

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

Electronic Tariff Filings

)

Docket No. RM01-5-000

**COMMENTS OF THE CALIFORNIA INDEPENDENT
SYSTEM OPERATOR CORPORATION**

Pursuant to the “Supplemental Notice of Proposed Rulemaking” issued by the Commission in the above-referenced proceeding on April 17, 2008 and published in the Federal Register on April 29, 2008, 73 Fed. Reg. 23137 (“April 17 NOPR”), the California Independent System Operator Corporation (“CAISO”) hereby submits its comments on the proposals contained in the April 17 NOPR. As discussed below, the CAISO supports enhancements to the proposed electronic tariff rules adopted in the April 17 NOPR and anticipates that it will be able to comply with the final rule in this proceeding.

I. Comments on the April 17 NOPR

A. As a General Matter, the CAISO Supports the Proposals Contained in the April 17 NOPR.

The CAISO generally supports the proposals contained in the April 17 NOPR. The CAISO appreciates the effort and care that the Commission and the North American Energy Standards Board (“NAESB”) have, with input from interested members of the public, put into the development of the electronic tariff filing procedures that are proposed therein.¹ It is important that these procedures be as flexible, efficient, and simple to apply as possible, while at the same time

¹ See April 17 NOPR at PP 2-6.

ensuring that the electronic tariff filings submitted to the Commission provide information that is complete and readily understood. As a general matter, the CAISO believes the procedures proposed in the April 17 NOPR satisfy these goals.

The CAISO also appreciates that the Commission, in preparing the April 17 NOPR, took into account the joint comments (“Joint Comments”) that the CAISO and several other Independent System Operators (“ISOs”) and Regional Transmission Organizations (“RTOs”) provided to NAESB in February 2008.² The April 17 NOPR includes the proposal that, when ISO/RTO Open Access Transmission Tariffs (“OATTs”) are filed electronically, the OATTs must at a minimum be divided at the 1.1 level but can be further divided to a more granular level at the option of the filing ISO/RTO.³ This proposal addresses the concern expressed in the ISO Group Joint Comments that such further divisions should be permitted on a voluntary basis.⁴ Allowing a more granular division of OATTs will allow the CAISO and other ISOs and RTOs to determine how best to manage the complexity of their individual electronic tariffs. In addition, the April 17 NOPR includes the proposal that companies will have the flexibility to file tariffs either by dividing the tariffs into sheets or sections.⁵ This proposal addresses the concern

² See *id.* at P 28. The Joint Comments were provided to NAESB on February 27, 2008 by the CAISO, New York Independent System Operator, Midwest Independent Transmission System Operator, Southwest Power Pool, and PJM Interconnection (together, the “ISO Group”), and are available on the NAESB website at http://www.naesb.org/pdf3/weq_wgq_012908_iso_group_comments.pdf.

³ April 17 NOPR at P 28.

⁴ See Joint Comments at 4.

⁵ April 17 NOPR at PP 12 n.9, 23-28.

expressed in the ISO Group Joint Comments that the Commission should not require, but will permit, headers and footers in electronic tariff filings.⁶

B. The Commission Should Take the CAISO's Comments Into Account in Issuing Its Final Rule on the Electronic Tariff Filing Procedures.

The April 17 NOPR states that NAESB's standards "define an extensible markup language (XML) schema" and that the XML schema "pr[e]scribes the metadata elements and the textual information that must be included in the filing package."⁷ Therefore, the April 17 NOPR indicates NAESB's XML schema will require filers such as ISOs/RTOs to include certain metadata elements in their filings. In the Joint Comments, however, the ISO Group explained that ISOs and RTOs are already required to post their tariffs on their websites and should not be subject to the additional administrative burden of having to provide multiple metadata points with each tariff filing.⁸ The CAISO continues to believe that ISOs and RTOs should not be subject to this additional administrative burden. However, if it is impossible to employ the XML schema without requiring that at least some metadata elements be included in filings, the amount of metadata elements required should be kept to a minimum.

The April 17 NOPR also includes the proposal that utilities make filings to establish their baseline tariffs but exclude from such filings any "proposed substantive changes or revisions" to tariffs that are pending or suspended at the

⁶ See Joint Comments at 5.

⁷ April 17 NOPR at PP 10, 20.

⁸ Joint Comments at 1-2.

time the baseline tariffs are submitted.⁹ That NOPR proposal properly encompasses pending or suspended tariff amendment filings submitted pursuant to Section 205 of the Federal Power Act (“FPA”), but the CAISO believes the Commission did not intend for the NOPR proposal also to include pending compliance filings. Unlike a filing submitted pursuant to Section 205 of the FPA, a compliance filing generally does not contain proposed substantive changes or revisions, because a compliance filing is submitted to comply with directives contained in a prior Commission order, not to propose new substantive tariff modifications.¹⁰ Therefore, the CAISO requests the Commission to clarify that utilities’ filings of baseline tariffs should include the tariff language contained in pending compliance filings. In addition, the CAISO requests confirmation from the Commission, as also requested in the ISO Group’s Joint Comments, that pending tariff filings submitted pursuant to Section 205 of the FPA and outstanding compliance filings will be processed as expeditiously as possible prior to implementation of the electronic tariff filing procedures.¹¹ Further, the CAISO reiterates that ample time will be needed for the testing of any new or revised tariff filing software¹² – a need that the April 17 NOPR appears to acknowledge.¹³

⁹ April 17 NOPR at PP 59, 62-63.

¹⁰ The CAISO recognizes that from time to time compliance filings are submitted that also include new proposals made pursuant to Section 205 of the FPA, but such new Section 205 proposals are distinguished from the compliance items in the transmittal letters for those filings.

¹¹ See Joint Comments at 3.

¹² See *id.*

¹³ See April 17 NOPR at P 64, 66.

Also, the April 17 NOPR envisions that compliance with the electronic tariff filing procedures should be able to begin 6-12 months after the Commission's final rule is issued in this proceeding, though the April 17 NOPR does not propose a firm deadline or structure for compliance.¹⁴ The CAISO anticipates that it will be able to comply with the requirements of the final rule within the proposed 6-12 month timeframe, but only if all development and testing of the tariff filing software has been completed by that time.¹⁵

II. Communications

The CAISO requests that all correspondence, pleadings, and other communications concerning this filing be served upon the following:

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¹⁴ *Id.* at P 66.

¹⁵ *See id.*

III. Conclusion

The CAISO thanks the Commission for taking into account the February 2008 Joint Comments of the ISO Group in the April 17 NOPR and requests that the Commission give consideration to the comments presented herein in the final rule in this proceeding.

Respectfully submitted,

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