ORDER ACCEPTING FOR FILING AND SUSPENDING PROPOSED TARIFF REVISIONS, SUBJECT TO REFUND, ESTABLISHING HEARING PROCEEDINGS, AND CONSOLIDATING DOCKETS

(Issued February 21, 2001)

In this order, we accept for filing, suspend, make subject to refund, and consolidate with Docket No. ER00-2019-000 for purposes of hearing and settlement discussions, proposed Tariff Amendment No. 34 of the California Independent System Operator Corporation (ISO). We also accept for filing, suspend, make subject to refund, and set for hearing, in part, revisions by San Diego Gas & Electric Company (SDG&E), Southern California Edison Company (SoCal Edison), and Pacific Gas & Electric Company (PG&E) to their respective Transmission Owner Tariffs (TO Tariffs), and consolidate the three dockets for purposes of hearing and decision. Further, we grant waiver of the Commission's 60-day prior notice requirement to allow these proposed tariff changes to become effective on January 1, 2001, as requested.
Background

A. Docket No. ER01-819-000

The ISO has filed a number of revised tariff sheets, collectively referred to as Amendment No. 34, which are intended to clarify and revise the ISO Tariff to reflect that a new Participating Transmission Owner, the City of Vernon, California (Vernon), has joined the ISO. Additionally, the ISO’s Transmission Access Charge, which the ISO had previously filed as part of Amendment No. 27, in Docket No. ER00-2019-000, becomes effective upon the date that a new entity becomes a Participating Transmission Owner. Accordingly, the ISO has also submitted additional tariff sheets to reflect needed clarification and revisions upon the initiation of billing of the revised Transmission Access Charge. The ISO has also provided information as to the initial level of the specific rate components of the Transmission Access Charge. By order dated May 31, 2000, the ISO’s Amendment No. 27 was accepted for filing, suspended, and set for hearing and settlement judge procedures. Therefore, the ISO’s specified rates filed herein reflect the initial level of charges to be billed by the ISO under a methodology that has been suspended and is subject to on-going settlement negotiations.


2 The issue of whether Vernon has actually joined the ISO, which has been raised in this proceeding and a number of other concurrent proceedings, is addressed in an order issued contemporaneously in Docket No. ER01-724-000, et al.

3 Amendment No. 27 to the ISO Tariff provides a new methodology for determining a Transmission Access Charge and is intended to encourage new parties to join the ISO.

The ISO’s Transmission Access Charge (TAC) consists of three components: (1) a high voltage access charge (HVAC) for transmission service utilizing transmission facilities at 200 kV or above; (2) a transition charge, and (3) a low voltage access charge for those facilities below 200 kV that is based on a utility-specific rate established by each Participating Transmission Owner. The proposed High Voltage Access Charge is calculated based on the specific high-voltage Transmission Revenue Requirements (TRR) of the three original Participating Transmission Owners discussed herein and Vernon’s TRR. The ISO’s Transmission Access Charge also includes a transition charge that reflects cost shifts that are incurred in the transition from individual utility-specific transmission charges to an ISO grid-wide charge.

The ISO requests waiver of the Commission’s prior notice requirements to permit the instant tariff changes to be effective January 1, 2001, consistent with the date that Vernon seeks to join the ISO.

B. Docket Nos. ER01-831-000, ER01-832-000, and ER01-839-000

SDG&E in Docket No. ER01-831-000, SoCal Edison in Docket No. ER01-832-000, and PG&E in Docket No. ER01-839-000 submitted for filing with the Commission, modifications to each of their respective TO Tariffs in order to implement the new Transmission Access Charge methodology proposed in the ISO’s Amendment No. 27, filed with the Commission in Docket No. ER00-2019-000. Each of the applicants requests that its proposed TO Tariff become effective January 1, 2001, the date that the Vernon seeks to become a Participating Transmission Owner (PTO) in the ISO.

The instant filings propose to revise rate provisions, as well as non-rate terms and conditions, of the original Participating Transmission Owners’ TO Tariffs. The proposed modifications include, among other things: (1) the bifurcation of each respective Participating Transmission Owner’s transmission revenue requirement (TRR) into high voltage and low voltage; (2) the development of a low voltage wheeling access charge;

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5 The HVAC is comprised of three separate TAC area rates and an ISO grid-wide rate which, over a proposed ten-year transition period, will be combined to form a single ISO Grid-wide Access Charge.

