

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

California Independent System Operator
Corporation

Docket Nos. ER08-1178-
003 and EL08-88-004

**MOTION FOR CLARIFICATION
OR, IN THE ALTERNATIVE, REQUEST FOR REHEARING**

Pursuant to Rules 212 and 713 of the Commission's Rules of Practice and Procedure, the California Independent System Operator Corporation ("ISO") respectfully submits this motion for clarification or, in the alternative, request for rehearing of the Commission's September 2, 2009, order in this proceeding.¹ Specifically, the ISO seeks clarification or rehearing regarding the requirement that the Exceptional Dispatch information posted on the ISO's OASIS be consistent with the data published in the ISO's Exceptional Dispatch reports.² The ISO asks that the Commission clarify that the data currently published in OASIS satisfy the Commission's requirement or, if not, to modify its order such that the current data will be sufficient to comply with the order. If the Commission denies the ISO's September 14, 2009 motion for clarification regarding the time and content of Exceptional Dispatch reporting requirements, then the ISO also requests rehearing of the issues identified in that request.

¹ *Cal. Indep. Sys. Operator Corp.*, 128 FERC ¶ 61,218 (2009) ("September 2 Order").

² *Id.* at P 45, n.59.

I. Background

The September 2 Order conditionally accepted, subject to modification, the ISO's proposed tariff revisions regarding the use of Exceptional Dispatch that were included in the ISO's March 23, 2009, compliance filing. The compliance filing was in response to the Commission's February 20, 2009, order accepting in part and rejecting in part the ISO's Exceptional Dispatch proposal.³

Among other matters, the September 2 Order addressed the ISO's obligation to provide regular reports on its use of Exceptional Dispatch. In the September 2 Order, the Commission accepted an ISO proposal for a 30-day reporting obligation.⁴

The Commission also established a new reporting process on a going-forward basis, beginning with the report to be submitted on September 15, 2009.⁵ The September 2 Order specified the details regarding the frequency, volume, costs, causes, and degree of mitigation of Exceptional Dispatches that must be included in the future reports. The Commission provided two templates for reporting the data – one with cost data, and one without cost data. The templates were included in Appendices A and B to the order.⁶ In a footnote to the order, the Commission stated:

We also note that the CAISO maintains data on its OASIS in addition to data provided in the filed reports and some data is provided in CAISO presentations. This data should be consistent with data submitted in the

³ *Cal. Indep. Sys. Operator Corp.*, 126 FERC ¶ 61,150 (2009) ("February 20 Order").

⁴ September 2 Order at P 34.

⁵ *Id.* at P 37.

⁶ *Id.* at PP 39-44. The ISO has sought and received an extension to September 29, 2009.

Exceptional Dispatch Reports in order to provide market participants up-to-date, transparent information.⁷

II. Request for Clarification and Specification of Errors.

(1) The ISO requests that the Commission clarify that the information currently posted on OASIS complies with the requirements of the September 2 Order. If the Commission cannot so clarify, the ISO respectfully submits that the September 2 Order erred by requiring the ISO to post data on OASIS in a manner that is inconsistent with the ISO procedures and software for processing market data.

(2) The ISO has previously requested that the Commission clarify that the ISO may file its initial report on Exceptional Dispatches occurring in a calendar month (e.g., August) on the 15th day of the second month following that calendar month (e.g., October 15 for August Exceptional Dispatches) and that the ISO may file its revised report, including cost data, on the 30th day of the third month following the Calendar month (e.g., November 30 for August Exceptional Dispatches). The ISO has also requested clarification that the ISO may make minor changes to the templates provided by the Commission in order to reflect the availability of data. If the Commission does not so clarify, the ISO respectfully submits that the September 2 Order erred by establishing reporting requirements that are inconsistent with the availability of data to the ISO and do not allow the ISO to achieve the transparency that the Commission directed.

⁷ September 2 Order at P 45, n.59.

III. Statement of Issues for Rehearing Request

(1) Whether the Commission properly concluded that data consistency between the ISO's OASIS and the ISO's Exceptional Dispatch reports is necessary in order to make the ISO's Exceptional Dispatch tariff provisions just and reasonable.

(2) Whether the timeline and content requirements for Exceptional Dispatch reports established in the September 2 Order are reasonable.

