

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

DCR Transmission, L.L.C.) Docket Nos. ER23-2309-____,
) ER24-1394-____, and
) EL26-34-____
) (consolidated)

INTERLOCUTORY APPEAL

**REQUEST FOR INTERLOCUTORY APPEAL AND EMERGENCY REQUEST
TO SUSPEND OBLIGATION TO RESPOND TO DATA REQUEST OF THE
CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION**

**To: The Honorable Laura V. Swett
 Chairman and Motions Commissioner**

**James Dawson
General Counsel**

Pursuant to Rule 715(c) of Rules of Practice and Procedure of the Federal Energy Regulatory Commission (Commission or FERC),¹ the California Independent System Operator Corporation (CAISO) respectfully submits an interlocutory appeal of the portions of the April 6, 2026 bench ruling (Bench Ruling)² and the April 7, 2026 order confirming the bench ruling (Bench Ruling Order)³ discussed below. More pressingly, pursuant to Rules 212 and 715(e),⁴

¹ 18 C.F.R. 385.715(c) (2025). Capitalized terms not otherwise defined herein have the meanings set forth in the Master Definitions Supplement, Appendix A to the CAISO Tariff.

² See *DCR Transmission, L.L.C.*, Docket Nos. ER23-2309-001, *et al.*, Transcript (Apr. 6, 2026) (Transcript), which includes the Bench Ruling and other discussion by the Presiding Judge and participants in this proceeding. In accordance with Rule 715(c)(3), the CAISO attaches the Transcript as Exhibit A-1 to this filing.

³ *DCR Transmission, L.L.C.*, Docket Nos. ER23-2309-001, *et al.*, Order Confirming Bench Ruling Granting in Part and Denying in Part Motion to Compel Discovery (Apr. 7, 2026). In accordance with Rule 715(c)(3), the CAISO attaches the Order as Exhibit A-2 to this filing.

⁴ 18 C.F.R. §§ 385.212, 385.713(e) (2025).

the CAISO respectfully requests on an emergency basis that the Motions Commissioner separately issue a procedural order **by Monday, April 13** solely to suspend (*i.e.*, grant a stay of) the CAISO's obligation to provide the response to the data request discussed below until such time as the Commission may issue an order on the merits of the interlocutory appeal directing the CAISO to provide that response.

I. Executive Summary

In the Bench Ruling and the Bench Ruling Order, the Presiding Administrative Law Judge (Presiding Judge): (1) granted, over the CAISO's and others' objections,⁵ the March 26, 2026 motion (DCRT Motion to Compel) filed by DCR Transmission, L.L.C. (DCRT) to compel the CAISO to respond to data request DCRT-CAISO-10.09(a) (Data Request 10.09(a)), and directed the CAISO to provide its response as limited by the Bench Ruling and the Bench Ruling Order by close of business on April 13, 2026;⁶ and (2) denied the CAISO's oral motion to permit it to appeal the Bench Ruling and the Bench Ruling Order pursuant to Rule 715(b) as well as to suspend the obligation to respond to

⁵ The CAISO made its objections not only on the record reflected in the Transcript but also in written pleadings filed prior to April 6. See Answer of the California Independent System Operator Corporation to Motions to Compel of DCR Transmission, L.L.C., Docket Nos. ER23-2309-001, *et al.* (Apr. 2, 2026) (CAISO Answer); Motion of the California Independent System Operator Corporation to Supplement Answer to Motions to Compel of DCR Transmission, L.L.C. and for Shortened Answer Period, Docket Nos. ER23-2309-001, *et al.* (Apr. 3, 2026) (Supplement to CAISO Answer). The CAISO attaches the CAISO Answer and the Supplement to CAISO Answer as Exhibits B-1 and B-2, respectively, to this filing, which also incorporates the arguments therein cited below that relate to Data Request 10.09(a).

⁶ See Transcript at 2820:24-2821:3, 2822:9-11; Bench Ruling Order at PP 61, 76-77, 88, 91.

DCRT-CAISO-10.09(a) required by the Bench Ruling and the Bench Ruling Order while such appeal is pending.⁷

These determinations made in the Bench Ruling and the Bench Ruling Order present extraordinary circumstances which make prompt Commission review of the rulings necessary to prevent detriment to the public interest and irreparable harm to any person, including commercial and competitive harm that could undermine competitive transmission development processes administered by the CAISO and others. Therefore, the Motions Commissioner should permit interlocutory appeal to the Commission and suspend the effectiveness of the Bench Ruling and Bench Ruling Order.⁸

Data Request 10.09(a) asks the CAISO to “provide all Project Sponsor bids or applications and any revised bids or applications provided by the transmission developer bidder” for various Approved Project Sponsor Agreements (APSAs) executed by the CAISO—*i.e.*, the bids and applications of Approved Project Sponsors.⁹ The bid information requests in Data Request 10.09(a) sought the bids and applications of other Project Sponsors dating all the

⁷ 18 C.F.R. § 385.715(b) (2025). See Transcript at 2827:12-2828:4, 2829:10-17; Bench Ruling Order at PP 24, 90, 92.

⁸ See Rules 715(a) and 715(c)(5), 18 C.F.R. § 385.715(a), 385.715(c)(5) (2025).

⁹ See Bench Ruling Order at P 26 (quoting Data Request 10.09(a)). Appendix A to the CAISO Tariff defines a Project Sponsor as “[a] Market Participant, group of Market Participants, a Participating TO [Transmission Owner] or a project developer who is not a Market Participant or Participating TO that proposes the construction of a transmission addition or upgrade in accordance with Section 24” of the CAISO Tariff, which sets forth the CAISO’s Transmission Planning Process. Appendix A also defines an Approved Project Sponsor as “[t]he person or entity designated under the CAISO Tariff to construct, finance and own transmission additions or upgrades,” and defines an APSA as “[a]n agreement between an Approved Project Sponsor and the CAISO establishing the terms and conditions under which the Approved Project Sponsor will complete the siting and construction of the transmission facilities that the Approved Project Sponsor was selected to construct and own under Section 24.”

way back to 2013 and through 2025 in connection with most every CAISO competitive solicitation conducted during that time period except bids and applications that are not in connection with the one competitive solicitation that underlies the rates at issue in this proceeding.¹⁰ It is undisputed that such bids and applications are proprietary and confidential client information under Section 5.3.3.2 of the CAISO's Business Practice Manual (BPM) for the Transmission Planning Process protected (unless made publicly available) by Section 20 of the CAISO Tariff, which sets forth the CAISO's obligations to maintain the confidentiality of documents, data, and information provided to it. The relevant BPM and the Tariff obligate the CAISO to protect that information on behalf of its clients, which in this context are Project Sponsors. The CAISO seeks interlocutory appeal in accordance with that obligation and the specific requests of multiple Project Sponsors.¹¹ The CAISO provides an affidavit on behalf of one of those Project Sponsors, LS Power Grid California LLC (LS Power Grid), as an exhibit to this filing.¹²

DCRT is seeking highly confidential third-party information in the possession of the CAISO related to competitor bids and contract negotiations of competitors that would not otherwise be publicly available. The Commission-approved provisions in Section 20 of the Tariff governing the confidentiality of third-party information in the possession of the CAISO and implicated by the

¹⁰ The Bench Ruling and Bench Ruling Order narrowed the scope of the CAISO's discovery obligations to the successful bids and applications for seven projects.

¹¹ See Supplement to CAISO Answer at 3-4.

¹² See Exhibit C hereto.

DCRT Motion to Compel require the CAISO to consult with those third parties whose confidential information DCRT is seeking. To date, the CAISO has received responses from several of those impacted Project Sponsors who were provided notice by other Project Sponsors whose confidential information DCRT is seeking. Those third-party Project Sponsors, who are not parties to this proceeding, have contacted the CAISO and strongly object to the disclosure of their competitive solicitation bids under any circumstances, even when designated as “Highly Confidential Privileged Material” (or “PRIV-HC” for short) under the protective order adopted in this proceeding.

Contrary to findings made in the Bench Ruling and the Bench Ruling Order, the protective order is insufficient to protect the interests of Project Sponsors. DCRT, a competitor of other Project Sponsors, will still receive confidential information provided in the response to Data Request 10.09(a) that will allow any reviewer to identify patterns of successful bidding strategies over the years and other confidential information. Disclosure of this information to a competitor, even subject to a protective order, will cause harm to transmission developers that is concrete and irreparable.

Furthermore, unless the Commission’s order on the merits reverses the directive in the Bench Ruling and the Bench Ruling Order for the CAISO to provide the response to Data Request 10.09(a), future Project Sponsors will be less likely to provide confidential information to the CAISO for fear it may be released to competitors in as-yet-uninitiated litigation. This chilling of Project Sponsors’ willingness to provide confidential information to the CAISO will

undermine the CAISO's Commission-approved transmission planning process to the detriment of the public interest. In addition, the obligation to provide such confidential information to competitors in future litigation will irreparably harm future Project Sponsors just as the Project Sponsors impacted by the instant proceeding will be irreparably harmed.

In the Bench Ruling and the Bench Ruling Order, the Presiding Judge declined to suspend the CAISO's obligation to provide the bids and applications under Data Request 10.09(a) by close of business on April 13.¹³ Consistent with suspension orders that other Motions Commissioners have issued, the CAISO respectfully requests that the present Motions Commissioner separately issue a procedural order **by April 13** solely to suspend the CAISO's obligation to respond to Data Request 10.09(a) until such time as the Commission may issue an order on the merits of the interlocutory appeal directing the CAISO to provide the bids and applications.¹⁴ Unless the Commission grants the requested procedural relief, the Project Sponsors whose bids and applications the CAISO will be compelled to provide by close of business on April 13 will be irreparably harmed because their competitor DCRT will thereby receive that proprietary and confidential information.¹⁵

¹³ See Transcript at 2829:10-17; Bench Ruling Order at P 92.

¹⁴ Rule 715(e) states in relevant part that "[a]ny decision by . . . the Motions Commissioner to permit an appeal under paragraph (c) of this section will not suspend the proceeding, *unless otherwise ordered by . . . the Motions Commissioner*" (emphasis added). If, as the CAISO urges in this filing, the Commission issues an order on the merits declining to direct the CAISO to provide the bids and applications, then the CAISO will of course not provide them at all.

¹⁵ Those Project Sponsors will likewise be irreparably harmed if the Commission determines in its order on the merits that the CAISO must provide the bids and applications.

II. Background

In its Motion to Compel, DCRT requested that the Presiding Judge issue an order directing the CAISO to respond to Data Request 10.09(a), which states:

Refer to the Le Vine rebuttal testimony (Exh. No. CSO-0601 PUB starting at Page 9 of 132) where Witnesses Le Vine is asked: “At pages 38 and 39 of his Rebuttal Testimony (Exh. No. DCT-0125 REV2 PUB), Witness Reed provides a table listing and summarizing the Approved Project Sponsor Agreements the CAISO has executed and attempts to draw several conclusions from them. Do you have any comments regarding this discussion?”

- a. Please provide all Project Sponsor bids or applications and any revised bids or applications provided by the transmission developer bidder for each APSA executed by the CAISO listed on the referenced table.¹⁶

The next day, the Presiding Judge issued an order scheduling an oral argument for April 6, 2026 to discuss the above-quoted request and other issues, and allowing participants to file written answers in the meantime.¹⁷ The CAISO responded to the DCRT Motion to Compel in the CAISO Answer and the Supplement to CAISO Answer, filed respectively on April 2 and April 3, 2026.

At the oral argument held on April 6, DCRT presented arguments that Presiding Judge should direct the CAISO to respond to Data Request 10.09(a) as well as other data requests, and the CAISO and other participants presented arguments that the Presiding Judge should not do so. The Presiding Judge then determined that the CAISO must respond to Data Request 10.09(a) by April 13, 2026, though he limited the scope of the CAISO’s required response to the bids

¹⁶ Bench Ruling Order at P 26 (quoting Data Request 10.09(a)). Data request CAISO-DCRT-10.09 also included subparts (b) and (c) quoted in the same paragraph of the Bench Ruling Order, but those subparts are not relevant to this filing.

¹⁷ *DCR Transmission, L.L.C.*, Order Scheduling Oral Argument, Docket Nos. ER23-2309-001, *et al.* (Mar. 27, 2026).

and applications of seven transmission developer bidders (*i.e.*, Project Sponsors) listed in the table referenced in Data Request 10.09(a).¹⁸ The Presiding Judge also denied the CAISO's oral motion to permit it to appeal the Bench Ruling pursuant to Rule 715(b),¹⁹ and declined to suspend the CAISO's obligation to provide the bids and applications under Data Request 10.09(a) by close of business on April 13.²⁰

III. Interlocutory Appeal

The Motions Commissioner should permit this interlocutory appeal to the Commission. The determinations made in the Bench Ruling and the Bench Ruling Order present extraordinary circumstances which make prompt Commission review of the rulings necessary to prevent detriment to the public interest and irreparable harm to any person.²¹

By directing the CAISO to respond to Data Request 10.09(a), the Bench Ruling and the Bench Ruling Order are requiring the CAISO to provide DCRT with highly confidential information provided to the CAISO by competitors of DCRT and its affiliates in other unrelated CAISO competitive solicitations over the strenuous objections of those competitors.