6 An order on Vernon’s TRR was issued on October 27, 2000, in Docket No. EL00-105-000. City of Vernon, California, 93 FERC ¶ 61,103 (2000). An order on rehearing in Docket No. EL00-105-002 is being issued contemporaneously with this order.

7 High voltage under the ISO Tariff reflects 200 kV and above, while low voltage
(3) implementation of a new ratemaking mechanism, known as the Transmission Access Charge Balancing Account Adjustment (TACBAA); and (4) modifications to certain non-rate terms and conditions in each TO Tariff in order to comport the tariff language to the terms and conditions proposed by the ISO in Docket No. ER01-819-000, and to implement the methodology proposed by Amendment No. 27.

Each of the three original Participating Transmission Owners, SDG&E, SoCal Edison, and PG&E, have proposed a bifurcation of their total TRR into High Voltage and Low Voltage TRR’s. PG&E and SDG&E state that the TRRs included in their filings are from previously settled cases.

represents the transmission level at below 200 kV, but above distribution level.
Each Participating Transmission Owner also proposes to include, as modifications, updates to its respective Transmission Revenue Balancing Accounts (TRBAA) and, for PG&E, an updated Reliability Service Balancing Account (RSBA). These proposed modifications are incorporated into these filings, but have been submitted to the Commission in separate filings.  

The Participating Transmission Owners request that the proposed modifications to their respective TO Tariffs become effective January 1, 2001, the effective date of Vernon participation as a transmission owner under the ISO. However, each TO

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8 SoCal Edison filed its TRBAA update on December 22, 2000 in Docket No. ER01-761-000. SDG&E filed its TRBAA update on December 27, 2000 in Docket No. ER01-844-000. PG&E filed its TRBAA and RS update on December 26, 2000 in Docket No. ER01-783-000.

9 However, because its retail rates have been capped by state law, SoCal Edison proposes to make the TACBAA rate effective for service rendered on and after the date new retail rates take effect. Also, PG&E proposes that the TACBAA rate increase become effective on January 1, 2001, but not be billed to retail customers until final rates take effect in response to PG&E’s Rate Stabilization Plan with the Public Utilities Commission of the State of California (California Commission), which seeks an interim rate increase with final rates effective March 31, 2001, or until the California Commission authorizes a final rate increase to implement the end of PG&E’s Section 368
requests that the proposed effective date of January 1, 2001, be a conditional effective date, subject to acceptance of Vernon as a Participating Transmission Owner.

**Notice and Interventions**


Notices of SDG&E’s, SoCal Edison’s, and PG&E’s filings in Docket Nos. ER01-831-000, ER01-832-000, and ER01-839-000, respectively, were published in the Federal Register, 66 Fed. Reg. 2897 (2001), with comments, protests, and interventions due on or before January 19, 2001.

The California Commission filed a notice of intervention in each proceeding. Timely motions to intervene were filed in the various proceedings by the entities shown in Appendix A.

On January 19, 2001, the Sacramento Municipal Utility District (SMUD) filed a request for an extension of time to submit comments in Docket No. ER01-839-000, and SMUD filed its comments on January 24, 2001. The ISO, PG&E, and SoCal Edison filed answers to the protests and motions for consolidation on February 5, 2001.

**Discussion**

**A. Procedural Matters**

Pursuant to Rule 214 of the Commission’s Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2000), the timely, unopposed motions to intervene in these proceedings serve to make those who filed them parties to these proceedings, as shown in Appendix A.

transition period, whichever is later.
We will accept SMUD's late-filed comments because, in this instance, the delay has not unduly prejudiced any other party or slowed our resolution of this proceeding.

The ISO, PG&E, and SoCal Edison filed answers to the protests. Rule 213(a) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2000), prohibits the filing of an answer to a protest unless otherwise permitted by the decisional authority. We are not persuaded to allow the proposed answers, and, accordingly, will reject them.

B. Docket No. ER01-819-000

The ISO's revised tariff sheets include both definitional changes to reflect Vernon's joining the ISO and changes to clarify and revise billing provisions to implement the new TAC rate design. The ISO has also filed the specific rates that will result from implementation of the ISO's filed formulas reflecting the TRRs of the individual Participating Transmission Owners. A number of intervenors in this proceeding protest various aspects of the ISO's proposed tariff changes. PG&E argues that the Commission should reject the ISO's proposed rates as deficient and advise the ISO to file cost support for the rate component resulting from the TRR of Vernon. Vernon protests the lack of support for specific tariff changes in Appendix F, Schedule 3, Sections 7.1.3, 8.1, 8.2, and 10. SMUD argues against the ISO's continued reliance on gross load as a billing determinant for the TAC charge and contends that the ISO's TRR provisions are overly vague. DWR and Metropolitan request that the Commission summarily rule in favor of time-of-use rates and DWR also argues that the ISO may be agreeing with PG&E's position regarding the inclusion of generation step-up facilities in the TRR's of the individual Participating Transmission Owners TRRs. Finally, TANC, Modesto, Cities/M-S-R and NCPA argue that the proposed tariff changes should be consolidated with, or at a minimum, be made subject to the outcome of, Docket No. ER00-2019-000 because the two dockets raise similar issues of fact and law.

