

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

Gilroy Energy Center, LLC

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Docket No. ER10-167-000

**MOTION TO INTERVENE AND COMMENTS 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 November 3, 2009, Combined Notice of Filings, the California Independent System Operator Corporation (“ISO”) submits this Motion to Intervene and Comments in the above captioned proceeding. In support thereof, the ISO states as follows:

I. DESCRIPTION OF THE PROCEEDING

On October 30, 2009, Gilroy Energy Center, LLC (“Gilroy”) submitted annual rate revisions to certain Rate Schedules of its Reliability Must-Run (“RMR”) Agreements with ISO. Gilroy requests that the Commission accept the proposed tariff sheets for filing, effective January 1, 2010. By its Notice issued November 3, 2009, the Commission established November 20, 2009 as the date motions to intervene are to be filed in the above-captioned proceeding.

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 its principal place of business at 151 Blue Ravine

Road, Folsom, CA 95630. The ISO is the Balancing Authority Area operator responsible for the reliable operation of the electric grid comprising the transmission systems of a number of utilities, including Pacific Gas and Electric Company ("PG&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:

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III. ISO'S INTEREST

Gilroy's units are located within PG&E's transmission system. These facilities are needed to maintain the reliability of the ISO Controlled Grid. As the Balancing Authority Area operator and as the counter party to the RMR Agreements, 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. COMMENTS

The ISO has no dispute with Gilroy's annual limited 205 filing and urges the Commission to accept it.

V. 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.

Dated: November 20, 2009

Respectfully submitted

/s/ Sidney Mannheim Davies
Sidney Mannheim Davies
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Operator Corporation
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CERTIFICATE OF SERVICE

I hereby certify that I have, this 20th day of November, 2009, 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.

Is/ Anna Pascuzzo

Anna Pascuzzo