With certain exceptions not relevant here, the CAISO Tariff requires the CAISO to "maintain the confidentiality of all of the documents, data and information provided to it by any Market Participant that are treated as

¹⁸ See Transcript at 2820:24-2821:3, 2822:9-11.

¹⁹ See *id.* at 2827:12-2828:4.

²⁰ See *id.* at 2829:10-17.

²¹ See Rules 715(a) and 715(c)(5), 18 C.F.R. § 385.715(a), 385.715(c)(5).

confidential or commercially sensitive under Section 20.2.”²² Section 20.2 of the CAISO Tariff defines confidential information to include information related to the Transmission Planning Process in accordance with Section 24 that “involves proprietary analytical tools, computer codes, or any other material that is protected by intellectual property rights held by the CAISO, *Project Sponsor*, Market Participant or other third-party.”²³

The CAISO’s BPM for the Transmission Planning Process allows Project Sponsors to designate a range of information provided to the CAISO in their bids or applications as confidential, subject to the confidentiality provisions of the CAISO Tariff.²⁴ In practice, most details of Project Sponsor submittals to the CAISO, including documents, data, and information that would be responsive to Data Request 10.09(a), are submitted subject to confidentiality protections. This is unsurprising as the details of Project Sponsor bids—particularly successful bids—would be highly useful not only to transmission project developers like DCRT but also to counsel and consultants who advise Project Sponsors participating in CAISO competitive solicitations.

Section 20.4 of the CAISO Tariff requires the CAISO to take certain steps with respect to confidential information provided to it by Project Sponsors and other third parties:

²² CAISO Tariff, Section 20.1.

²³ CAISO Tariff, Section 20(2)(f), -(f)(iv) (emphasis added).

²⁴ CAISO BPM for the Transmission Planning Process (Version 28), Section 5.3.3.2 (stating in relevant part that “[t]o the extent a project sponsor considers any of the information submitted with its application to be confidential or proprietary[,] such information must be clearly identified and must include an explanation as to why the information should be handled by the CAISO as confidential”).

If the CAISO is required by applicable laws or regulations, or in the course of administrative or judicial proceedings, to disclose information that is otherwise required to be maintained in confidence pursuant to this Section 20, the CAISO may disclose such information; provided, however, that as soon as the CAISO learns of the disclosure requirement and prior to making such disclosure, the CAISO shall notify any affected Market Participant of the requirement and the terms thereof. The Market Participant may, at its sole discretion and own cost, direct any challenge to or defense against the disclosure requirement and the CAISO shall cooperate with such affected Market Participant to the maximum extent practicable to minimize the disclosure of the information consistent with applicable law. The CAISO shall cooperate with the affected Market Participant to obtain proprietary or confidential treatment of confidential information by the person to whom such information is disclosed prior to any such disclosure,²⁵

Consistent with these Tariff provisions, the CAISO has provided notice to Project Sponsors whose applications and project information potentially will be affected by any requirement that might be imposed on the CAISO to disclose their documents, data, and information.²⁶ As required by the CAISO Tariff, the CAISO will cooperate with affected Project Sponsors “to the maximum extent practicable to minimize the disclosure of the information consistent with applicable law.”

Project Sponsors who are not parties to this proceeding contacted the CAISO to strongly object to the disclosure of their competitive solicitation bids under any circumstances. The CAISO refers the Motions Commissioner to pages 2-14 of the Supplement to CAISO Answer, which describes arguments those Project Sponsors make and explains that several of those Project

²⁵ CAISO Tariff, Section 20.4(b). In this context a “Market Participant” includes a Project Sponsor who has provided the CAISO with confidential information.

²⁶ Under Section 20.4(b) of its Tariff, the CAISO arguably is not obligated to provide notice to affected third parties until the production of their confidential information is actually compelled, but in order to facilitate the resolution of the DCRT Motion to Compel, the CAISO has already provided notice to affected Project Sponsors.

Sponsors requested the CAISO seek interlocutory appeal if the Presiding Judge granted the DCRT Motion to Compel. By seeking the bids, updated bids, and other confidential information for every successful Project Sponsor (*i.e.*, Approved Project Sponsor) in the CAISO competitive solicitation process, DCRT is effectively asking for everything needed to prepare a road map for winning future solicitations, including non-public bidding strategies and competitor assumptions, financials, risk tolerance, vendors, and cost structures—critical confidential information other than specific binding cost caps and cost containment measures—that the CAISO would not otherwise specify in its public Approved Project Sponsor Selection Reports or in the corresponding APSAs following each competitive solicitation. That would be inconsistent with Commission precedent. Among other things, the Project Sponsors explain:

- In *ISO New England Inc.*, the Commission was specifically concerned that revealing information related to the capacity auctions, costs and prices, and bidder behaviors

could harm the market participants that provided such information and adversely affect the competitiveness of future capacity auctions. Contrary to the assertions made by EMCOS [the Eastern Massachusetts Consumer-Owned Systems], this information is not ‘stale,’ as it is predictive of resources’ bidding behavior in future auctions. Given the ongoing relevance of this information, we are concerned that market participants could use this information in order to gain a competitive advantage in future auctions.”²⁷

²⁷ *ISO New Eng. Inc.*, 148 FERC ¶ 61,137, at P 21 (2014). See also Supplement to CAISO Answer at 9-10.

- In *Entergy Services Inc., et al.*, the Presiding Administrative Law Judge denied a motion to compel

when weighed against the fact that the information is of the highest magnitude of commercial sensitivity for bidders that are not parties to the proceeding but are competitors of [movant], [movant] failed to show that there was a specific need for the third-party nonaffiliated bid data. While [movant] offered to have the information turned over only to its outside counsel in the first instance, any further attempt to use it for the hearing would quickly lead to the concern that there would be a need to make a further disclosure to other persons. Therefore, on balance for this combination of reasons, [the] motion was denied.”²⁸

The Presiding Judge in the instant proceeding found the protective order previously adopted in this proceeding²⁹ provides sufficient protection against the disclosure of confidential information contained in the response to Data Request 10.09(a).³⁰ The CAISO respectfully submits that is incorrect, and Project Sponsors who have contacted the CAISO believe it is incorrect as well.

One impacted Project Sponsor asked the CAISO to highlight how the protective order allows for disclosure of “Highly Confidential Privileged Material” to “Reviewing Representatives” that have signed a non-disclosure certificate, noting that this would allow review by in-house and outside counsel, experts retained by a party, and party employees that are not currently “Competitive Duty Personnel.” Even if those individuals do not disclose specifics of Project Sponsor

²⁸ *Entergy Servs. Inc., et al.*, Order Summarizing Rulings on Motions to Compel During June 8 Oral Arguments, Docket Nos. ER03-583-000, *et al.*, at P 10 (2004). See also Supplement to CAISO Answer at 10.

²⁹ See *DCR Transmission, L.L.C.*, Order Amending Protective Order, Docket Nos. ER23-2309-001 and ER24-1394-001 (Oct. 17, 2025).

³⁰ See Transcript at 2817:21-24, 2820:15-22, 2827:18-22; Bench Ruling Order at PP 67-68.

bids or other Project Sponsor data, a review of the confidential information provided to DCRT in the response to Data Request 10.09(a) would allow any reviewer to identify patterns of successful bidding strategies over the years. A person who reads material cannot possibly unsee it. Having seen the bidding strategies and relevant confidential material of other Project Sponsors, individuals would be able to advise clients and competitors on bidding strategies that might be successful based on their knowledge of competitor information without ever needing to disclose the specific confidential information on which their knowledge was based. The third-party Project Sponsor asked the CAISO to explain how the protective order provides no protection against such individuals engaging in “competitive activities” in the future and leveraging the confidential competitive bid materials to disrupt the competitive process and directly compete against the successful Project Sponsors whose information DCRT is seeking.

Other Project Sponsors have raised comparable concerns. For example, another Project Sponsor asked the CAISO to highlight that competitive bids contain proprietary pricing strategies, cost structures, risk assumptions, and supplier relationships and the disclosure of this information to a competitor, even subject to a protective order, will cause harm to transmission developers that is “concrete and irreparable.”

The attached affidavit of Mark D. Milburn on behalf of LS Power Grid explains that LS Power Grid and other similarly situated transmission developers will experience commercial and competitive harms if the CAISO is required to disclose competitive and commercially sensitive information pursuant to the

Bench Ruling Order.³¹ Mr. Milburn discusses how allowing DCRT to access that information could create far-reaching and unpreventable harms to LS Power Grid, the CAISO, and the broader competitive transmission solicitation process. Accordingly, LS Power Grid's interest in protecting its commercially sensitive, proprietary, and trade secret information and the CAISO's interest in ensuring the integrity of its competitive bidding process significantly outweigh DCRT's interest in obtaining these materials in this proceeding.³²

Furthermore, unless the Commission's order on the merits reverses the directive in the Bench Ruling and the Bench Ruling Order for the CAISO to respond to Data Request 10.09(a), future Project Sponsors will be less likely to provide confidential information to the CAISO for fear it may be released to competitors in as-yet-uninitiated litigation. This chilling of Project Sponsors' willingness to provide confidential information to the CAISO will undermine the CAISO's Commission-approved transmission planning process to the detriment of the public interest. In addition, the obligation to provide such confidential information to competitors in future litigation will irreparably harm future Project Sponsors just as the Project Sponsors impacted by the instant proceeding will be irreparably harmed.

Given the serious concerns about providing the requested information even subject to a protective order, the Commission should find in response to

³¹ See Exhibit C to this filing. Mr. Milburn states he has over 32 years of experience in the electric power industry and is employed as Senior Vice President at LS Power Development, LLC, the general partner and manager of LS Power Associates, L.P., which is an indirect owner of LS Power Grid. In his role as Senior Vice President, Mr. Milburn lead the development, construction, and management of high-voltage transmission projects. *Id.*, ¶¶ 1-2.

³² *Id.*, ¶¶ 3-8.

this interlocutory appeal that the need to avoid detriment to the public interest and prevent irreparable harm to any person require reversal of the directive in the Bench Ruling and the Bench Ruling Order for the CAISO to respond to Data Request 10.09(a).

IV. Emergency Request to Suspend the CAISO's Obligation to Respond to Data Request 10.09(a)

Rule 715(e) states in relevant part that “[a]ny decision by . . . the Motions Commissioner to permit an appeal under paragraph (c) of this section will not suspend the proceeding, *unless otherwise ordered by . . . the Motions Commissioner*” (emphasis added). In accordance with Rule 715(e), the CAISO requests on an emergency basis that the Motions Commissioner separately issue a procedural order **by April 13** solely to suspend (*i.e.*, grant a stay of) the CAISO's obligation to respond to Data Request 10.09(a) until such time as the Commission may issue an order on the merits of the interlocutory appeal directing the CAISO to provide bids and applications under Data Request 10.09(a).³³

Unless the Motions Commissioner takes this prompt action, the Project Sponsors whose bids and applications the CAISO will be compelled to provide by close of business on April 13 will be irreparably harmed because their competitor DCRT will thereby receive that proprietary and confidential information. Conversely, no participants will be harmed by the suspension period until the Motions Commissioner and/or the full Commission issue their order(s). Other

³³ If, as the CAISO urges in this filing, the Commission issues an order on the merits declining to direct the CAISO to respond to Data Request 10.09(a), then the CAISO will of course not provide the bids and applications requested in Data Request 10.09(a) at all.

Motions Commissioners have issued suspension orders in past proceedings involving interlocutory appeals.³⁴ For the reasons explained above, the CAISO respectfully requests that the present Motions Commissioner do the same in this proceeding.

Granting the requested suspension also satisfies the requirements for granting a stay under the Administrative Procedure Act (APA) and related Commission precedent. The APA authorizes the Commission to “postpone the effective date of action taken by it, pending judicial review” when “justice so requires.”³⁵ The Commission evaluates three factors to determine if a stay is warranted: (1) whether the moving party will suffer irreparable injury without the stay; (2) whether issuing the stay will substantially harm other parties; and (3) whether a stay is in the public interest.³⁶ For the reasons explained above, granting the requested suspension satisfies all three factors.