We find PG&E's comments regarding the lack of sufficient ISO support for Vernon's TRR to represent a collateral attack on the Commission's findings in Docket No. EL00-105-000, wherein we found Vernon's proposed TRR, as modified, to be just and reasonable. Therefore, we will deny PG&E's request for rejection of the ISO's filing.

As for SMUD's arguments regarding the use of gross load as the appropriate billing units, this issue was addressed by the Commission in Docket No. ER00-2019-000 and is currently the subject of pending rehearings by SMUD and others. Therefore, we will reject SMUD's protest without prejudice to our action on the pending rehearing requests on this issue. DWR's and Metropolitan's request for time-of-use rates is discussed below.
Our preliminary review of the ISO's filing indicates that the proposed tariff revisions and information filed related to the level of the proposed TAC rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we will accept the proposed tariff provisions and proposed rates for filing, suspend them for a nominal period, make them effective January 1, 2001, subject to refund, and set them for hearing. Because of common issues of fact and law, we also will consolidate this docket with the on-going proceedings in Docket No. ER00-2019-000.

We will grant the ISO’s request for waiver of the 60-day prior notice requirement and will allow the proposed filing to become effective, as requested, on January 1, 2001. 10

C. Docket Nos. ER01-831-000, ER01-832-000 and ER01-839-000

Intervenors have raised numerous issues and requested several clarifying changes to the TO Tariff filings in Docket Nos. ER01-831-000, ER01-832-000, and ER01-839-000. Some argue for the mandatory inclusion of time-of-use rates to promote the efficient use of off-peak transmission capacity but demand assurance that generation related costs are excluded from the transmission revenue requirement. Others characterize certain tariff language and statements in SoCal Edison's and SDG&E's filings as misleading and inaccurate and seemingly at odds with provisions accepted by the Commission in Docket No. ER00-2019-000, and with those filed by the ISO in Docket No. ER01-819-000. Intervenors also have concerns about the newly proposed TACBAA and other rate provisions of PG&E's revised TO Tariff.

A number of intervenors take issue with PG&E's proposed methodology for bifurcating its TRR into high and low voltage. PG&E's proposed bifurcation of its TRR utilized the methodology that it previously used to derive its present regional and local access charges, which like the ISO's rate design, applies to transmission facilities operating at or above and below 200 kV, respectively. PG&E points out that the ISO did

not mandate a particular allocation methodology, that the ISO’s methodology was referred to a stakeholder process that, to date, has not resulted in a consensus, and that the application of the ISO’s methodology produces a result within 1.8% of that under its own methodology.

We find that the protests raise material issues of fact which should be resolved at hearing, subject to the exceptions discussed below. Our preliminary analysis indicates that the revised TO Tariff filings by SDG&E, SoCal Edison, and PG&E in Docket Nos. ER01-831-000, ER01-832-000, and ER01-839-000, respectively, have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we will accept the proposed TO Tariff modifications for filing, impose a nominal suspension, allow the proposed revisions to become effective on January 1, 2001, as requested, subject to refund, and set them for hearing.

We note that, while intervenors have raised issues which are company specific, there also are common issues of law and fact, such as allocation of TRR to high/low voltage, that apply to each TO Tariff at issue here. Therefore, we will consolidate Docket Nos. ER01-831-000, ER01-832-000, and ER01-839-000 for purposes of hearing and decision.

