

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

California Independent System Operator Corporation,)	)	
Petitioner	)	
v.	)	No. 98-1225
	)	
Federal Energy Regulatory Commission,	)	
Respondent	)	
	)	
California Electricity Oversight Board,	)	
Petitioner	)	No. 98-1226
v.	)	
	)	(Consolidated Cases)
Federal Energy Regulatory Commission	)	
Respondent	)	

**JOINT STATEMENT OF THE ISSUES**

In accordance with the Court’s May 4, 1998 order, the Petitioners (California Independent System Operator Corporation and the Electricity Oversight Board, an agency of the State of California), hereby submit this preliminary Joint Statement of the Issues:

1. Under the Federal Power Act, does the Federal Energy Regulatory Commission’s (FERC’s) jurisdiction extend to matters included in a state law that asserts jurisdiction over service reliability decisions affecting retail transactions subject to state jurisdiction where those same decisions also affect interstate transmission subject to FERC regulation?
2. Under the Federal Power Act does FERC have jurisdiction to change the governance of an entity created by the state legislature and charged with carrying out both federal and state regulated functions, including the regulation of service reliability to retail customers subject to the state’s jurisdiction?
3. Can FERC order a corporation that provides a jurisdictional service to act in violation of corporate governance mandates contained in the state statute authorizing and directing the creation of that corporation under state corporation law?

4. Can a FERC order bind an entity that did not exist when the order was issued?
5. Did FERC abuse its discretion in denying rehearing as untimely filed when the entity against whom the original order is now applied did not exist until several months after the date allowed for seeking rehearing?

The parties reserve the right to revise the above list of issues prior to briefing.

Respectfully submitted,

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