



December 23, 2004

VIA ELECTRONIC FILING

The Honorable Magalie R. Salas
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

**Re: CalPeak Power—Border, LLC
Docket No. ER05-302-000**

Dear Secretary Salas:

Transmitted herewith for electronic filing in the above-referenced proceeding is the Motion to Intervene of the California Independent System Operator Corporation.

Thank you for your attention to this matter.

Yours truly,

/s/ Sidney L. Mannheim

Sidney L. Mannheim
Regulatory Counsel

Counsel for the California Independent
System Operator Corporation

Enclosure

cc: Service List

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

CalPeak—Border, LLC) **Docket No. ER05-302-000**
)

**MOTION TO INTERVENE OF THE
CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION**

Pursuant to Rule 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), 18 C.F.R. § 385.214, and the Commission’s December 8, 2004 Notice of Filing, the California Independent System Operator Corporation (“ISO”) submits this Motion to Intervene in the above-captioned proceeding. In support thereof, the ISO states as follows:

I. DESCRIPTION OF THE PROCEEDING

On December 6, 2004, CalPeak Power—Border, LLC (“CalPeak Border”) submitted for filing and acceptance an executed Reliability Must-Run Service Agreement (“RMR Agreement”), and accompanying rate schedules, between CalPeak Border and the ISO. On December 22, 2004, CalPeak Border submitted corrected rate schedules sheets at the request of the ISO. CalPeak requested an effective date of January 1, 2005.

II. DESCRIPTION OF THE ISO AND COMMUNICATIONS

The ISO is a non-profit public benefit corporation organized under the laws of the State of California with a principal place of business at 151 Blue Ravine Road, Folsom, CA 95630. The ISO is the Control Area operator responsible for the reliable operation of the electric grid comprising the transmission systems of a number of utilities including San Diego Gas & Electric Company (“SDG&E”), as well as the coordination of the ancillary services and real-time electricity markets in California.

The ISO requests that all communications and notices concerning this motion and these proceedings be provided to:

Sidney L. Mannheim
Regulatory Counsel
California Independent System
Operator Corporation
151 Blue Ravine Road
Folsom, CA 95630
916-608-7144 (tel)
916-608-7222 (fax)
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rkott@caiso.com

III. ISO’S INTEREST

Cal-Peak Boarder’s RMR Unit is located within SDG&E’s transmission system and is needed to maintain the reliability of the ISO Controlled Grid. As the Control Area operator and as the counterparty to the RMR Agreement, the ISO has a unique interest in any Commission proceeding that affects an RMR Agreement. Accordingly, the ISO has a direct and substantial interest in this proceeding and requests that it be permitted to intervene. Because no other

party can adequately represent the ISO's interests in this proceeding, the ISO's intervention is in the public interest and should be granted.

IV. CONCLUSION

For the foregoing reasons, the ISO respectfully requests that the Commission grant this Motion to Intervene and make the ISO a party in the above-caption proceeding with full rights of participation.

Respectfully submitted

Sidney L. Mannheim
Sidney L. Mannheim
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Operator Corporation
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(916) 608-7144 (tel)
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Dated: December 23, 2004

CERTIFICATE OF SERVICE

I hereby certify that I have this 23rd day of December, 2004 caused to be served a copy of the forgoing document upon all parties listed on the official service list compiled by the Secretary of the Federal Energy Regulatory Commission in this proceeding.

/s/ Sidney L. Mannheim
Sidney L. Mannheim