³⁴ See, e.g., *BP Prods. N. Am. Inc. v. Sunoco Pipeline L.P.*, Notice of Determination by the Chairman, Docket No. OR15-25-000 (Nov. 23, 2016) (“Pursuant to Rule 715(e), 18 C.F.R. § 385.715(e) (2016), the ruling requiring the public release of certain PBF [PBF Holding Company LLC and Toledo Refining Company LLC] commercial information is stayed during pendency of the interlocutory appeal.”); *BP Pipelines (Alaska), Inc.*, Notice of Determination by the Chairman, Docket No. IS09-348-004 (June 10, 2011) (“Pursuant to Rule 715(e) the Motions Commissioner also stays the May 27, 2011 ‘Order Confirming Rulings’ pending the Commission’s consideration of the interlocutory appeal.”); *N. Nat. Gas Co.*, Notice of Determination by the Chairman, Docket No. RP10-148-000 (Apr. 27, 2010) (“Pursuant to Rule 715(e) the Motions Commissioner also stays the April 7, 2010 ‘Order Requiring Modified Privileged Log’ and the April 14, 2010 ‘Order to Show Cause,’ pending the Commission’s consideration of the interlocutory appeal.”); *Amoco Pipeline Co.*, Notice of Determination by the Chairman, 91 FERC ¶ 61,204, at 61,679 (1991) (“The Motions Commissioner has determined that the request of the Amoco Companies should be granted and a stay of the proceedings before the ALJ is hereby ordered, pending issuance of a Commission order on the interlocutory appeal.”).

³⁵ 5 U.S.C. § 705.

³⁶ See, e.g., *Am. Wind Energy Ass’n v. Sw. Power Pool, Inc.*, 168 FERC ¶ 61,006, at P 20 (2019); *City of Vernon, Cal.*, 116 FERC ¶ 61,091, at P 12 (2006).

V. Conclusion

For the foregoing reasons, the CAISO respectfully requests that the Motions Commissioner grant this interlocutory appeal and grant emergency suspension of the CAISO's obligation to respond to Data Request 10.09(a).

Respectfully submitted,

Anthony J. Ivancovich
Deputy General Counsel
Sarah Kozal
Senior Counsel
California Independent System
Operator Corporation
250 Outcropping Way
Folsom, CA 95630
Tel: (916) 351-4400
Fax: (916) 608-7222
Email: aivancovich@caiso.com
skozal@caiso.com

/s/ Sean A. Atkins
Sean A. Atkins
Bradley R. Miliauskas
Samin Peirovi
Davis Wright Tremaine LLP
1301 K Street, NW
Suite 500 East
Washington, DC 20005
Tel: (202) 973-4200
Fax: (202) 979-4499
Email: seanatkins@dwt.com
bradleymiliauskas@dwt.com
saminpeirovi@dwt.com

Dated: April 10, 2026

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document upon all of the parties listed on the official service list for the above-referenced dockets, pursuant to 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 10th day of April, 2026.

/s/ Daniel Klein

Daniel Klein
Davis Wright Tremaine LLP
1301 K Street, NW
Suite 500 East
Washington, DC 20005

EXHIBIT A

Exhibit A-1

Federal Energy Regulatory Commission

Date: March 25, 2026

Volume: 21

Case: In the Matter of: DCR Transmission, L.L.C., Dkt. Nos. ER23-2309-001, et al.



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BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Docket Numbers

- - - - -x

IN THE MATTER OF: : ER23-2309-001

DCR TRANSMISSION, L.L.C. : ER24-1394-001

- - - - -x (consolidated)

VIRTUAL HEARING
Hearing Room 4
Federal Energy Regulatory
Commission
888 First Street, NE
Washington, DC
Wednesday, March 25, 2026
VOLUME 21

The above-entitled matter came on for virtual
oral argument, pursuant to notice, at 10:00 a.m.

BEFORE:

HONORABLE JOEL deJESUS
ADMINISTRATIVE LAW JUDGE

APPEARANCES (HERETOFORE NOTED.)

1 P R O C E E D I N G S

2 PRESIDING JUDGE: Good morning, everyone. Today
3 is Wednesday, March 25th, and this is in the matter of DCR
4 Transmission, LLC, Docket Numbers ER23-2309-001,
5 ER24-1394-001, and EL26-34000, consolidated.

6 All right. So the evidentiary hearing is still
7 currently on recess, but I called this oral argument by
8 order dated March 19, 2026, to address the March 18, 2026,
9 motion of DCR to alter the outline for post-hearing briefs,
10 and my initial decision.

11 And as I mentioned in my order, I also plan to
12 touch on various administrative items related to the
13 recommencement of the evidentiary hearing on April 8th.
14 Per my March 19 order, we are meeting virtually on the
15 Commission's Teams meeting platform. But I am personally
16 back in Hearing Room 4, where we will be conducting the
17 evidentiary hearing when we resume. So that's a bit of
18 good news. And I'll touch on that a little bit more after
19 we finish the oral argument.

20 As usual, while we're on Teams, the record will
21 continue to be the court reporter's transcript of these
22 proceedings. So please do not record this Teams meeting.
23 And I'm looking on the participants list for the Teams, and
24 it looks like the active litigants are here. I did have a
25 matter to address with the Power Bridge folks, which I'll

1 raise later, and they are not present right now.

2 Are there any counsel for -- any counsel who
3 hasn't made an appearance that would like to make an
4 appearance? Hearing none. All right. So let's talk about
5 the March 18th unopposed motion for reconsideration of the
6 reorganized issues list.

7 In my March 19th order, scheduling this oral
8 argument, I waived the answer period, but I also invited
9 participants to make answers by close of business
10 yesterday. No participant filed a written answer to the
11 motion. Would anyone like to make an answer here at the
12 oral argument? I'll just queue you up, if you do. I'm
13 hearing none. So, Mr. Hall, before I have you argue your
14 motion, I just want to -- I thought maybe I could shorten
15 things up by telling you my going-in proposition on this.

16 And then, you know, invite you and others to
17 comment before giving my ruling on the motion. So my
18 inclination is to decline the motion, and clarify here on
19 the transcript that any discussion of the class cap
20 exclusion for costs resulting from delays caused by an
21 interconnecting PTO would go under sub-issue 3D of the
22 reorganized issues list. And I think, based on your
23 motion, that was consistent with the proposal in the
24 revised issues list.

25 But just for the record, what I have for

1 issue -- sub-issue 3B is, does the APSA allow DCRT to
2 recover interconnection-related costs in excess of the cap.
3 And if so, how much of such interconnection-related costs
4 does the APSA allow DCRT to recover over the cap.

5 I understand the confusion, which was caused by
6 the column I added to the list, showing how I reorganized
7 the issues from the revised issues list into the
8 reorganized issues list.

9 I included that translation column as a check
10 for myself and for you all, to ensure that I covered every
11 issue, but it wasn't intended to govern the listing of the
12 issues for the organization. That's what the reorganized
13 issues list column is for.

14 I confess that I included an error in that
15 translation column, when I unintentionally separated the
16 two interconnection-related cost issues in the revised
17 issues list, one covering bullet 1, and one covering bullet
18 5 of Appendix E of the APSA. But to be clear, I had
19 intended, just as you all had intended, to address both of
20 those interconnection-related cost issues under the single
21 sub-issue 3B of the reorganized issues list, and not split
22 them across sub-issues 3B and 3D, which I guess is
23 suggested by the translation column.

24 So I apologize for the confusion. With that
25 explanation and that apology, I would like to keep the

1 reorganized issued list as is, and ask that you disregard
2 the error on the translation table. And that way, I
3 wouldn't have to put out a formal order clarifying this. I
4 would just ask you to rely on the transcript. But those
5 are my thoughts on that issue. So I'll turn to you,
6 Mr. Hall, first.

7 MR. HALL: Your Honor, actually, that would be
8 our preferred -- DCRT's preferred approach, actually. So I
9 mean, if I hear you correctly, in effect, what we would
10 memorialize in the transcript is that for the translation
11 column for 3B, we would, by virtue of our discussion today,
12 add the former 3G2 issue into that row and -- which, in
13 effect, would result in a PTO delay being -- your 3B
14 covering interconnection PTO delay. And that's fine with
15 DCRT, Your Honor.

16 PRESIDING JUDGE: Okay. Well, yeah, I mean, if
17 I don't issue anything, I mean, I think what I'm telling
18 you all to do is just rely on the column that actually has
19 the reorganized issues list. And with the clarification
20 that we've just made on the record, that those two
21 interconnection-related cost issues really go under 3B.

22 So there's nothing magic about putting the two
23 bullet 5 issues together. I didn't intend that. It
24 doesn't sound like, Mr. Hall, DCRT wants that. So we'll
25 just separate the two bullet 5 issues, and put all the

1 interconnection issues under 3B.

2 And you're okay with me not putting out an
3 order?

4 MR. HALL: Absolutely, Your Honor.

5 PRESIDING JUDGE: Okay. Does anybody else have
6 a view on this?

7 MR. ENGLEMAN: Your Honor, Mike Engleman.

8 PRESIDING JUDGE: Mr. Engleman.

9 MR. ENGLEMAN: I just want to say, one, we're
10 fine with not putting out an order. Joe actually revised
11 his motion as an accommodation to me and to staff, because
12 we believed that the delay related to interconnection, and
13 the delay related to force majeure are analyzed the same.
14 And that you had it right in your order. So Joe actually
15 revised his motion to accommodate us. But if you believe
16 it was a mistake, and you want it in the interconnection,
17 we're fine with that.

18 PRESIDING JUDGE: Yeah, I mean, it might take up
19 more page space in your brief, Mr. Engleman. But it would
20 be good to -- I think because sort of the underlying facts
21 about the interconnection-related costs are the same,
22 whether they're -- you know, arise under bullet 1 or bullet
23 5, I think for analysis purposes, it would be more
24 convenient for me to address those in a single section.

25 It may require you to cut and paste your

1 analysis of the bullet 5 analysis in two sections, or just
2 cross-reference them. But I think that would be my
3 preference. And I don't hear --

4 MR. ENGLEMAN: Whatever makes it easier for you,
5 Your Honor.

6 PRESIDING JUDGE: Okay, great. I like that
7 folks are still accommodating of my preferences. Anybody
8 else have a view on that? All right. So in response --
9 I'm sorry, did someone chime in?

10 MS. DRENNEN: Sorry, Your Honor. It's Amanda
11 Drennen. Can I ask another clarifying question about your
12 preference? Are we permitted to add subheadings under the
13 headings that you've created. So for example, in this
14 section, could we add subheadings on interconnection delay
15 and interconnection-related costs?

16 PRESIDING JUDGE: Sure. Sure. Just -- I do
17 want all of the -- all of the discussion about a particular
18 topic to be within the sections of the outline that I
19 proposed. But if you want to further subdivide it, that
20 makes sense to me. Just looking at some of the rate base
21 issues that I anticipate, we're going to have a lot of
22 subheadings under the rate base issue. So, yeah, that's
23 perfectly fine, Ms. Drennen.

24 MS. DRENNEN: Thank you, Your Honor.

25 PRESIDING JUDGE: Last call. Any other

1 questions about that? All right. So my ruling on the DCRT
2 motion is that it's denied. The reorganization --
3 reorganized issues list will stay as it was provided in --
4 I can't even remember the date of that order anymore.
5 Whatever the order was when I issued it.

6 But we'll clarify what topics go where, based on
7 the discussion that we had on the record, so -- and will
8 not be issuing a formal order changing that. So hopefully,
9 that's clear enough, and hopefully, that will allow you all
10 to start organizing your post-hearing briefs, if you
11 haven't already done that.

12 Beyond that, let's see. All right. So as I
13 mentioned, I have a number of administrative issues that
14 I'd like to address before restarting on the 8th. I'll go
15 through my list, and then ask if anybody has any other
16 things to discuss while we have everybody here today.

17 And I'm going to start with the hearing room
18 location. As I mentioned, we are back in Hearing Room 4.
19 The hearings that were scheduled to take place in other
20 matters in this hearing room have, I believe, settled. So
21 we've got the hearing room, both Hearing Room 4 and 5, just
22 like we had before.

23 I do think, given the burden of proof change in
24 this case, that I would like the parties to switch tables.
25 So I would have the Intervenors on my left and the company

1 on my right. We had a bit of a discussion before about
2 where Trial Staff should sit. You know, I would expect
3 that Trial Staff would sit on my right, as they always do,
4 to reflect their independence and traditional hearing room
5 seating arrangements. But I'm not wedded to that.

6 You know, I asked around, and actually, it turns
7 out that the one hearing that anyone recalls where Trial
8 Staff actually sat to the judge's left was a hearing that
9 -- when I was on Trial Staff. So I'm not -- I'm not going
10 to be wedded to that, especially since we have the extra
11 space.

12 But I think that where Trial Staff sits will be
13 a determination that Staff needs to make. And -- and I
14 think, you know, if they want to switch over to the left
15 counsel table, I'm okay with that, if everyone else is okay
16 with that. So Trial Staff's decision in the first
17 instance, and then everyone has to agree.

18 I will note that the left table doesn't have the
19 back bench tables that the right counsel's table does. But
20 other than that, we'll make space. We'll add a folding
21 table to accommodate all the counsel at that table. And so
22 let me leave it there. I'll ask if anyone has any
23 comments, but you don't have to make a decision now.

24 MS. PIRRELLO: Your Honor, I just wanted to
25 clarify your comments about everyone having to agree about

1 where we sit. Does that only apply to us choosing to sit
2 on the left, we need everyone to agree on that? But if we
3 want to stay on the right, that's up to us?

