

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

Williams Energy Marketing & Trading)
Company) Docket No. ER99-1722-004
)

**ANSWER OF THE CALIFORNIA INDEPENDENT
SYSTEM OPERATOR CORPORATION TO MOTION
TO REJECT AND STRIKE MOTION TO INTERVENE
AND PROTEST, AND MOTION TO FILE
ANSWER OUT OF TIME**

Pursuant to Rules 212 and 213 of the Commission's Rules of Practice and Procedure, 18 C.F.R. §§ 385.212 and 385.213 (2000), the California Independent System Operator Corporation ("ISO") hereby submits this Answer to the April 16, 2001 Motion of Williams Energy Marketing & Trading Company ("Williams") to Reject and Strike the ISO's Motion to Intervene and Protest in the above-captioned docket.¹ The ISO requests that the Commission accept this Answer out of time.

I. Motion to File Answer Out of Time

As Williams' Motion was filed on April 16, 2001, Answers to the Motion were due on May 1, 2001. In attempting to respond to the myriad requirements of the Commission's April 26, 2001 Order,² the ISO failed to respond to Williams' Motion in the

¹ Williams previously filed its Motion to Reject and Strike in Docket No. EL00-95-012 on April 6, 2001. The ISO filed a response to the earlier motion in that docket on April 23, 2001.

² *San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Services into Markets Operated by the California Independent System Operator and the California Power Exchange, et al.*, 95 FERC ¶ 61,115 (2001).

time permitted. The ISO believes its Answer is nonetheless in the public interest, and requests the Commission to accept it out of time.

II. Answer

In its Motion, Williams claims that the ISO's Motion to Intervene and Protest in this proceeding, which concerns Williams' market-based rate authority, should be stricken from the record due to the composition of the ISO's Governing Board. Williams at 1-2. Williams also argues that protesting Williams' filing in this proceeding is beyond the scope of the ISO's authority. *Id.* at 2. Williams attaches its April 6, 2001 Motion to Strike in Docket No. EL00-95-012 to its Motion in this proceeding, and raises no new arguments.

The ISO's April 2 pleading, which Williams now seeks to have stricken, included a confidential report on Williams' market behavior prepared by the ISO's Department of Market Analysis ("DMA"). Williams' request to have this information suppressed is thus parallel to its request to strike the DMA's Reports on the more general exercise of market power that were included in the ISO's March 22 filing in Docket No. EL00-95-012.

For the reasons previously stated in the ISO's Answer in Docket No. EL00-95-012, included here as Attachment A and incorporated by reference, the ISO requests that the Commission deny Williams' Motion to Reject and Strike the ISO's pleading.

III. Conclusion

For these reasons, the ISO requests that the Commission accept its Answer out of time, and deny Williams' Motion of to Reject and Strike the ISO's April 2 pleading in this proceeding.

Respectfully submitted,

Charles F. Robinson
General Counsel
Roger E. Smith
Senior Regulatory Counsel
The California Independent
System Operator Corporation
151 Blue Ravine Road
Folsom, CA 95630
Tel: (916) 608-7135

Kenneth G. Jaffe
Michael E. Ward
Julia Moore
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007
Tel: (202) 424-7500

May 3, 2001

CERTIFICATE OF SERVICE

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

Dated at Washington, DC, this 3rd day of May, 2001.

Julia Moore
(202) 295-8357

May 3, 2001

The Honorable David P. Boergers
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

**Re: *Williams Energy Marketing & Trading Company*
Docket No. ER99-1722-004**

Dear Secretary Boergers:

Enclosed please find an original and fourteen copies of the California Independent System Operator Corporation's 1) Answer to Motion to Reject and Strike Motion to Intervene and Protest and 2) Motion to File Out of Time. Also enclosed are two extra copies of the filing to be time/date stamped and returned to us by the messenger. Thank you for your assistance.

Respectfully submitted,

Julia Moore
(202) 295-8357

Counsel for the California
Independent System Operator Corporation