

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

<b>California Independent System Operator Corporation</b>	)	<b>Docket No. ER04-835-000</b>
	)	
<b>Pacific Gas and Electric Company</b>	)	<b>Docket No. EL04-103-000</b>
<b>v.</b>	)	
<b>California Independent System Operator Corporation</b>	)	

**UNANIMOUS MOTION FOR REVISED PROCEDURAL SCHEDULE,  
INCLUDING EXTENSION IN THE INITIAL DECISION TARGET DATE**

To: The Honorable H. Peter Young  
Presiding Administrative Law Judge

Pursuant to Rule 212 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.212 (2004), the California Independent System Operator Corporation ("ISO"), on behalf of all participants in this proceeding, files this Unanimous Motion for Revised Procedural Schedule. The basis for this Motion, as discussed briefly below, is that a significant error has been found in the data supporting the ISO's previously filed testimony and exhibits in this proceeding, necessitating the ISO filing revised testimony and re-submitting documents that contain accurate data. In support of this, the ISO states as follows.

**I. Background**

On August 16, 2004, the ISO filed its direct testimony and related exhibits in this proceeding. As part of its submission, the ISO included data attempting to re-categorize historic minimum load costs according to the allocation

methodology proposed in Amendment No. 60. As the historic minimum load costs had not previously been classified according to the ISO's proposed system, zonal, and local categories, staff from the ISO's Department of Market Analysis reviewed the operator logs and, based on their reading of the logs, made a judgment as to the reasons for each dispatch call and assigned it to a category.

Since that time, a number of intervenors have sought additional information about the reasons for the ISO's denial of must offer waivers and the resulting distribution of minimum load costs under the ISO's Amendment No. 60 proposal. In answering these questions, the ISO re-examined its initial study of the operator logs. More specifically, the ISO more closely examined the \$18.2 million in minimum load costs attributed to "Path 26" in 2003. The ISO's initial snapshot examination of some of this data using operations personnel more familiar with daily operations and logging indicated that significant portions of the minimum load costs attributed to "Path 26" should have been attributed to other causes, such as units committed due to the loss of a transformer bank and to address last fall's Southern California wildfires. As a result, the ISO believed it was necessary to inform the Presiding Administrative Law Judge and the participants of the errors in the submitted data.

To resolve the issue, the Presiding Judge called a Scheduling Conference for October 5, 2002. The ISO and the participants to this proceeding met prior to the conference to discuss the scope of the error and how best to address the data issue while minimizing the impact to the procedural schedule. The revised schedule presented below is the result of this collaborative effort. It reflects

compromises among the participants regarding the scope of the historic data that needs to be reexamined, expedited timelines for making objections and submitting discovery, and shortened timeframes for testimony.

The ISO regrets this error, and appreciates the cooperation of the participants in this proceeding in working through this issue.

## **II. Proposed Procedural Schedule**

At the Scheduling Conference held on October 5, 2004, the participants agreed to the following procedural dates, which will allow the ISO to make its revised filing while giving all participants sufficient time to complete their respective testimony and exhibits and to file Initial and Reply Briefs.

Unfortunately, this schedule will not allow the Presiding Administrative Law Judge sufficient time to complete his Initial Decision by the target date of May 31, 2005, which was specified in the Commission's July 8, 2004 Order Establishing Hearing Procedures.<sup>1</sup> For this reason, the parties unanimously request that this date be extended commensurately with the date of the hearing as proposed below. In other words, the new target date for the Initial Decision would be July 5, 2005, which is five weeks later than May 31, 2005

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<sup>1</sup> *Pacific Gas and Electric Co., et al.*, 108 FERC ¶ 61,017 (2004) at P 19.

## PROPOSED PROCEDURAL SCHEDULE

October 26, 2004	ISO Re-filed Direct Testimony and Exhibits containing cost data for June, July and August, 2004
December 7, 2004	Intervenor Direct/Answering Testimony and Exhibits
December 31, 2004	ISO Exhibit Containing Supplemental Data for 2004
January 13, 2005	Commission Staff Direct/Answering Testimony and Exhibits
February 2, 2005	Intervenor Direct/Answering Testimony and Exhibits
February 14, 2005	ISO and PG&E Rebuttal Testimony and Exhibits
February 23, 2005	Joint Stipulation of Issues
February 28, 2005	Discovery Ends
March 8, 2005	Hearing

In addition, the participants request that discovery timelines be truncated for the period between when the ISO testimony and exhibits are filed on October 26, 2004 and the date for intervenor testimony on December 7, 2004, so that objections to discovery would be due within 3 business days during this period, and responses would be due within 5 business days.

### III. Conclusion

Wherefore, for the reasons described above, the ISO, on behalf of all participants to this proceeding, requests that the proposed procedural schedule above be adopted, and that the target date for the Initial Decision be extended five weeks to July 5, 2005.

Respectfully submitted,

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Date: October 7, 2004

## **CERTIFICATE OF SERVICE**

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

Dated at Folsom, CA, on this 7<sup>th</sup> day of October, 2004.

/s/ Geeta O. Tholan  
Geeta O. Tholan