4 PRESIDING JUDGE: I think the default is that
5 you stay on the right, like you always do, Ms. Pirrello.
6 And if you want to switch tables, that's your call first.
7 But, you know, make sure that -- I mean, especially counsel
8 for the Intervenors would -- you know, don't have an issue
9 with you joining them -- their side.

10 MS. PIRRELLO: Understood. Thank you.

11 PRESIDING JUDGE: Okay. All right. Any other
12 discussion about that issue? All right. Let me just give
13 you a heads up that the prehearing email will probably go
14 out this afternoon, Chad will send it out, which should
15 include the Teams link for anyone who wants to observe the
16 hearing remotely.

17 And it will give you an opportunity to send in
18 an appearance form, if you haven't already done so for the
19 court reporter. And it also will tell you how to sign up
20 again for WiFi access. I will not be holding a -- another
21 conference before April 8th to reconvene, so witnesses can
22 access the hearing site. So I'd ask that you double check
23 that on your own time, but certainly before April 1. If
24 you have any issues, please get with Chad by April 1, so
25 that we can restore your hearing site access. Any

1 questions about that? Or the email that we're going to
2 send out this afternoon? All right. Hearing none.

3 Let me just ask if counsel for Power Bridge has
4 joined us? All right. I'll just note here on the record
5 that although I granted Power Bridge's intervention at the
6 last -- last conference that we had in this case, it
7 doesn't look like they have signed the non-disclosure
8 certificates, or if they have signed them, they haven't
9 sent them to us. I don't know if any counsel has received
10 any data requests or requests for -- old data requests from
11 them. Let me just ask. Have any of you all?

12 I'm not hearing any -- counsel for any of the
13 other participants indicate that they have engaged in
14 discovery. And because we haven't gotten their
15 non-disclosure certificates, we don't have the information
16 we need to give them hearing site access. So I'll just --
17 I'll just leave it at they won't have access until they
18 provide us the information. Yeah, I'm not sure what else
19 to do about that issue.

20 Anyway, it's here on the transcript. Let me ask
21 you, Mr. Hall, do you have any update on Mr. Kennedy's
22 access to the hearing site?

23 MR. HALL: Not that -- nothing new, Your Honor,
24 but let me check back with Larry. I know he was working on
25 it as of two weeks ago, but I will check with him, Your

1 Honor.

2 PRESIDING JUDGE: Okay. Yeah, I -- all right.
3 Yeah, I mean, if we could get that squared away before
4 April 1, that would be great. If it happens after April 1,
5 I'll -- I'm not going to hold up the hearing to do that.
6 And Chad only has so many hours in the day after the
7 hearing to actually work on that.

8 MR. HALL: Sure.

9 PRESIDING JUDGE: All right. The next -- any
10 more about hearing site access? So please do reconfirm
11 that you remember how to access the site, and then we can
12 hit the ground running on April 8th.

13 The next topic, though, may stop us on April
14 8th, though, and that's privilege designations. I know you
15 all have a lot to do with discovery, but I hope you all are
16 working together to address the concerns I raised in my
17 March 13th order, calling for lifting of privilege
18 designations.

19 I wanted to make sure there weren't any
20 questions about my expectations in that process. The more
21 you can resolve before the hearing starts, the faster we
22 can get to addressing witnesses or examining witnesses on
23 April 8th. But you know, if my privilege concerns aren't
24 addressed, we're going to actually go into closed session,
25 open all the testimony that has yet to be admitted. And

1 I'm going to go through each privilege designations, one by
2 one, and ask you to explain why it still needs to be
3 privileged.

4 So -- so that's -- that's my, for want of a
5 better word, threat of what's going to happen on April 8th
6 if you don't work together to lift privilege designations.
7 And I want to amplify my concerns about the level of
8 overdesignation of privilege.

9 With a break in the evidentiary hearing, I've
10 been spending time, you know, with the reorganized issues
11 list, trying to frame up my draft of the initial decision.
12 And I'm looking at the prefiled testimony with an eye
13 toward, how I can describe your witnesses' positions in a
14 way that, you know, doesn't cause my document to look like
15 Swiss cheese.

16 You know, I have, in the past, had to redact
17 portions of a footnote dealing with a confidential IRS
18 audit in an ID. But I'm not inclined to blot out whole
19 issues, whole sections of my ID. I'm also not inclined to
20 blot out whole paragraphs, or create some sort of
21 confidential appendix. As I mentioned in the March 13th
22 order, I think the Commission's preference is clear that
23 they want their orders and my orders to be as transparent
24 to the public as possible.

25 And while my March 13th order provides the most

1 egregious examples of overdesignation from the rebuttal
2 testimony, I wanted to go through a couple of other items
3 just to give you a heads up of some of the things that I
4 hope you can take care of before the April 8th hearing
5 restart.

6 So again, from the March 13th order, there are
7 several pages in Exhibit S-65 REV PUB, so it goes from page
8 6 to 26, and from page 43 to 46, and page 61 to 64. I
9 mean, all of that appears redacted, even though, you know,
10 page -- line numbers, headings, questions are not
11 confidential, in my estimation, nor are Witness Dollens'
12 own opinions, even if they're based on confidential
13 evidence. So I think you need to work on that.

14 And the other one from my March 13th order is
15 Exhibit CIT-0027 PUB. And that's maybe just a page of
16 redactions. But if you look at the -- you know, what is
17 redacted in the public version, it appears that Witness
18 Hoffman has a disagreement with Witness Dollens, but I
19 don't know, looking at the public, what that disagreement
20 is, or why there is a disagreement.

21 And I can't tell from scanning any of that, why
22 any of it needs to be confidential, so -- and I respect
23 that, you know, that may not be Mr. Hoffman's estimation or
24 even his counsel's estimation, but, you know, it may be
25 driven by DCRT's designations of information in testimony

1 or in discovery. But, you know, after we get far away from
2 quoting the confidential information, I don't see a need to
3 keep that information confidential. So I'll leave it at
4 that.

5 Let me tick off another several items that would
6 help me. So there's a discussion in all of the
7 cost-of-service witnesses' testimony about lobbying costs.
8 And I understand why vendor names and invoice amounts might
9 be confidential, but I'm hoping that you all can come to
10 some agreement that either descriptions on the invoice
11 about the work that was provided, if it's separated from
12 the actual vendor names and amounts, that that could be
13 made public. And, you know, at least the total amount in
14 dispute could be made public as well. And the cite I have
15 for that total number is CIT-001, at page 22, line 10.

16 Same thing for the charitable donations -- or
17 the alleged charitable donations in Mr. Hoffman's
18 testimony. So that there is a total dollar amount in
19 Exhibit CIT-0001, at page 25, line 1, that I'm not sure why
20 that needs to be confidential. And it would help me
21 greatly describe what's at issue, more than just sort of
22 the bare allegation that, you know, Witness Hoffman claims
23 that these amounts are charitable -- an undisclosed amount
24 is a charitable donation.

25 And, you know, eventually, I'm going to have to

1 sort of add all the numbers up, and come up with a rate
2 base number. So it would be nice to have those numbers
3 public, at least the total amounts in dispute, assuming I
4 rule, you know, one way or the other -- well, one way or
5 the other, I'm going to have to say why X dollars are
6 either allowed to stay in rate base or should be taken out
7 of rate base, so -- let me stop there, and see if there are
8 any questions or -- before moving on to the rest of my
9 list.

10 MR. ADRIAN: Your Honor, Josh Adrian for the Six
11 Cities. Just to be sure, the last example that you cited,
12 the concern was because it was an aggregated amount, and
13 not individually identified by vendor or by charity,
14 correct?

15 PRESIDING JUDGE: Yeah, I think for both of
16 those. I'm suggesting that that's a way to resolve the
17 privilege concerns of -- I'm assuming DCRT. But, you know,
18 if you have a better way -- and actually, the punch line to
19 this entire list is, you all may, and probably should be
20 able to come up with a stipulation that says, you know,
21 this amount is in dispute on this issue. It is not
22 confidential, although the underlying data is confidential.
23 And then, you know, that might be an even easier way to
24 address these issues than revising all the testimony that
25 exists. But let me continue down my list, just to give you

1 a heads up.

2 So the next item I have is the Western Area
3 Power Administration. I don't know what the TIP -- acronym
4 TIP stands for. Transmission Implementation --
5 Infrastructure Program? The WAPA TIP cost issue, that
6 seems to be redacted in various places, but -- and I'll
7 note this for you, Mr. Hall, in Mr. Davis's rebuttal
8 testimony, Exhibit DCT-0168. So on page 28, line 11, it's
9 redacted. But just a few lines down, on page 28, line 17,
10 it's unredacted -- or a number is unredacted. Let me put
11 it that way. But I think it's pretty clear from the
12 context that it's the same number.

13 And then on page 29, line 6, it's also
14 unredacted. It is redacted in Mr. Dollens' and
15 Mr. Hoffman's testimony, too. So I suggest the three of
16 you get together -- that the parties get together on that
17 one.

18 MR. HALL: Sure. And actually, Your Honor,
19 we're making a filing, hopefully no later than Friday, with
20 revised Davis exhibits, Your Honor. So I think we're
21 actually going to be capturing a lot of the, you know, 168,
22 170 range privilege issues.

23 PRESIDING JUDGE: Okay. Well, if you do that, I
24 suggest that you get together with Trial Staff counsel and
25 with Six Cities counsel, to confirm that. And maybe they

1 can make similar lifting privileges decisions in their
2 testimony. I'll just keep going down my list, even though
3 maybe what DCRT is doing is -- might moot it.

4 The next issue is unamortized debt expense. I
5 show it as redacted in Mr. Hoffman's testimony, again,
6 Exhibit CIT-0001, page 36, line 17. But it's not redacted
7 in Mr. Davis's testimony, DCT-0168, at lines 24 -- or at
8 page 24, line 14, page 30, line 4, and page 30, line 16.
9 And there is actually on page 31, line 9, there's a number
10 that's -- that appears to be the sum of the WAPA costs and
11 the unamortized debt expense costs. So that one should be
12 easy to list the privilege on, or at least come to a
13 stipulation about.

14 The next issue -- so an issue I have with Trial
15 Staff testimony, and this goes back to -- I don't see
16 Ms. Pirrello on the screen anymore. Ms. Pirrello,
17 Mr. Dollens' testimony, S-0027, so his direct and answering
18 testimony. At page 14, line 15 through page 15.3 shows
19 a -- an example of some duplication errors that Mr. Dollens
20 identified in DCR's listing of pre-commercial regulatory
21 asset costs. I didn't see a total dollar value in his
22 testimony, or any of his other exhibits. But it would be
23 nice to have a public number that at least shows the total
24 value of these duplication errors that Mr. Dollens is
25 proposing be corrected.

1 And then if you look at his testimony further on
2 page 18 and 19, so even the -- there's a table there. I
3 mean, it looks -- from the redline, it looks like a table,
4 but the table -- even the title of the table is redacted.
5 So I'm not sure how much I can get on the public record
6 about that table. But I can tell from context that it's a
7 list of, again, pre-commercial regulatory asset cost
8 exclusions that Mr. Dollens is proposing.

9 Sort of in keeping with all the other issues, if
10 there's a way to unmask at least the title and maybe the
11 columns for why Mr. Dollens proposes to remove those
12 amounts. And if the individual cost items can't be
13 revealed, then a total of each category would be helpful.
14 So I hope you can work with Mr. Dollens and maybe DCRT on
15 that.

16 And without disclosing what's in the table, let
17 me just sort of say that, generally, Mr. Dollens has raised
18 an issue about certain Cielo Azul related costs -- for the
19 record, Cielo is C-I-E-L-O, Azul, A-Z-U-L -- related costs.
20 I don't see any public listing of how much of those costs
21 are in DCRT's rates and need to come out. So hopefully,
22 you all can work on that.

23 I've got two more issues. The next one,
24 switching back to Six Cities, is land and land rights. And
25 I think I commented this -- about this in an earlier order,

1 before the evidentiary hearing started. But there are
2 about 10 pages in Mr. Hoffman's initial testimony,
3 CIT-0001 -- I think we're on REV PUB. So that's pages 43
4 to 53, that, you know, identifies a number of items that
5 Mr. Hoffman alleges should be related to land and booked to
6 -- I think it's Account 350.

7 It would be nice to unredact at least the total
8 dollar figure of all those items, but -- and I understand
9 that redacting individual vendor names and invoice amounts
10 makes sense. But in addition to the total amount in
11 dispute, it would be nice for Mr. Hoffman to publicly
12 identify why, on the invoices, he thinks that the disputed
13 items should be moved to the land account.

14 I think I read that Mr. Hoffman, Mr. Dollens,
15 and Mr. Davis might have ultimately agreed on how to handle
16 these costs, if I'm reading all of the testimony right.
17 And if so, this one, in particular, might be a good issue
18 to reach a stipulation on.

