

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

California Independent System Operator) Docket No. ER03-746-000
Corporation)

**MOTION OF THE CALIFORNIA INDEPENDENT SYSTEM
OPERATOR CORPORATION FOR SHORTENING
OF COMMENT PERIOD**

Pursuant to Rule 212 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), 18 C.F.R. § 385.212, the California Independent System Operator Corporation (“ISO”)¹ respectfully requests that the Commission shorten the period for submitting comments on the ISO’s filing of Amendment No. 51 to the ISO Tariff. In support whereof, the ISO states as follows.

I. Background

On March 26, 2003, the Commission issued an order in Docket Nos. EL00-95, *et al.* (the “Refund Proceeding”) stating that it expected that refunds in that proceeding would be distributed by the end of the summer.² The ISO determined that before it could conduct the Refund Proceeding-dictated re-run of its Settlement Statements and adjustment to Scheduling Coordinators’ (“SC”) invoices (which are a necessary

¹ Capitalized terms not otherwise defined herein are defined in the Master Definitions Supplement, ISO Tariff Appendix A, as filed August 15, 1997, and subsequently revised.

² *San Diego Gas & Electric Co., et al.*, 102 FERC ¶ 61,317, at P 1 (2003) (“March 26 Order”).

prerequisite to the distribution of the refunds), it would need to ensure that the data needed for the Refund Proceeding re-run were accurate by completing certain “preparatory” adjustments and re-runs.

On April 15, 2003, the ISO filed Amendment No. 51 to the ISO Tariff. The purpose of Amendment No. 51 is to facilitate ISO Settlement Statement re-runs and adjustments to Scheduling Coordinator invoices by insulating or “walling off” the invoicing and Settlement process for the preparatory adjustments and re-runs from the invoicing and Settlement process that currently is used to clear the ISO Market.

The ISO explained in the Amendment 51 Transmittal Letter that expeditious action on this matter is imperative if the ISO is to complete the preparatory market re-runs that are prerequisites for the major re-run necessary in the Refund Proceeding. Transmittal Letter at 1. In light of this urgency, the ISO requested an effective date of May 1, 2003 for this amendment. To make such an effective date possible, the ISO also requested a shortened comment period, to allow any comments on Amendment 51 to be considered by the Commission before it acted on the proposed filing. *Id.* at 5.

On April 17, 2003, the Commission issued a Notice of Filing for Amendment 51, including a date for comments on the filing of May 6, 2003. This comment date, of course, makes the ISO’s proposed effective date for Amendment 51 impossible.

II. Argument

As described in the Amendment 51 transmittal letter, to ensure proper cost responsibility for the period prior to the dates covered by the Refund Proceeding, the ISO must complete, to the best of its ability, any re-runs associated with the earlier period of operations. Moreover, the ISO is mindful of the need to finish the preparatory

adjustments and re-runs as quickly as practicable, in light of the expectation expressed in the March 26 Order that refunds in the Refund Proceeding would be distributed by the end of the summer.³

The ISO estimates that completing both the preparatory adjustments and re-runs and the Refund Proceeding re-run will require a total of about 5-6 calendar months, assuming that no unforeseen issues must be accounted for in the re-runs. See Affidavit of Don Fuller, Attachment C to the Amendment 51 filing. The ISO plans to be ready to begin the preparatory adjustments and re-runs by May 5, 2003. In order to allow for the May 5 commencement date, however, the ISO must have authority from the Commission to apply the tariff changes proposed in Amendment 51 to its preparatory re-runs. The ISO will not commence undertaking the extensive and time-consuming preparatory adjustments and re-runs until the Commission has acted on Amendment No. 51 and granted the ISO's requested authorizations. Thus, any delays in Commission action on Amendment No. 51 will result in corresponding delays in the ISO's conduct of the preparatory re-runs and the Refund Case re-run, thereby resulting in delayed refunds to California consumers.

This being the case, the ISO respectfully requests that the Commission reconsider the May 6 comment date provided for in the April 17 Notice of Filing, and instead allow a period for comments that would allow any comments to be considered,

³ The Commission Chairman, Patrick Wood, recently stated that "the exact amount of refunds will be determined this summer." See Testimony of Patrick Wood Before the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs Committee on Government Reform United States House of Representatives, April 8, 2003 at p. 3. This contributes to the urgency of Amendment 51, as the Refund Proceeding refunds cannot be determined without doing the preparatory re-runs, which in turn are dependant on the acceptance by the Commission of Amendment 51.

and allow the Commission to act on Amendment 51, in time for the changes proposed in this amendment to be made effective by May 1, 2003.⁴

III. Service

The ISO has served copies of this pleading on the Public Utilities Commission of the State of California, the California Energy Commission, the California Electricity Oversight Board, and on all parties with effective Scheduling Coordinator Service Agreements under the ISO Tariff. In addition, the ISO is posting this pleading on the ISO Home Page.

⁴ As noted in the Amendment 51 Transmittal Letter, due to the urgency of the re-runs to be performed, good cause exists, in accordance with Section 35.11 of the Commission's regulations, 18 C.F.R. § 35.11, for the Commission to approve the requested effective date of May 1, 2003. Approval by the Commission by May 1 will facilitate the current re-run schedule, which calls for the preparatory re-runs to begin on May 5, 2003.

IV. Conclusion

For the reasons described above, the ISO respectfully requests that the Commission shorten the period for comments to the ISO's Amendment 51 filing to allow for the resolution of any comments as quickly as possible.

Respectfully submitted,

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