental goals. The revised process creates a new category of transmission facilities to be approved in the ISO planning process – facilities that are needed to facilitate achievement of state and federal policy requirements and directives – and provides for an assessment on a statewide basis, in collaboration with other California transmission providers, of the transmission infrastructure needed to achieve the ambitious renewable energy targets adopted by the state for California load serving entities. Under the revised process, the ISO will prepare a comprehensive transmission plan for its balancing authority area and conduct a competitive solicitation that will provide an opportunity for both independent transmission developers and incumbent utilities to submit proposals to build and own transmission elements identified in the plan.

WITG offers two reasons for its request for an extension. First, WITG claims that "[t]he development of draft comments for consideration by the WITG's membership is a time-consuming process because it requires consideration and

² On June 21, 2010, the ISO submitted an answer opposing a separate request for an extension of time for comments in this proceeding. That motion offered other reasons that purportedly justified an extension. The ISO believes it is appropriate to respond to the additional arguments raised by WITG in support of an extension.

review by the eleven (11) members of WITG.”³ There is no basis for extending the comment period for all potential intervenors in this proceeding due to the voluntary decision of certain parties to submit joint comments. Nothing prevents any of the members of WITG from submitting individual comments on the ISO’s June 4 filing if the members of WITG are unable to reach agreement on joint comments during the standard comment period. Indeed, if this were a legitimate rationale for an extension, the Commission’s standard period for comments on a tariff amendment would need to be extended any time multiple parties decide to collaborate on comments. Even if the Commission were to conclude that a particular coalition should be permitted additional time to develop and submit comments due to special circumstances, this rationale supports an extension of time applicable only to that coalition and not to all parties in a proceeding. Alternatively, in the event WITG is unable to file its comments by June 25, 2010, WITG can still seek leave of the Commission to file its comments out-of-time. WITG’s need to coordinate with its members should not serve as a basis for extending the comment date for every other potential commenter.

WITG also argues that an extension is warranted “[g]iven the importance of the CAISO’s proposal, which may materially affect every wholesale and retail customer in the CAISO footprint, and the complexity of the tariff amendments proposed.”⁴ While the ISO certainly agrees that its filing addresses important issues, the actual tariff revisions proposed by the ISO are relatively straightforward and less lengthy than many major tariff filings submitted by the

³ WITG Motion at 4.

⁴ *Id.*

ISO in the past. In addition, the ISO provided an 85 page explanation of the need for the amendments and their operation in its tariff filing.

Moreover, as described in the transmittal letter, the proposed tariff revisions are the product of an eight month stakeholder process in which many independent transmission developers were actively engaged. Although WITG does not identify its eleven members in its motion, a review of the WITG website shows that most of WITG's members are parties that are active in the ISO's transmission planning stakeholder process.⁵

The ISO posted two separate drafts of proposed tariff language, and four WITG members submitted a total of seven sets of written comments on those drafts of tariff language. These WITG members and other WITG members also submitted comments on the various white papers and written proposals resulting in the ISO's June 4 filing. It is extremely unlikely that WITG (or the Commission) will gain any additional insights on these issues through a one-week extension of the comment period.

On the other hand, delay may well interfere with achievement of the goals of the revised transmission planning process. As the ISO explained in the transmittal letter, it must commence planning efforts immediately if the California utilities using the ISO controlled grid are to meet 33 percent RPS by 2020. Considerable time is necessary to complete the siting and project approval process, obtain all necessary permits, and construct the unprecedented number of new high voltage transmission facilities that will be needed. The 33 percent

⁵ See <http://www.transmissionusa.org/node/4>. WITG itself concedes that its eleven members are actively involved in the ISO market.

RPS will be achieved incrementally over the next decade, going from the current 20 percent RPS level to 33 percent RPS by 2020. Accordingly, transmission will need to be built incrementally between now and 2020 to keep pace with new renewable generation coming on-line. The ISO must begin to address these matters in the current 2010/2011 planning cycle in order to timely identify the initial set of transmission improvements by next Spring, identify the entities that will finance, construct and own those facilities, and then send those projects off to the authorized siting authorities to be permitted. The Commission should reject unnecessary time extensions that serve no legitimate purpose and that will delay action on the ISO's proposal.

Accordingly, the ISO respectfully requests that the Commission deny WITG's request for an extension.

Respectfully submitted,

/s/ Sean A. Atkins

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June 23, 2010

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document upon all of the parties listed on the official service list for the above-referenced proceeding, in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.2010).

Dated at Washington, DC this 23rd day of June, 2010.

/s/ Daniel Klein
Daniel Klein