We will grant SDG&E’s, SoCal Edison’s, and PG&E’s requests for waiver of the 60-day prior notice requirement and will allow the proposed filings to become effective, as requested, on January 1, 2001.\textsuperscript{11}

D. Scope of Issues Set For Hearing

1. Time-of-Use Rate Methodology

As noted above, we find that certain issues raised by the intervenors do not warrant hearing and/or consolidation. The arguments by Metropolitan and DWR concerning time-of-use rates are already being addressed in the ISO’s ongoing Amendment No. 27 settlement proceedings in Docket No. ER00-2019-000. However, we see no need to formally consolidate the instant proceedings with that pending proceeding. While the proceedings all relate to the new TAC methodology, duplicate issues of fact or law are largely absent. Nonetheless, because the proceedings are related and concerns have been raised before them regarding time-of-use rates, we will deny Metropolitan’s

\textsuperscript{11}See supra note 9.
and DWR’s requests for summary disposition and instead make the issue of time-of-use rates subject to the outcome of Docket No. ER00-2019-000.

2. **Transmission Access Charge Balancing Account Adjustment**

Each of the three original Participating Transmission Owners has proposed a Transmission Access Charge Balancing Account Adjustment (TACBAA) rate for the initial year that the ISO’s proposed TAC rate will be charged. Specifically, the rate for each of these Participating Transmission Owners is derived based on the rate methodology set forth in the ISO’s filing in Docket No. ER00-2019-000. For example, SDG&E’s proposed TACBAA rate is $0.00004/kWh based on a transition charge expense of approximately $821,000. Similarly, SoCal Edison and PG&E have proposed TACBAA rates of $0.00004/kWh; however, unlike SDG&E, SoCal Edison’s and PG&E’s retail rates are currently subject to a retail rate freeze; therefore, both SoCal Edison and PG&E propose that until their TACBAA rate is implemented, any cost-shift amounts billed to them by the ISO will accumulate in a Transmission Access Charge Balancing Account (TACBA), the balance of which will be reviewed and recalculated annually.

Inasmuch as the TACBAA rate is derived based on ISO’s rate methodology filed and suspended in Docket No. ER00-2019-000, we shall accept for filing the TACBAA rates for the three original Participating Transmission Owners, subject to the outcome of the proceedings in Docket No. ER00-2019-000.

3. **Proposed TRR of SDG&E, SoCal Edison and PG&E**

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SDG&E will also create a TACBA to track the monthly differences that occur between the amount of transition charges paid to the ISO and the amount of revenues received and, then forecasting annually, as of September 30th, a new TACBAA rate for the succeeding calendar year will be derived for SDG&E, as well as SoCal Edison and PG&E.
Each of the individual Participating Transmission Owners in developing its High Voltage and Low Voltage Access Charges utilized a TRR that was previously filed with the Commission. Specifically, SDG&E utilized a TRR that reflects a settlement agreement approved by the Commission in Docket No. ER97-2364-000, et al.\textsuperscript{13} Similarly, PG&E utilized a TRR that reflects a settlement agreement approved by the Commission in Docket No. ER99-4323-000.\textsuperscript{14} Finally, SoCal Edison utilized a TRR that is based on its originally-filed rates of $213.054 million in Docket No. ER97-2355-000. On July 26, 2000, the Commission, in Docket No. ER97-2355-000, et al., issued Opinion No. 445,\textsuperscript{15} in which it ruled on the outstanding litigated issues regarding the level of SoCal Edison’s TRR. We note that SoCal Edison’s filed TRR is being collected subject to refund in Docket No. ER97-2355-000, et al.

No party in the instant SoCal Edison proceeding has specifically protested the level of the proposed TRR. Inasmuch as SoCal Edison’s TRR is being collected subject to refund, there is no need for further review.

Furthermore, we find that both SDG&E’s and PG&E’s proposed use of their TRRs that are the result of settlement agreements in previous proceedings before the Commission provides a reasonable basis for the starting point for the development of the bifurcated high and low voltage rates. Therefore, we reject TANC, Cities/M-S-R and

\textsuperscript{13}SDG&E’s settlement was approved by letter order dated March 12, 1999, 86 FERC ¶ 61,265.

\textsuperscript{14}PG&E’s settlement was approved by letter order dated September 15, 2000, 92 FERC ¶ 61,224.

\textsuperscript{15}Southern California Edison Company, 92 FERC ¶ 61,070, Opinion No. 445 (2000), reh’g pending.
Modesto’s arguments against the use of PG&E’s settled TRR and exclude the level of the TRRs of these Participating Transmission Owners from the issues to be litigated in the hearing ordered in the consolidated proceeding involving the three original Participating Transmission Owners. However, the appropriate amount of high voltage transmission revenue credits and standby transmission revenues used as reductions to the Participating Transmission Owners’ TRRs are not excluded from the ordered hearing.