19 You know, I mean, if there are continuing
20 disputes, at least you can stipulate how much is in
21 dispute, and what the -- you know, what the dispute is
22 about.

23 All right. Last one. And I'm going to pick on
24 Trial Staff, but I think this shows up in other witness
25 testimonies. The names of tabs on confidential

1 spreadsheets. So the example I have is -- I understand
2 that Exhibit S-0028 is a confidential spreadsheet, but I'm
3 looking at Mr. Dollens' testimony, S-0027. And sometimes
4 the references to tab names are redacted, like on page 18,
5 32 -- and 32. Mr. Dollens redacts the tab names, but on
6 pages 33, 39, 43, 51, 54, 57, 60, 62, and 66, the tab names
7 are not redacted.

8 So, you know, in my mind, unless the tab name --
9 and I know there are a bunch of spreadsheets that have
10 vendor names as tab names. Other than those, though, I
11 don't have -- I don't see any reason why the tabs need to
12 be redacted or confidential. Anyway, so that's my list.
13 It's a long list.

14 Ideally, you all should by, I think, April 3rd,
15 have looked at every privilege designation. And, you know,
16 actually should have looked at every privilege designation,
17 you know, back when you filed these testimonies. But if
18 can you address the ones I just listed off, it will save us
19 either a long drawn out privilege session at the beginning
20 of April 8th. And certainly it will save us the whole
21 rigamarole we went through when we had to deal with figure
22 2 from Mr. Reed's rebuttal testimony, which as you recall,
23 led to two revisions of his testimony, and sort of shifting
24 rules as that issue was negotiated. And then a couple more
25 days of me confirming with Mr. Atkins how we actually refer

1 to non-DCRT APSAs. So I don't want to have to do that for
2 each and every one of these issues that I talked about. So
3 that's what I'm trying to avoid.

4 So I've said a lot. Do folks kind of understand
5 what's at issue here? Are there any questions? All right.
6 Hearing none, I hope on April 3rd, I see either a lot of
7 revised testimony or a stipulation at least addressing
8 these issues.

9 The next topic I have that I wanted to cover
10 with you all is -- actually, Ms. Pirrello, I need you back.
11 The native work papers for Trial Staff exhibits -- so I
12 mean, I'll just cut to the chase. I didn't want to dictate
13 how you presented your evidence, but I think I would like
14 Trial Staff to enter into evidence the native work papers
15 of the exhibits that are Excel spreadsheets. I know you
16 all provided them in PDF form. And I don't know if you
17 want to do that for all of them. I mean, the ones I'm
18 specifically concerned about are S-0028, 0029, 0042, 0047,
19 0066, and 0067.

20 But that's probably only because I've completed
21 sort of my prep on cost-of-service, and haven't looked at
22 depreciation and rate of return. But let me just ask you.
23 Do you have any objection to making those exhibits?

24 MS. PIRRELLO: I don't believe so, Your Honor.
25 If you want to enter those, I think we would be happy to do

1 so.

2 PRESIDING JUDGE: Okay. The one thing -- and I
3 think this has happened in other cases. You know, I'm
4 assuming these are all PRIV exhibits, so let's just take
5 S-0028 for an example. So I assume you're going to be
6 adding the PDF PUB version of that and the PDF PRIV version
7 of that. I think you can mark a file S-0028 in Excel
8 format as well. And all three of those could be added to
9 the hearing site.

10 My understanding from Chad, when he worked on
11 Judge Hempling's Fern Solar case, is that's how they did
12 it. So there actually will be three versions of an
13 exhibit, one PUB and two PRIV versions. But that would
14 help me.

15 I mean, I'll just tell you, I don't know if I've
16 commented about this, but there are -- again, not to pick
17 on Mr. Dollens, but he references tabs that we talked about
18 in the spreadsheet exhibits. And there's no way to
19 identify where the information from those tabs are in the
20 PDF versions of those exhibits.

21 So I'm going to need -- for that reason alone,
22 I'm going to need the Excel spreadsheets in native Excel
23 format to be added. Plus, you know, I'm probably going to
24 want to manipulate the data to reflect my ruling, so it
25 would be helpful to have it in PDF format for that purpose

1 as well.

2 And, Ms. Pirrello, would you like to respond to
3 that?

4 MS. PIRRELLO: I just have a question, Your
5 Honor. Would it be okay for the Excel files to only be
6 provided for the privileged version of the spreadsheet or
7 do you want a public Excel file as well?

8 PRESIDING JUDGE: No, I don't think you need a
9 public Excel file. I will note that I think one of these
10 exhibits, I think 0066, the work paper was labeled S-0066
11 without a PRIV designation, even though I'm pretty sure
12 it's privileged. So, you know, just make sure you label
13 them appropriately. But I mean, I think if you're going to
14 do a slip sheet for the PUB version, I don't need that slip
15 sheet to be in Excel format.

16 Any other questions about that? Okay. All
17 right. All right, Mr. Atkins, I haven't picked on you yet.
18 So the next issue relates to CAISO's exhibit numbers. So
19 Electronic Hearing Rules, Section 5(a)(2)(iii) says, the
20 alphanumeric designation must contain at least four
21 numerical digits and a sufficient antecedent zero digit --
22 and sufficient antecedent zero digits, to ensure that at
23 least one zero digit will remain in front of the highest
24 anticipated exhibit number. For example -- and this is
25 also from the rule -- "S-0001" for Trial Staff's first

1 exhibit, where Trial Staff expects to introduce a maximum
2 of 999 exhibits.

3 We notice that CAISO grouped its prefiled
4 testimony in ranges of hundreds. And even its hearing
5 exhibits, I think, are in the 300, 400 range. But CAISO is
6 already up to CSO-00 -- or CSO-0807 is the last exhibit
7 that I believe CAISO submitted.

8 So, Mr. Atkins, I don't know if you're planning
9 to restart your exhibit numbering when we resume at
10 CSO-000, or if you'll eventually reach or exceed Exhibit
11 1000. But I'd like you not go to five digits, if that
12 makes sense.

13 So I like the grouping. And I want to ensure
14 that the exhibits -- but I want to make sure that the
15 exhibits are sortable. And if I have one exhibit, S-0100
16 and -- or CSO-0100 and CSO-01000, when I sort the exhibits,
17 they'll be right next to each other in the sorting.

18 So if you restart at CSO-900 and expect to have
19 more than 100 exhibits, then I'd like to waive the
20 antecedent zero requirement in the Electronic Hearing
21 Rules, and just have you start on that 101st exhibit with
22 CSO-1000.

23 Alternatively, you can go back to the 400s,
24 where your hearing exhibits are, and maybe that will give
25 you -- you know, if you fill in all the spaces in between,

1 you should have enough for your hearing exhibits. But is
2 that clear?

3 MR. ATKINS: It is, Your Honor. I had been
4 assuming we would resume at 400, and then skip up as
5 appropriate with enough separation from the prefiled
6 exhibits that you can distinguish. If Your Honor has a
7 preference for some other way of doing it, we're happy to
8 follow suit.

9 PRESIDING JUDGE: No. No, that's fine. I mean,
10 I'll know to look for your cross exhibits in the 300, 400
11 range. And if you exceed that, if you have more than 200
12 cross exhibits, you can jump back to 900 or -- and that
13 will still give you 100 more. I hope you don't have more
14 than 300 cross exhibits, but I'm not going to prohibit you
15 from doing that. Just when you get into the thousands,
16 let's not add the antecedent zero, which is the concern I
17 have.

18 MR. ATKINS: Understood, Your Honor. Thanks.

19 PRESIDING JUDGE: Okay, great. All right. I
20 have one last item. And it's back on Trial Staff. Sorry,
21 Ms. Pirrello. You'll have to get Mr. Phillips to pay you
22 back, but I notice that you all refiled your rebuttal
23 testimony on March 23rd. I guess my question is, why
24 didn't you send me a courtesy copy of that filing, at least
25 the transmittal letter? I mean, I think I have been

1 harping on everyone to comply with the Uniform Hearing
2 Rules. And Section 5A of the Uniform Hearing Rules do
3 require courtesy copies.

4 MS. PIRRELLLO: Apologies, Your Honor. No, that
5 was just an oversight. The testimony is the same as what
6 you received previously. It's just to correct a sort of
7 error with E-library, where the entire filing had been
8 designated as privileged to protect one document that had
9 erroneous redactions.

10 PRESIDING JUDGE: Okay, yeah -- no, I got that
11 when I eventually got the filing. But just, again, it's my
12 reminder that, you know, there are some commonly violated
13 rules in the Uniform Hearing Rules. And I hope you all
14 sort of redouble your efforts to try to comply with them,
15 as technical as they are.

16 All right. That's all I have. Recognizing that
17 this may be the one chance that we can actually talk freely
18 before we get to April 8th, do you all have any items you
19 want to present to me today?

20 MR. HALL: Your Honor, just one courtesy heads
21 up. We are in the midst of trying to -- we, DCRT and
22 CAISO, are in the midst of trying to resolve our discovery
23 dispute, which at this point, I'm not sure we're going to
24 be able to. So there may be a motion to compel being
25 submitted in the next day or two.

1 PRESIDING JUDGE: Okay. I'm just calling up my
2 calendar. Give me a second.

3 MR. ATKINS: Your Honor, when you're ready, and
4 we're talking timing, there is a factor relevant to timing
5 in compliance with the CAISO tariff. Since we're going to
6 be here, I would appreciate an opportunity to make Your
7 Honor aware of.

8 PRESIDING JUDGE: Okay. Well, as long as this
9 doesn't, you know, sort of roll over into an oral argument
10 on that issue, on a motion that hasn't been presented to me
11 yet, what information would you like to pass on to me?

12 MR. ATKINS: I believe I can do this without
13 getting into the substance of the dispute. But I think I
14 can indicate if -- I believe the motion is likely to
15 address bidding -- confidential materials provided by other
16 entities under the ISO tariff -- and under the ISO tariff.
17 And we will file paper with you, so we will lay this all
18 out.

19 There is a provision that says, when a party is
20 seeking to compel disclosure of confidential materials in
21 ISO's possession, third-party confidential information, we
22 have an obligation to disclose that to them. The ISO does.
23 And also that -- to work with them to help them present any
24 information. So if Mr. Hall and DCRT files a motion to
25 compel, we will very quickly file a response, asking Your

1 Honor sufficient time for us to complete that process,
2 which is likely to be probably six calendar days.

3 PRESIDING JUDGE: Well, I hope you guys can work
4 that out. But I guess, just looking at my calendar,
5 because of some medical issues I have, I will not be
6 available tomorrow or a week from Thursday, so -- and what
7 I would suggest you all do is, if a motion is necessary,
8 maybe you all could agree to put the motion and the answer
9 in at the same time, or within a day, or even waive the
10 answer until we have the oral argument, or, you know,
11 propose that to me. And that's probably the approach that
12 I would take and -- yeah, I don't know.

13 We could have the oral argument Wednesday or
14 Friday of next week, or maybe even the Monday or Tuesday --
15 so Monday, April 6, or Tuesday, April 7, if we need an oral
16 argument before the hearing start date. I assume this is
17 information, Mr. Hall, you'd need for cross-examination of
18 Ms. Levine?

19 MR. HALL: Yes, Your Honor, among others.

20 PRESIDING JUDGE: Is Ms. Levine the first
21 witness up?

22 MR. ATKINS: No, Your Honor. We have three
23 witnesses. Ms. Levine will be the -- will be the third
24 witness we put up.

25 PRESIDING JUDGE: Okay. Well, I'll try to

1 hopefully -- hopefully, you won't need to present me with a
2 motion to compel. And hopefully, you can work out the
3 timing and -- but if you do, we'll try to resolve it as --
4 you know, before the recommencement of the evidentiary
5 hearing, or as early as we can. So I mean, I guess I'll
6 have you all on April 8th.

7 So, you know, if we need to do the oral argument
8 on April 8th, I'm still going to make it after we resolve
9 any outstanding over privilege -- privilege
10 overdesignations that we need to resolve. But we could
11 deal with it then.

12 All right. Anything else?

13 MS. PIRRELLO: Your Honor, Trial Staff and the
14 company and Six Cities are still working on your joint
15 spreadsheet exhibit. And once we finalize that, we will
16 share that with everyone. We're working on the best
17 efforts basis to get that to you before we return on the
18 8th.

19 PRESIDING JUDGE: Okay. Well, it sounds like,
20 if I got this right, Cal ISO will be putting up their
21 witnesses first, which means I think you have until Six
22 Cities puts Mr. Hoffman on the stand to resolve that. But,
23 yeah, I appreciate the efforts.

24 Anything else? All right. Well, I look forward
25 to seeing you here in person in Hearing Room 4. If there

1 is no other business, we are adjourned. Thank you.

2 Ms. Ciminelli, we're off the record.

3 (Whereupon, the proceedings concluded at 11:11
4 a.m.)

