

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

**California Independent System) Docket No. ER09-572-000
Operator Corporation)**

**MOTION FOR LEAVE TO ANSWER AND ANSWER OF THE
CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION
TO INTERVENTION AND PROTEST**

The California Independent System Operator Corporation (“CAISO”) requests leave to answer and submits this answer¹ to the motion to intervene and protest filed in this proceeding by Modesto Irrigation District (“MID”) in response to the CAISO’s January 23, 2009 filing for a waiver of certain Open Access Same-Time Information System (“OASIS”) standards and communication protocols, 18 C.F.R. Part 37 (2007), and OASIS business practice standards, 18 C.F.R. Part 38 (2007), that will be inapplicable to and/or incompatible with the CAISO’s operations under the structure of the Market Redesign and Technology Upgrade (“MRTU”).

The CAISO does not oppose MID’s intervention in this matter. The CAISO notes that no other party has sought to intervene, nor submitted a protest or comments with respect to the waiver of the OASIS requirements requested in the CAISO’s petition. The CAISO, however, does object to MID’s attempt to unduly broaden the scope this proceeding beyond the waiver requested in the CAISO’s petition and to interject issues pertaining to posting requirements in the

¹ The CAISO submits this answer pursuant to Rules 212 and 214 of the Commission’s Rules of Practice and Procedure, 18 C.F.R. §§ 385.212 and 385.213 (2007).

MRTU Tariff that MID has already raised and that are pending before the Commission in Docket Nos. ER09-556, *et al.*

I. MOTION FOR LEAVE TO FILE ANSWER

Answers to protests are generally not permitted.² The CAISO respectfully requests waiver of the Commission's Rules of Practice and Procedure prohibiting answers to protests.³ Good cause exists for the waiver. MID has raised specific concerns with respect to the CAISO's requested waiver of certain OASIS requirements, which concerns are unrelated to the CAISO's petition. This answer will assist the Commission in considering these concerns. Accordingly, the Commission should permit the CAISO to file this answer and approve the CAISO's requested waiver.

II. ANSWER

In its motion to intervene and protest in Docket Nos. ER09-556, *et al.*, MID objected to the CAISO's proposal to modify Tariff Section 6.5.4.2.2 to delete the requirement to post total HASP Advisory Schedules and Ancillary Services awards by Scheduling Point. As the CAISO explained in its transmittal letter in that docket (at 17), the proposed modifications to Section 6.5.4.2.2 are consistent with the CAISO's request for approval of tariff changes in Docket No. ER09-213 to defer its ability to procure Ancillary Services at the interties in the HASP. The Commission recently approved that CAISO request in Docket No. ER09-213,⁴ which means that information regarding total HASP Advisory Schedules and

² See 18 C.F.R. § 385.213(a)(2).

³ The CAISO requests a waiver pursuant to 18 C.F.R. § 385.101(e).

⁴ See *California Independent System Operator Corp.*, 126 FERC ¶ 61,081, at P 58 (2009).

Ancillary Services awards by Scheduling Point will be nonexistent at MRTU start-up and therefore does not need to be referenced in Section 6.5.4.2.2. The CAISO further noted that it is not proposing to revise the tariff to alter its obligation to post on OASIS the binding schedules at the interties.

In the instant proceeding, MID is protesting the CAISO's requested waiver from the OASIS requirements based on the same tariff concerns MID raised in Docket Nos. ER09-556, *et al.* However, this proceeding involves no MRTU Tariff provisions or modifications. The CAISO is not seeking to modify or delete any MRTU Tariff provision that requires the posting of information on the CAISO's website or OASIS platform. Instead, the CAISO is requesting waiver of OASIS requirements that will be inapplicable to and/or incompatible with the CAISO's operations under MRTU.

MID's protest should accordingly be rejected. The protest attempts to inappropriately expand the scope of this proceeding by interjecting issues that MID has already raised in another proceeding and that are unrelated to the substance of the CAISO's petition in this matter.

Further, MID's sole purpose in protesting the CAISO's requested OASIS waiver appears to be to ensure that granting the waiver does not resolve the issues MID has raised in Docket Nos. ER09-556, *et al.* The CAISO submits that MID's concerns with deleting the posting requirement from MRTU Tariff Section 6.5.4.2.2 have been raised in that docket and that they should remain there for Commission determination. The CAISO will follow the order that the Commission issues in that matter. If the order declines to delete the posting requirement, it is

certainly not the intention of the CAISO to end run that decision by claiming that the grant of the OASIS waiver here would relieve the CAISO from the MRTU Tariff obligation to post the HASP Advisory Schedules and Ancillary Services awards by Scheduling Point, nor does the CAISO believe that the Commission would countenance such an action.

III. CONCLUSION

For the foregoing reasons, the CAISO respectfully requests that the Commission reject MID's protest and approve the waiver requested by the CAISO.

Respectfully submitted,

/s/ Beth Ann Burns

Anthony J. Ivancovich
Assistant General Counsel –
Regulatory
Beth Ann Burns, Senior Counsel
California Independent System
Operator Corporation
151 Blue Ravine Road
Folsom, CA 95630
Tel: (916) 351-4400
Fax: (916) 608-7296

Dated: March 4, 2009

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document upon the entities that are described in that document as receiving service, 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 Folsom, California this 4th day of March, 2009.

/s/ Jane Ostapovich
Jane Ostapovich