III. Discussion

OASIS publishes data on a near real-time and real-time basis concerning the following areas, among others: prices, current transmission, system demand, Energy, Ancillary Services, and Congestion Revenue Rights. With respect to Exceptional Dispatches, OASIS publishes total hourly volumes of Exceptional Dispatch Energy and the hourly weighted average price of the five-minute locational marginal prices of Exceptional Dispatch Energy for each transmission operator service territory. The information concerning Exceptional Dispatch for any given day is published on the following day. The Exceptional Dispatch information published on OASIS complies with Paragraph 267 of the September 2006 Order conditionally accepting the ISO's MRTU tariff.⁸

The ISO also believes that the information posted on OASIS complies with footnote 59 to Paragraph 45 of the September 2 Order inasmuch as the data are consistent with the data published in the Exceptional Dispatch reports. The raw data published on OASIS concerning hourly volumes and hourly weighted prices are consistent with the data that feed into the downstream systems that

⁸ *Cal. Indep. Sys. Operator Corp.*, 116 FERC ¶ 61,274 at P 267 (2006).

ultimately produce final settlement quality quantities to be settled in accordance with the tariff.

The data in the report, however, cannot be “matched” with the OASIS data because the report data incorporate information not available when OASIS is posted in near real-time. The data in the reports filed with the Commission and posted on the ISO’s website contain much more complete information that has also been manually validated and, ultimately, include the settlement quality information that derives from the raw data. For example, the five minute locational marginal prices are used to determine settlement price, but Exceptional Dispatches are not settled at the five-minute locational marginal prices. When an Exceptional Dispatch is settled at the locational marginal price, the Resource-Specific Settlement Interval Locational Marginal Price is used. Exceptional Dispatch may also be settled according to the bid price or the Default Energy Bid, depending on the reason for the Exceptional Dispatch and whether bid mitigation applies.⁹ The settlement prices and megawatt-hours are not, and could not be, published on OASIS. This information is not available until considerably later and cannot be determined without meter data and market quality review. Moreover, it would not be appropriate to publish settlement prices on OASIS, as this information requires checks and balances to ensure that settlement quality data are correct.

The ISO expects that the Commission did not intend that the September 2 Order be implemented in a manner that would require extensive revision of OASIS processes and software that would also be inconsistent with the purpose

⁹ . ISO Tariff §§ 11.5.6 – 11.5.6.2.4.

of OASIS, which is to publish very timely but in many cases raw data and not settlement quality data. Moreover, OASIS specifically states that the data is not settlement quality. The ISO therefore requests that the Commission clarify that the ISO's current OASIS reporting complies with the September 2 Order. If the Commission cannot so clarify, the ISO requests that the Commission revise its order to provide that current OASIS provisions are a just and reasonable mechanism for providing prompt but preliminary information to market participants concerning the use of Exceptional Dispatch.

For similar reasons, the timelines and content requirements established in the September 2 Order, although originally proposed in part by the ISO, are not consistent with the Commission's requirement for consistency between the initial and revised Exceptional Dispatch reports. These issues are fully explained in the ISO's pending request for clarification, filed September 14, 2009. If the Commission does not grant the clarification requested in that filing, the ISO requests that the Commission revise the September 2 Order (1) to allow the ISO to file its initial report on Exceptional Dispatches occurring in a calendar month (e.g., August) on the 15th day of the second month following that calendar month (e.g., October 15 for August Exceptional Dispatches) and to file its revised report, including cost data, on the 30th day of the third month following the Calendar month (e.g., November 30 for August Exceptional Dispatches); and (2) to allow the ISO to make minor changes to the templates provided by the Commission in order to reflect the availability of data.

IV. Conclusion

For the reasons discussed above, the ISO respectfully requests that the Commission clarify that the data currently published in OASIS satisfy the Commission's requirements in the September 2 Order or, if not, modify its order such that the current data will be sufficient to comply with the order. The ISO further requests that, if the Commission does not grant the clarification requested by the ISO in its September 14, 2009, filing in this docket, the Commission revise its September 2 Order as described above.

Respectfully submitted,

/s/ Sean A. Atkins

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Dated: October 2, 2009

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document upon the parties listed on the official service lists in the captioned proceedings, in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.2010).

Dated at Washington, D.C. this 2nd day of October, 2009.

/s/ Sean A. Atkins

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