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CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceeding before
the FEDERAL ENERGY REGULATORY COMMISSION in the Matter of:

IN THE MATTER OF:
DCR TRANSMISSION, L.L.C.

Docket Nos: ER23-2309-001
ER24-1394-001
(Consolidated)

Place: Washington, DC (via remote)

Date: Wednesday, March 25, 2026

were held as herein appears, and that this is the original
transcript thereof for the file of the Federal Energy
Regulatory Commission, and is a full correct transcription
of the proceedings.

____SUSAN CIMINELLI_____

Official Reporter

<p style="text-align: center;">A</p> <p>A-Z-U-L 2700:19 a.m 2682:20 2712:4 able 2697:20 2708:24 above-entitled 2682:19 Absolutely 2687:4 access 2691:20,22,25 2692:16,17,22 2693:10 2693:11 accommodate 2687:15 2690:21 accommodating 2688:7 accommodation 2687:11 account 2701:6,13 acronym 2698:3 active 2683:24 actual 2696:12 add 2686:12 2688:12,14 2690:20 2697:1 2707:16 added 2685:6 2704:8,23 adding 2704:6 addition 2701:10 address 2683:8,25 2685:19 2687:24 2689:14 2693:16 2697:24 2702:18 2709:15 addressed 2693:24 addressing 2693:22 2703:7 adjourned 2712:1 Administration 2698:3 administrative 2682:24 2683:12 2689:13 admitted 2693:25 Adrian 2697:10,10 afternoon 2691:14 2692:2 aggregated 2697:12 ago 2692:25 agree 2690:17,25 2691:2 2710:8 agreed 2701:15 agreement 2696:10 allegation 2696:22 alleged 2696:17 alleges 2701:5 allow 2685:1,4 2689:9 allowed 2697:6 alphanumeric 2705:20 alter 2683:9 Alternatively 2706:23 Amanda 2688:10 amount 2696:13,18,23 2697:12,21 2701:10</p>	<p>amounts 2696:8,12,23 2697:3 2700:12 2701:9 amplify 2694:7 analysis 2687:23 2688:1 2688:1 analyzed 2687:13 answer 2684:8,10,11 2710:8,10 answering 2699:17 answers 2684:9 antecedent 2705:21,22 2706:20 2707:16 anticipate 2688:21 anticipated 2705:24 anybody 2687:5 2688:7 2689:15 anymore 2689:4 2699:16 Anyway 2692:20 2702:12 Apologies 2708:4 apologize 2685:24 apology 2685:25 appearance 2684:3,4 2691:18 APPEARANCES 2682:25 appears 2695:9,17 2699:10 2713:15 appendix 2685:18 2694:21 apply 2691:1 appreciate 2709:6 2711:23 approach 2686:8 2710:11 appropriate 2707:5 appropriately 2705:13 April 2683:13 2691:21,23 2691:24 2693:4,4,12,13 2693:23 2694:5 2695:4 2702:14,20 2703:6 2708:18 2710:15,15 2711:6,8 APSA 2685:1,4,18 APSAs 2703:1 Area 2698:2 argue 2684:13 argument 2682:20 2683:7,19 2684:8,12 2709:9 2710:10,13,16 2711:7 arrangements 2690:5 asked 2690:6 asking 2709:25 asset 2699:21 2700:7 assume 2704:5 2710:16 assuming 2697:3,17</p>	<p>2704:4 2707:4 Atkins 2702:25 2705:17 2706:8 2707:3,18 2709:3,12 2710:22 attached 2713:3 audit 2694:18 available 2710:6 avoid 2703:3 aware 2709:7 Azul 2700:18,19</p> <hr/> <p style="text-align: center;">B</p> <p>back 2683:16 2689:18 2690:19 2692:24 2699:15 2700:24 2702:17 2703:10 2706:23 2707:12,20,22 bare 2696:22 base 2688:20,22 2697:2,6 2697:7 based 2684:22 2689:6 2695:12 basis 2711:17 beginning 2702:19 believe 2687:15 2689:20 2703:24 2706:7 2709:12,14 believed 2687:12 bench 2690:19 best 2711:16 better 2694:5 2697:18 Beyond 2689:12 bidding 2709:15 bit 2683:17,18 2690:1 blot 2694:18,20 booked 2701:5 break 2694:9 Bridge 2683:25 2692:3 Bridge's 2692:5 brief 2687:19 briefs 2683:9 2689:10 bullet 2685:17,17 2686:23,25 2687:22,22 2688:1 bunch 2702:9 burden 2689:23 business 2684:9 2712:1</p> <hr/> <p style="text-align: center;">C</p> <p>C 2683:1 C-I-E-L-O 2700:19 CAISO 2706:3,5,7 2708:22 2709:5 CAISO's 2705:18 Cal 2711:20 calendar 2709:2 2710:2,4</p>	<p>call 2688:25 2691:6 called 2683:7 calling 2693:17 2709:1 cap 2684:19 2685:2,4 capturing 2698:21 care 2695:4 case 2689:24 2692:6 2704:11 cases 2704:3 category 2700:13 cause 2694:14 caused 2684:20 2685:5 certain 2700:18 certainly 2691:23 2702:20 CERTIFICATE 2713:1 certificates 2692:8,15 certify 2713:3 Chad 2691:14,24 2693:6 2704:10 chance 2708:17 change 2689:23 changing 2689:8 charitable 2696:16,17,23 2696:24 charity 2697:13 chase 2703:12 check 2685:9 2691:22 2692:24,25 cheese 2694:15 chime 2688:9 choosing 2691:1 Cielo 2700:18,19 Ciminelli 2712:2 2713:20 CIT-0001 2696:19 2699:6 2701:3 CIT-001 2696:15 CIT-0027 2695:15 cite 2696:14 cited 2697:11 Cities 2697:11 2698:25 2700:24 2711:14,22 claims 2696:22 clarification 2686:19 clarify 2684:18 2689:6 2690:25 clarifying 2686:3 2688:11 class 2684:19 clear 2685:18 2689:9 2694:22 2698:11 2707:2 close 2684:9 closed 2693:24 column 2685:6,9,13,15 2685:23 2686:11,18</p>
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Exhibit A-2

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

DCR Transmission, L.L.C.

Docket Nos. ER23-2309-001
ER24-1394-001
EL26-34-000
(consolidated)

ORDER CONFIRMING BENCH RULING
GRANTING IN PART AND DENYING IN PART MOTION TO COMPEL
DISCOVERY

(Issued April 7, 2026)

1. On March 26, 2026, DCR Transmission, L.L.C. (DCRT) filed a motion to compel the California Independent System Operator Corporation (CAISO) to respond to a disputed discovery request.¹ On March 31, 2026, DCRT filed another motion to compel CAISO to respond to two other disputed discovery requests.² At an oral argument on April 6, 2026, I granted the motions in part, denied the motions in part and directed CAISO to respond to the disputed discovery requests consistent with my order by April 13, 2026. In this order, I confirm and set forth my rationale for my ruling on the motions.

¹ Motion to Compel the California Independent System Operator Corporation to Respond to DCR Transmission, L.L.C.'s Tenth Set of Data Requests, Request for Shortened Answer Period, Request for Oral Argument on April 1, 2026, and Request for Expedited Consideration (filed Mar. 26, 2026) (March 26 Motion).

² Motion to Compel the California Independent System Operator Corporation to Respond to DCR Transmission, L.L.C.'s Revised Eleventh Set of Data Requests, Request for Shortened Answer Period, Request for Consolidated Oral Argument on April 6, 2026, and Request for Expedited Consideration (filed Mar. 31, 2026) (March 31 Motion).

I. Background

A. Procedural History

2. On March 10, 2026, DCRT propounded its tenth set of data requests on CAISO.³ This set of data requests included 11 separate requests (not counting subparts), including data requests DCRT-CAISO-10.01 through DCRT-CAISO-10.11.

3. On March 16, 2026, CAISO objected to the tenth set of data requests.⁴ In all, CAISO made nine general objections, seven objections to instructions and definitions, and specifically objected to eight of the 11 data requests. In making these objections, CAISO indicated its intention to respond to seven data requests subject to these objections.

4. On March 17, 2026, DCRT propounded its revised eleventh set of data requests on CAISO.⁵ This set of data requests included 51 separate requests (not counting subparts), including data requests DCRT-CAISO-11.01 through DCRT-CAISO-11.51.

5. On March 19, 2026, six business days after DCRT made the tenth set of data requests, CAISO produced answers to the tenth set, except for DCRT-CAISO-10.09.⁶

6. On March 20, 24, and 25, 2026, DCRT met and conferred with CAISO to try to resolve the objections as to the tenth set of data requests.⁷ On March 24, 2026, DCRT provided CAISO a proposed list of projects in an attempt to narrow the scope of the tenth set of data requests, which it avers CAISO rejected on March 25, 2026.⁸

7. On March 23, 2026, CAISO objected to the eleventh set of data requests.⁹ In all, CAISO made nine general objections, seven objections to instructions and definitions,

³ March 26 Motion at 1 and Att. A.

⁴ March 26 Motion at 1 and Att. B.

⁵ March 31 Motion at 1 and Att. A.

⁶ March 26 Motion at 1-2 and Att. C.

⁷ March 26 Motion at 20-21 and Att. C.

⁸ March 26 Motion at n.11 and Att. C.

⁹ March 31 Motion at Att. B.

and specifically objected to 23 of the 51 data requests. In making these objections, CAISO indicated its intention to respond to 15 data requests subject to the objections.

8. On March 24, 2026, five business days after DCRT made the eleventh set of data requests, CAISO served its answers to the eleventh set.¹⁰ Notably, CAISO provided answers to DCRT-CAISO 11.07(b) and (d) and to DCRT-CAISO 11.08 (a) and (b), but rested on its objections as to DCRT-CAISO 11.07 (a) and (c).

9. On March 25, 2026, I held an oral argument as to a separate matter in this proceeding.¹¹ At this conference, DCRT informed me that it was likely to file a motion to compel concerning unresolved discovery disputes, and CAISO indicated that a portion of the dispute related to confidential materials and provisions governing the release of such materials in its tariff.¹²

10. On March 26, 2026, DCRT, CAISO, Commission Trial Staff (Trial Staff), the Electricity Transmission Competition Coalition (ETCC), the California Public Utilities Commission (CPUC), the California Department of Water Resources State Water Project (DWR), the Northern California Power Agency (NCPA), San Diego Gas & Electric Company (SDG&E), and Citizens Sunrise Transmission LLC and Citizens Sycamore-Pensacuitos Transmission LLC (collectively, Citizens) met to confer on the objections to the tenth set of data requests and on a draft of the March 26 Motion.¹³ DCRT avers that it and CAISO could not narrow or resolve DCRT-CAISO-10.09 subject to “scope-related and burden-related objections.”¹⁴ DCRT represents that CAISO and ETCC opposed the March 26 Motion and that Trial Staff, CPUC, DWR, NCPA, and Citizens took no position. DCRT further avers that the Cities of Anaheim, Azusa, Banning, Colton, Pasadena, and Riverside, California (Six Cities) did not attend the March 26, 2026, meet-and-confer, but took no position on the March 26 Motion.

11. Also on March 26, 2026, DCRT made its March 26 Motion.¹⁵

¹⁰ March 31 Motion at Att. C.

¹¹ *See* Order Waiving Answer Period and Scheduling Oral Argument (Mar. 19, 2026).

¹² Tr. 2708:20-2711:12 (Hall, Atkins, Presiding Judge).

¹³ March 26 Motion at 20-23 and Att. C.

¹⁴ March 26 Motion at 3.

¹⁵ On March 27, 2026, ETCC filed in opposition to the DCRT’s request to shorten the period for answering the Motion, and DCRT filed an errata to the Motion confirming

12. On March 27, 2026, I set an April 2, 2026, deadline for answering the March 26 Motion and scheduled an oral argument for April 6, 2026.¹⁶

13. Also on March 27, 2026, DCRT and CAISO met to discuss objections to the eleventh set of data requests. DCRT avers that it and CAISO could not resolve disputes as to DCRT-CAISO-11.07 and DCRT-CAISO-11.08.¹⁷

14. On March 30, 2026, DCRT provided a draft copy of its March 31 Motion to the entire service list in this proceeding.¹⁸

15. On March 31, 2026, DCRT, CAISO, Trial Staff, DWR, Six Cities, NCPA, SDG&E, and Citizens met to confer on the objections to the eleventh set of data requests and on the draft March 31 Motion.¹⁹ DCRT represents that CAISO opposed the March 31 Motion and that DWR, NCPA, Six Cities, SDG&E, Citizens, and Trial Staff took no position. DCRT further avers that CPUC did not attend this meet-and-confer, but took no position on the March 31 Motion.²⁰

16. Also on March 31, 2026, DCRT circulated a final draft of the March 31 Motion to the service list requesting comment by 3:00 p.m. ET, after which time DCRT filed the March 31 Motion.

that ETCC planned to object to the shortened answer period. *See* Opposition of Electricity Transmission Competition Coalition to Request for Shortened Answer Period on Motion to Compel, Docket Nos. ER23-2309-000 *et seq.*, ER24-1394-000 *et seq.*, EL26-34-000 (filed Mar. 27, 2026); Errata to Motion to Compel (filed Mar. 27, 2026) (DCRT Errata).