4. Generator Related Facilities

Certain intervening parties request that we summarily rule, or, in the alternative, set for hearing, among other things, the issue of whether generator related facilities are improperly included in the TRR of some (or all) of the current Participating Transmission Owners’ TRRs.\(^\text{16}\)

The Commission has previously concluded that generator related facilities, such as generator step-ups and generator lead lines, should be excluded from the calculation of transmission rate base, and therefore not included in the development of the TRR.\(^\text{17}\)

\(^{16}\)See comments of DWR and SMUD in ER01-832-000 and ER01-839-000.

We note, however, that the issue of generator related facilities, with respect to PG&E, is an issue currently before this Commission in the PG&E Transmission Owner Tariff No. 3 (TO-3) proceedings in Docket No. ER99-2326-000. However, this issue is not a matter for discussion in the currently effective PG&E Transmission Owner Tariff (TO-4), which is the basis of PG&E’s TRR in the instant proceeding. Accordingly, we shall reject, without prejudice, intervenors’ request for summary disposition, or hearing, on the issue of generator related facilities in the TRRs of PG&E, SoCal Edison and SDG&E. Furthermore, allowing litigation of this TRR-related issue would be contrary to our ruling above excluding TRRs from the scope of the proceeding.

The Commission orders:

(A) SDG&E’s, SoCal Edison’s, PG&E’s, and the ISO’s proposed tariff revisions are hereby accepted for filing, suspended for a nominal period, to become effective January 1, 2001, as requested, subject to refund, and set for hearing, as discussed in the body of this order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the Department of Energy Organization Act and the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission’s Rules of Practice and Procedure and the regulations under the Federal Power Act (18 C.F.R. Chapter I), a public hearing shall be held in Docket Nos. ER01-831-000, ER01-832-000, and ER01-839-000 concerning the justness and reasonableness of SD&G’s, SoCal Edison’s and PG&E’s proposed tariff changes, as discussed in the body of this order.

(C) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding, to be held within approximately fifteen (15) days of the date of this order, in a hearing room of the

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18. TO-3 refers to PG&E’s third TO rate case filed on March 31, 1999. In an order issued on May 27, 1999, the Commission accepted the filing, suspended it, make it subject to refund, and set it for hearing (currently pending). See Pacific Gas and Electric Company, 87 FERC ¶ 61,218 (1999).

19. TO-4 refers to PG&E’s fourth TO rate case filed in Docket No. ER99-4323-000, which was set for hearing and suspended by Commission order issued on October 27, 1999, 89 FERC ¶ 61,081 (1999), and subsequently settled on September 15, 2000, 92 FERC ¶ 61,224 (2000).
Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. Such conference shall be held for the purpose of establishing a procedural schedule. The presiding judge is authorized to establish procedural dates, including a date for submission of SDG&E’s, SoCal Edison’s, and PG&E’s case-in-chief, and to rule on all motions (except motions to dismiss) as provided in the Commission’s Rules of Practice and Procedure.

(D) Docket Nos. ER01-831-000, ER01-832-000, and ER01-839-000 are hereby consolidated for the purposes of hearing and decision, as discussed in the body of this order.

(E) Docket No. ER01-819-000 is hereby consolidated with Docket No. ER00-2019-000 for purposes of hearing and decision, as discussed in the body of this order. The administrative law judge designated to preside in Docket No. ER00-2019-000 shall determine procedures best suited to accommodate consolidation of Docket No. ER01-819-000 with the pending proceeding.

(F) The issues relating to time-of-use rates and the TACBAA are subject to the outcome of Docket No. ER00-2019-000

(G) Metropolitan’s and DWR’s requests for summary disposition are hereby denied.

(H) Waiver of the Commission’s 60-day prior notice requirement is hereby granted, as discussed in the body of this order.

(I) SDG&E, SoCal Edison, and PG&E are hereby informed of the tariff sheet designations set forth in Appendix B.

(J) The ISO is hereby informed that rate schedule designations will be supplied in a future order, given that the ISO’s proposed conformed tariff is currently pending action in another proceeding. Consistent with our prior orders, we hereby direct the ISO to promptly post its revised tariff on the Western Energy Network.

By the Commission.

(SEAL)

David P. Boergers,
Secretary
Appendix A
Interventions

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20 Only M-S-R Public Power Agency intervened in Docket No. ER01-832-000.
Appendix B

San Diego Gas and Electric Company
Docket No. ER01-831-000
Rate Schedule Designations

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Southern California Edison Company
Docket No. ER01-832-000
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Pacific Gas and Electric Company
Docket No. ER01-839-000
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