

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

**California Independent System) Docket No. ER98-997-000
Operator Corporation)**

**MOTION OF THE CALIFORNIA INDEPENDENT
SYSTEM OPERATOR CORPORATION
FOR OFFICIAL NOTICE**

To: The Honorable Jacob Leventhal
 Presiding Administrative Law Judge

Pursuant to Rules 212 and 508 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), 18 C.F.R. §§ 385.212, 385.508, the California Independent System Operator Corporation (“ISO”) respectfully requests that the Presiding Law Judge take official notice of certain facts that are relevant to this proceeding. Specifically, the ISO request that the Presiding Law Judge take notice of the following facts:

1. The ISO, on May 11, 2001, filed an amendment to the ISO Tariff in compliance with a recent order on Market Mitigation and Monitoring for the California Wholesale Market, issued on April 26, 2001, 95 FERC ¶ 61,115 (2001), which amendment would establish a requirement that all non-hydroelectric Generators in the state offer to sell all available capacity to the ISO in real time and provide the ISO with the authority to approve and modify Outage schedules for all Participating Generators.
2. The Cogeneration Association of California has filed a request for rehearing of the Commissions’ April 26th Order, requesting that the Qualifying Facilities be excluded from the outage coordination and the requirement to sell; a motion for stay of the Commission’s order as it pertains to Qualifying Facilities;

and comments on the ISO amendment requesting the Commission to reject the outage coordination provisions of the amendment.

These facts are highly relevant to this proceeding. Issues III.A and III.B, as identified in the Joint Statement of Issues filed by the parties, involve the ISO Tariff provisions regarding dispatch of units and outages. Filings with regard to amendments to those proceedings, therefore, can render certain arguments moot or irrelevant.

Rule 508(d) allows the Presiding Judge to take official notice of any matter that may be judicially noticed by courts of the United States. Rule 201(b) of the Federal Rules of Evidence allows the courts of the United States to take adjudicate notice of facts that are “capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” The above facts are readily ascertainable from the Commission’s files, which meet the requirements of Rule 201(b) of the Federal Rules of Evidence. Copies of the filing are appended to the ISO’s Initial Brief, filed today.

Rule 508(d) also requires that a participant requesting official notice of facts after the conclusion of the hearing justify the failure to request official notice prior to the close of the hearing. In this instance, the filings had not been made prior the close of the hearing, so a request for official notice did not lie.

According, the ISO respectfully requests that the Presiding Judge take official notice of the above-identified facts.

Respectfully submitted,

Michael E. Ward
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3000 K Street, N.W.
Washington, D.C. 20007

Counsel for the California Independent
System Operator Corporation

Dated: May 30, 2001

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the service list compiled by the Secretary in this proceeding.

Dated at Washington, DC, this 30th day of May, 2001.

Michael E. Ward
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3000 K Street, N.W.
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Counsel for the California Independent
System Operator Corporation

May 30, 2001

The Honorable David P. Boergers
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

**Re: California Independent System Operator Corporation
Docket No. ER98-997-000, et al.**

Dear Secretary Boergers:

Enclosed is an original and fourteen copies of the California Independent System Operator Corporation's Motion To Sever Certain Dockets. Also enclosed is an extra copy of the filing to be time/date stamped and returned to us by the messenger. Thank you for your assistance.

Respectfully submitted,

Kenneth G. Jaffe
David B. Rubin
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Counsel for the California
Independent System Operator Corporation

Enclosures

cc: Service List
The Honorable Delbert R. Terrill, Jr.
The Honorable Curtis L. Wagner, Jr.