¹⁶ Order Scheduling Oral Argument (Mar. 27, 2026) (March 27 Order).

¹⁷ March 31 Motion at 19-20.

¹⁸ March 31 Motion at 21 and Att. D.

¹⁹ March 31 Motion at 21-22.

²⁰ March 31 Motion at 22.

17. On April 1, 2026, I set an April 3, 2026, deadline for answering the March 31 Motion and ordered that I would hear argument on the March 31 Motion at the same time (April 6, 2026) I would hear argument on the March 26 Motion.²¹

18. On April 2, 2026, CAISO filed an answer to both the March 26 Motion and the March 27 Motion.²² ETCC filed an answer to the March 26 Motion on April 2, 2026.²³

19. On April 3, 2026, CAISO filed a motion to supplement the CAISO Answer.²⁴ Although the CAISO Supplement would be considered out of time as an answer to the March 26 Motion, at the April 6, 2026, oral argument, I treated the CAISO Supplement as a timely answer to the March 31 Motion, with the concurrence of CAISO's and DCRT's counsel.²⁵

20. Also on April 3, 2025, LS Power Grid California, LLC (LS Power Grid), on behalf of itself and its affiliates, filed a letter motion to answer the March 31 Motion.²⁶ As LS

²¹ Order Setting Answer Period and Scheduling Oral Argument (Apr. 1, 2026) (April 1 Order).

²² Answer of the California Independent System Operator Corporation to Motions to Compel of DCR Transmission, L.L.C., Docket Nos. ER23-2309-000, ER24-1394-000, EL26-34-000 (filed Apr. 2, 2026) (CAISO Answer).

²³ Opposition of Electricity Transmission Competition Coalition to Motion to Compel CAISO's Production of Unrelated Competitive Bids, Supporting Materials, and Subsequent Contracts, Docket Nos. ER23-2309-000, ER24-1394-000, EL26-34-000 (filed Apr. 2, 2026) (ETCC Answer).

²⁴ Motion of the California Independent System Operator Corporation to Supplement Answer to Motions to Compel of DCR Transmission, L.L.C. and for Shortened Answer Period, ER23-2309-000, ER24-1394-000, EL26-34-000 (filed Apr. 3, 2026) (CAISO Supplement).

²⁵ Tr. 2723:17-2725:1 (Presiding Judge, Atkins, Hall).

²⁶ Letter from LS Power Grid California, LLC, Accession No. 20260403-5150 (filed April 3, 2026).

Power Grid is not a party to these consolidated proceedings²⁷ I denied LS Power Grid's motion at the April 6, 2026, oral argument.²⁸

21. No other participants submitted answers to either the March 26 Motion or the March 31 Motion by the respective April 2, 2026, and April 3, 2026, deadlines.²⁹

22. On April 5, 2026, CAISO supplemented its responses to DCRT-CAISO-10.09, DCRT-CAISO-11.07, and DCRT-CAISO-11.08.

23. On April 6, 2026, I convened an oral argument to consider the March 26 Motion and March 31 Motion. Based on CAISO's supplemental responses, DCRT withdrew the motions to compel as to DCRT-CAISO-10.09(c), DCRT-CAISO-11.07(a), (c), and (d), and DCRT-CAISO-11.08(b).³⁰ This left only DCRT-CAISO-10.09(a) and (b) in dispute. At the oral argument, CAISO confirmed that it would no longer press its vagueness objections,³¹ and that no materials which would respond to the remaining data requests implicated the attorney-client privilege, the attorney work product doctrine, or the joint defense privilege.³²

24. At the conclusion of the oral argument, I rendered my rulings with respect to each of the disputed data requests as confirmed in detail below. I asked if any participants wished to move for interlocutory appeal of these ruling, and CAISO, DCRT, and ETCC so moved. I denied these oral motions for interlocutory appeal.³³

²⁷ See DCRT Errata at 2.

²⁸ Tr. 2716:19-2717:6 (Presiding Judge).

²⁹ March 27 Order at P 4; April 1 Order at P 4.

³⁰ Tr. 2801:19-2802:7; 2802:14-2805:8; 2806:20-2807:25 (Presiding Judge, Atkins, Hall)

³¹ Tr. 2742:3-4 (Atkins).

³² Tr. 2760:2-3 (Atkins).

³³ Tr. 2827:23-2828:14 (Presiding Judge).

B. March 26 Motion

25. In the March 26 Motion, DCRT moves to compel responses from CAISO as to DCRT-CAISO-10.09.³⁴ DCRT did not seek to compel responses to any other data requests from the eleventh set of data requests.

26. Data request DCRT-CAISO-10.09 asks:

DCRT-CAISO-10.09:

Refer to the Le Vine rebuttal testimony (Exh. No. CSO-0601 PUB starting at Page 9 of 132) where Witnesses Le Vine is asked: “At pages 38 and 39 of his Rebuttal Testimony (Exh. No. DCT-0125 REV2 PUB), Witness Reed provides a table listing and summarizing the Approved Project Sponsor Agreements the CAISO has executed and attempts to draw several conclusions from them. Do you have any comments regarding this discussion?”

- a. Please provide all Project Sponsor bids or applications and any revised bids or applications provided by the transmission developer bidder for each APSA executed by the CAISO listed on the referenced table.
- b. Please provide all bidding materials provided by the CASIO [sic] for each competitive process that resulted in an APSA listed on the referenced table.
- c. For each APSA listed on the referenced table executed by the CAISO that is subject to a cost cap, please provide the amount of the cap, the amount of final costs that were subject to the cost cap and any other costs, such as interconnection costs, that were outside the cost cap.

27. DCRT argues that the information it seeks through DCRT-CAISO-10.09 falls within the scope of permitted discovery because the request responds directly to issues

³⁴ March 26 Motion at 1.

raised in the rebuttal testimonies of CAISO's witness, Ms. Le Vine,³⁵ and Commission Trial Staff's (Trial Staff) witness, Dr. Norman.³⁶

28. DCRT's contends that the information it seeks is relevant because it "appears reasonably calculated to lead to the discovery of admissible evidence."³⁷ DCRT notes CAISO claims that DCRT's bid and communications prior to executing the Approved Project Sponsor Agreement between DCRT and CAISO (DCRT APSA) limit the cost cap and cost containment provisions of the DCRT APSA.³⁸ DCRT asserts that the information it seeks about other developers' bids and communications and how those materials "translated into their respective" approved project sponsor agreements could lead to admissible evidence to evaluate CAISO's testimony.³⁹

29. DCRT contends that its data request was not vague and notes that CAISO has created exhibits about DCRT's own bidding materials and communications in a style that, if the CAISO applied it to the requested materials, would respond to the present request.⁴⁰

30. DCRT maintains that CAISO has not explained how the disputed data requests, which target 18 APSAs and associated materials, are unduly burdensome or overbroad, and further observes that CAISO did not provide a description of its documents and objections as required by Rule 410.⁴¹ DCRT noted that during the meet and confer process with CAISO, DCRT offered to limit the scope of its request to specific projects,

³⁵ March 26 Motion at 11-14 (citing various references throughout Ex. CSO-0601 PUB to the competitive solicitation bid process generally, to other project sponsors' bids, and to proposals for inflation adjustments in approved project sponsor agreements).

³⁶ March 26 Motion at 11, 13 (citing references in Ex. S-0052 PUB to bid documents and materials).

³⁷ March 26 Motion at 14 (citing to 18 C.F.R. § 385.402(a) (2025)).

³⁸ March 26 Motion at 14-15.

³⁹ March 26 Motion at 15.

⁴⁰ March 26 Motion at 15-17.

⁴¹ March 26 Motion at 17-18 (citing 18 C.F.R. § 385.410(a)(2)(ii) (requiring party objecting to discovery on burden grounds "provide the participant seeking discovery with a description of the approximate number of documents that would have to be produced and a summary of the information contained in such documents.")).

but CAISO rejected that offer.⁴² In the March 26 Motion, DCRT proposes that CAISO prioritize its answers to nine of the 18 projects for which it seeks information under DCRT CAISO 10.09.⁴³

31. DCRT asserts that any confidentiality concerns raised by CAISO can be addressed in the context of my Protective Order in this proceeding.⁴⁴ DCRT further asserts that CAISO should be capable of complying with an order compelling discovery without violating its tariff.⁴⁵

32. DCRT contends that CAISO did not explain how the disputed data request implicates the attorney-client privilege, attorney work-product doctrine, or the joint defense privilege and suggests that CAISO produce a privilege log.⁴⁶

C. Objections to DCRT-CAISO-10.09 and Answers to March 26 Motion

33. CAISO's specific objections as to DCRT-CAISO-10.09 are as follows:

OBJECTION:

The CAISO objects to DCRT-CAISO-10.09 as it goes beyond the scope of discovery permitted under the procedural schedule in the above-captioned proceedings, under which discovery requests are "limited to New Rebuttal Testimony." Ms. Le Vine's Prepared Rebuttal Testimony does not address, nor rely on, the specifics of the bids or applications of any of the non-DCRT APSAs in Mr. Reed's table other than one bid

⁴² March 26 Motion at Att. C. (noting that on March 24, 2026, "Counsel for DCRT and counsel for the CAISO communicated regarding DCRT's proposal to resolve the dispute by reducing the number of projects subject to DCRT-CAISO-10.09" and that on March 25, 2026, "Counsel for the CAISO rejects DCRT's proposal for a reduced project list.").

⁴³ March 26 Motion at 24-25.

⁴⁴ March 26 Motion at 18; see Order Amending Protective Order, Docket Nos. ER23-2309-001 and ER24-1349-001 (Oct. 17, 2025) (Protective Order); *see also* Tr. 2678:24-2679:20 (Hall, Presiding Judge) (confirming that the October 17, 2025, Protective Order extends to newly consolidated Docket No. EL26-34-000).

⁴⁵ March 26 Motion at 21.

⁴⁶ March 26 Motion at 18-19.

which is in Exhibit No. CSO-0372 PRIV and is already in DCRT's possession. Nor does Ms. Le Vine's Rebuttal Testimony address or rely on bidding materials provided by the CASIO [sic] for each competitive process that resulted in an APSA listed on Mr. Reed's table. The details of the applicable APSA cost caps are set forth in the APSAs themselves, which are already in DCRT's possession. To the extent DCRT sought this information to support Mr. Reed's table, they had a full opportunity to seek this information prior to the close of general discovery in this proceeding in December 2025.

The CAISO objects to DCRT-CAISO-10.09 as it seeks information that is not relevant.

The CAISO further objects to DCRT-CAISO-10.09(a) as it is vague, unduly burdensome, and overbroad with respect to the request to provide "all Project Sponsor bids or applications and any revised bids or applications" provided for each APSA in Witness Reed's table. Given the volume of documents involving such information, DCRT's request would require a significant amount of time and resources to account for and complete.

The CAISO further objects to DCRT-CAISO-10.09(b) as it is vague, unduly burdensome, and overbroad with respect to the request to provide "all bidding materials" provided by the CAISO in Witness Reed's table. Given the volume of documents involving such information, DCRT's request would require a significant amount of time and resources to account for and complete.

The CAISO further objects to DCRT-CAISO-10.09(c) as it is vague, unduly burdensome, and overbroad with respect to the request to provide "the amount of the cap, the amount of final costs that were subject to the cost cap and any other costs, such as interconnection costs, that were outside the cost cap" for each APSA in Witness Reed's table. Given the volume of documents involving such information, DCRT's request would require a significant amount of time and resources to account for and complete.

The CAISO also objects insofar as DCRT-CAISO-10.09(a), (b), and (c) may involve documents not within the custody, control, or possession of the CAISO. Further, the CAISO objects insofar as DCRT-CAISO-10.09(a), (b), and (c) may involve documents protected by proprietary and confidential client information, as well as documents protected by attorney-client privilege, joint defense privilege, and the attorney work product doctrine. The discovery request seeks highly confidential and recent information the release of which could prejudice the specific project sponsors in future competitive solicitations.

34. The CAISO Answer amplifies these objections. CAISO asserts that the data requests that are subject to both motions to compel “are beyond the agreed-upon limited scope of discovery permitted during the period that commenced in this proceeding on March 9, 2026, which is ‘limited to New Rebuttal Testimony.’”⁴⁷ CAISO claims that none of CAISO’s witnesses referred to or relied on any project sponsor bids other than those already in the record or the materials related to negotiations of third-party developers. CAISO claims that DCRT had an opportunity to ask for this material prior to its pre-filed testimony deadline in December 2025, but instead waited “until this late hour to request this information.”⁴⁸

35. With respect to the burden of responding to this request, CAISO asserts that DCRT seeks information unrelated to this case “going back 12 years” and “will unnecessarily and unduly tax the CAISO’s limited staff resources” as CAISO tries to prepare for the evidentiary hearing and to complete “two extensive competitive solicitation reports for the ongoing competitive solicitations, which are scheduled for decision this month.”⁴⁹

36. With respect to the confidentiality of the information sought, CAISO notes that its tariff requires CAISO to consult with third parties whose confidential information DCRT is seeking.⁵⁰ In carrying out this consultation, CAISO notes that several developers

⁴⁷ CAISO Answer at 1.

