

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

MMC Energy, Inc.)

v.)

California Independent System)
Operator Corporation)

Docket No. EL08-46-000

**MOTION FOR EXTENSION OF TIME TO FILE ANSWER
AND FOR EXPEDITED ACTION
OF CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION**

Pursuant to Rules 206 and 212 of the Rules and Regulations of the Federal Energy Regulatory Commission (“FERC” or the “Commission”), 1/ the California Independent System Operator Corporation (“CAISO”) respectfully requests that the Commission enlarge the comment period from twenty days to thirty days for filing an answer to the captioned complaint as provided in Rule 206(f).

In support of its request, the CAISO states as follows:

On March 13, 2008, MMC Energy, Inc. (“MMC”) filed and served the public portion of its complaint. The only indication in the filing that MMC withheld a portion of the complaint as privileged information was an opaque reference in a footnote that MMC intended to file an exhibit “separately as non-public information due to the confidential nature of MMC’s revenue information.” 2/ MMC failed to file with its complaint: (i) the confidential information, (ii) a request for privileged treatment, and (iii) a proposed protective order as required by the Commission’s rules. Rule 206 states in the relevant part:

1/ 18. C.F.R. §§ 385.206 & 385.212.

2/ Complaint at p. 20, n. 32.

If a complainant seeks privileged treatment for any documents submitted with the complaint, the complainant must submit, with its complaint, a request for privileged treatment of documents and information under section 388.112 of this chapter and a proposed form of protective agreement. In the event the complainant request privileged treatment under section 388.112 of this chapter, it must file the original and three copies of its complaint with the information for which privileged treatment is sought and 11 copies of the pleading without the information for which privileged treatment is sought. . . . 3/

On March 14, 2008, the Commission issued a notice setting a twenty day comment period, which established Wednesday, April 2, 2008 as the deadline for the CAISO to file its answer. 4/

It appears that on March 14, 2008, MMC filed with the Commission the confidential portion of the complaint along with a proposed protective order. However, notwithstanding the Commission's rules regarding service, the CAISO was not served with the March 14th filing until Monday, March 17, 2008, at which time MMC served, via e-mail, its notice of a confidential exhibit and proposed protective order. 5/ A copy of MMC's March 17th e-mail serving the CAISO is attached.

Commission regulations provide that “[i]n cases where the complainant requests privileged treatment for information in its complaint, answers, interventions, and comments are due within 30 days after the complaint is filed.” 6/ Wherefore, in accordance with the Commission's rules, the CAISO respectfully requests that the Commission grant this motion and

3/ 18 C.F.R. § 385.206(e)(1) and (2).

4/ The Commission's rules provide for a twenty day comment period for complaints that do not contain privileged information. *See* 18 C.F.R. § 385.206(f).

5/ Rule 206(e)(2) requires that a “complainant must provide a copy of its complaint without the privileged information and its proposed form of protective agreement to each entity that is to be served pursuant to section 385.206(c).”

6/ 18 C.F.R. § 385.206(f).

enlarge the comment period to 30 days and reissue its Notice of Complaint setting the answer date 30 days from the date MMC served the CAISO with notice of its request for privileged treatment and the draft protective order, Wednesday, April 16, 2008, or, in the alternative, 30 days from the date the public version of the complaint was filed, Monday, April 14, 2008.

Because of the purely procedural nature of this request and because the relief requested is clearly provided for under the Commission's procedural rules, the CAISO requests that the Commission act on this request in an expedited manner and without waiting for any answers to the motion.

Respectfully submitted,

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Counsel for
California Independent System
Operator Corporation

Dated: March 18, 2008

Attachment A
to
Motion for Extension of Time
EL08-46-000

Copy of March 17th Service to CAISO

Larson, Karin L.

From: Ivancovich, Anthony [Alvancovich@caiso.com]
Sent: Tuesday, March 18, 2008 4:29 PM
To: Larson, Karin L.
Subject: FW: Service of Confidential Information in Support of EL08-46
Attachments: MMC PRIV-031708-120705PM.pdf

From: Silverman, Abraham (Perkins Coie) [mailto:ASilverman@perkinscoie.com]
Sent: Monday, March 17, 2008 9:20 AM
To: Jaffe, Ken; Ivancovich, Anthony
Subject: Service of Confidential Information in Support of EL08-46

Hello Ken and Anthony,

We are serving you with a copy of a filing made with FERC regarding the filing of confidential business revenue information relating to MMC Energy's Complaint against the CAISO. There is a draft protective order included.

Please let me know if you have any questions.

Regards,

Abe Silverman

<<MMC PRIV-031708-120705PM.pdf>>

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202.434.1603
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NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

CERTIFICATE OF SERVICE

I hereby certify that I have this 18th day of March, 2008 caused to be served a copy of the forgoing Motion for Extension of Time upon all parties listed on the official service list compiled by the Secretary of the Federal Energy Regulatory Commission in this proceeding.

/s/ Karin L. Larson
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