⁴⁸ CAISO Answer at 2; 5-8.

⁴⁹ CAISO Answer at 2. Given these burdens, CAISO indicates that is providing a brief answer and asks that I allow CAISO to supplement its arguments during the oral argument. CAISO Answer at 3.

⁵⁰ CAISO Answer at 2, 8-10.

strongly object to the disclosure of their competitive solicitation bids under any circumstances, even when designated as “PRIV-HC” under the Protective Order in this proceeding.⁵¹ CAISO notes that one developer raised concerns that, even under the Protective Order, reviewing representatives could engage in competitive activities in the future and leverage confidential bid materials to disrupt the competitive process in the future.⁵² CAISO notes another project sponsor raised concerns that recipients of disclosed information could cause harm to transmission developers that is “concrete and irreparable.”⁵³

37. The ETCC Answer urges me to reject DCRT’s effort to obtain competitive information.⁵⁴ ETCC argues that competitive information is so sensitive its release to competitors should be denied except in the rarest of circumstances.⁵⁵ In particular, ETCC notes that reviewing representatives authorized under the Protective Order to review highly confidential privileged materials may end up being competitive duty personnel for other entities and may misuse such materials disclosed in this case.⁵⁶ ETCC alleges that the participants intended only limited discovery at this stage of the hearing and the probative value of any discovered information does not outweigh the competitive harms of disclosing that information.⁵⁷

38. Finally, the CAISO Supplement provides legal and policy arguments raised by various project sponsors whose information I may compel in response to the March 26 Motion and the March 31 Motion.⁵⁸ Primarily, CAISO argues that Commission precedent should prevent me from compelling production of the confidential information of CAISO’s competitive transmission bidders. CAISO states that the Commission balances “the interests of a party seeking confidential treatment for information with the

⁵¹ CAISO Answer at 3, 10-12.

⁵² CAISO Answer at 11-12.

⁵³ CAISO Answer at 12.

⁵⁴ ETCC Answer at 3-4.

⁵⁵ ETCC Answer at 4-8

⁵⁶ ETCC Answer at 8.

⁵⁷ ETCC Answer at 9-10.

⁵⁸ CAISO Supplement at 4-14.

interests of parties seeking access to that information,”⁵⁹ and contends that the potential harm to CAISO, its bidders, and its competitive bidding process requires that I prevent disclosure of the information. CAISO cites cases where the decisional authority declined to compel production even subject to a protective agreement because the information was “of the highest magnitude of commercial sensitivity”⁶⁰ or could damage markets even in the presence of a non-disclosure agreement.⁶¹

D. March 31 Motion

39. In the March 31 Motion, DCRT moves to compel responses and/or more complete responses from CAISO as to DCRT-CAISO-11.07(a), DCRT-CAISO-11.07(c), DCRT-CAISO-11.07(d), and DCRT-CAISO-11.08(b).⁶² DCRT did not seek to compel responses to any other data requests from the eleventh set of data requests.

40. Data request DCRT-CAISO-11.07 asks:

DCRT-CAISO-11.07:

Referring to Witness Le Vine’s Rebuttal Testimony (Exh. No. CSO-0601 PUB, at 9) where Witness Le Vine is asked: “At pages 38 and 39 of his Rebuttal Testimony (Exh. No. DCT-0125 7 REV2 PUB), Witness Reed provides a table listing and summarizing the Approved Project Sponsor Agreements the CAISO has executed and attempts to draw several conclusions from them.”

- a. For each APSA the CAISO has executed that is subject to a cost cap or containment mechanism, please provide the amount of the cap, the amount of final costs that

⁵⁹ CAISO Supplement at 4 (quoting *W. Deptford Energy, LLC*, 134 FERC ¶ 61,189, at P 30 (2011)).

⁶⁰ CAISO Supplement at 10 (citing Order Summarizing Rulings on Motions to Compel During June 8 Oral Arguments, Docket Nos. ER03-583-000, ER03-583-001, ER03-583-002, ER03-681-000, ER03-681-001, ER03-682-000, ER03-682-001, ER03-682-002, ER03-744-000, ER03-744-001, and ER03-753-000, at P 10 (Jun. 14, 2004) (Brenner, J.) (Brenner Order)).

⁶¹ CAISO Supplement at 8-9 (citing *ISO New England Inc.*, 148 FERC ¶ 61,137, at P 21 (2014) (ISO-NE Order)).

⁶² March 31 Motion at 1.

were subject to the cost cap and any other costs, such as interconnection costs, that were outside the cost cap.

- b. Please provide copies of every APSA executed by CAISO and a transmission developer since July 21, 2025.
- c. Please provide the final cost reports provided by the transmission developers for each of the executed APSAs between 2015 and 2026.
- d. For each project selected by CAISO between 2015 and 2026, please provide all APSA drafts and related communications exchanged by the relevant parties over the course of the negotiation of each project.

41. Data request DCRT-CAISO-11.08 asks:

DCRT-CAISO-11.08:

Witness Le Vine states: “The Suncrest project has been constructed, Estrella is pending construction. The APSAs for both projects permit cost escalation for inflation in the event of project delays.” (Exh. No. CSO-0601 PUB, at 36, lines 7-9).

- a. When did the CAISO become aware that the Estrella and Suncrest APSAs were filed with the FERC on November 10, 2015, and made public by NextEra? If CAISO knew those documents were made public before August 25, 2025, why did it file those documents as confidential, PRIV HC documents in response to Staff-CAISO-2.01?
- b. Are the Suncrest and Estrella agreements silent as to the inflation index that will be used to calculate the adjustment? If so, how would CAISO administer the escalation of these contracts’ cost caps? Please provide all documents or other evidence in the CAISO’s possession as to the intent of these contracts with regard to the use of any escalation factor.

42. In the March 31 Motion, DCRT asserts that the Commission favors broad discovery and the “relevance or potential relevance of the information sought ... is self

evident.”⁶³ The March 31 Motion relies on this preference for broad discovery to support its claim that “information about the negotiation and interpretation of other project sponsors’ APSAs is relevant and/or [is] reasonably calculated to lead to the discovery of admissible evidence.”⁶⁴ Like the March 26 Motion with respect to DCRT-CAISO 10.09, DCRT explains how the information sought in DCRT-CAISO 11.07 and DCRT-CAISO 11.08 relate to statements made by CAISO in rebuttal testimony.⁶⁵

43. In fact, DCRT admits in the March 31 Motion that, while DCRT-CAISO-11.07 and DCRT-CAISO-11.08 seek information related to the information sought under DCRT-CAISO 10.09, the newer data requests seek information well beyond the limits of the earlier data request – seeking “cost cap-related information for *all* CAISO APSAs” and not just a limited set of projects; specific materials (final cost reports, drafts, and related communications) not requested previously; and an explanation of the inflation adjustment provisions governing two projects.⁶⁶

44. With respect to two data requests to which CAISO did not object and which CAISO answered (DCRT-CAISO-11.08(b) and -11.07(d)), DCRT asserts that CAISO’s answers were incomplete.⁶⁷ With respect to DCRT-CAISO 11.08(b), DCRT notes that CAISO did not respond to the portions of the questions asking “how would CAISO administer the escalation of these contracts’ cost caps” and asking for “all documents or other evidence in the CAISO’s possession as to the intent of these contracts with regard to the use of any escalation factor.” With respect to DCRT-CAISO 11.07(d), DCRT speculates that CAISO may have misunderstood DCRT-CAISO-11.07(d).

45. The March 31 Motion further requests that I reject CAISO’s confidentially claims in light of the Protective Order in this case, and as with the March 26 Motion, the March 31 Motion asserts that CAISO should be able to respond to any order compelling responses without violating the confidentiality provisions of CAISO’s tariff.⁶⁸ DCRT

⁶³ March 31 Motion at 5-7.

⁶⁴ March 31 Motion at 6-7, 16-18.

⁶⁵ March 31 Motion at 11-16

⁶⁶ March 31 Motion at 7-8.

⁶⁷ March 31 Motion at 13-15.

⁶⁸ March 31 Motion at 13, 20-21.

further asserts that CAISO has not demonstrated that any of the requested documents is covered under the attorney-client privilege or the attorney work-product doctrine.⁶⁹

E. Objections to DCRT-CAISO-11.07 and 11.08 and Answers to March 31 Motion

46. CAISO's specific objections as to DCRT-CAISO-11.07 are as follows:

OBJECTION:

The CAISO objects to DCRT-CAISO-11.07 as it goes beyond the scope of discovery permitted under the procedural schedule in the above-captioned proceedings, under which discovery requests are "limited to New Rebuttal Testimony." Ms. Le Vine's Prepared Rebuttal Testimony does not address, nor rely on, (1) the specifics of any non-DCRT APSA other than the APSAs already in DCRT's possession; (2) the amount of final costs that were subject to cost caps under non-DCRT APSAs and any other costs, such as interconnection costs, that were outside the cost cap in those other APSAs; or (3) the cost reports for non-DCRT APSAs. The details of the applicable APSA cost caps for the APSAs listed in Mr. Reed's table are set forth in the APSAs themselves, which are already in DCRT's possession. To the extent DCRT sought this information to support Mr. Reed's table, they had a full opportunity to seek this information prior to the close of general discovery in this proceeding in December 2025.

The CAISO objects to DCRT-CAISO-11.07 as it seeks information that is not relevant to the above-captioned proceedings.

The CAISO further objects to DCRT-CAISO-11.07(d) as it is vague, unduly burdensome, and overbroad with respect to the request to provide "all APSA drafts and related communications" for each project selected by the CAISO between 2016 and 2026. Given the volume of documents involving such information, DCRT's request would require a significant amount of time and resources to account for and complete.

⁶⁹ March 31 Motion at 18-19.

The CAISO also objects insofar as DCRT-CAISO-11.07 may involve documents not within the custody, control, or possession of the CAISO. Further, the CAISO objects insofar as DCRT-CAISO-11.07 may involve documents protected by proprietary and confidential client information, as well as documents protected by attorney-client privilege, joint defense privilege, and the attorney work product doctrine. The discovery request seeks highly confidential and recent information the release of which could prejudice the specific project sponsors in future competitive solicitations.

47. CAISO's specific objections as to DCRT-CAISO-11.08 are as follows:

OBJECTION:

CAISO objects to DCRT-CAISO-11.08 as it goes beyond the scope of discovery permitted under the procedural schedule in the above-captioned proceedings, under which discovery requests are "limited to New Rebuttal Testimony." Ms. Le Vine's Prepare Rebuttal Testimony does not address, nor rely on, the confidential nature of the Estrella and Suncrest APSAs. The details of the Estrella and Suncrest APSAs' cost caps are set forth in the APSAs themselves, which are already in DCRT's possession. To the extent DCRT sought this information to support Mr. Reed's Rebuttal Testimony or other DCRT-filed testimony, they had a full opportunity to seek this information prior to the close of general discovery in this proceeding in December 2025. The CAISO further objects to DCRT-CAISO-11.08 as it seeks information that is not relevant to the above-captioned proceedings.

48. The CAISO Answer, discussed above, addressed both the March 26 Motion and the March 31 Motion and supports the objections to DCRT-CAISO-11.07 and -11.08. CAISO did not respond to the claims in the March 31 Motion that CAISO did not provide complete responses to 11.07(d) or 11.08(b); but supplemented its responses to both requests on April 5, 2026.

49. ETCC did not submit an answer to the March 31 Motion.⁷⁰

⁷⁰ Tr 2723:15 (Engleman).

II. Discussion

50. Based on the information provided in the March 26 Motion, the March 31 Motion, the CAISO Answer, the CAISO Supplement, the ETCC Answer, and the oral argument, I sustain some of CAISO's objections to the data requests at issue, but find others insufficient to withhold the requested information. Below, I address each objection and then explain my rulings with respect to each data request in dispute.

A. CAISO's Objections to DCRT's Discovery

51. A number of CAISO's objections apply across all or multiple requests in dispute. I will discuss these objections before turning to my rulings as to specific data requests.

1. Over-Breadth and Irrelevance

52. As a general matter, I have previously said that it is up to the participants to define and agree to the scope of discovery on this round of rebuttal.⁷¹ In proposing the current procedural schedule, the participants jointly proposed that I allow "discovery limited to New Rebuttal Testimony," but offered no explanation as to what that limitation specifically entails.⁷²

53. While I appreciate CAISO's points that DCRT could have raised these data requests earlier in the proceedings, I see nothing in the Joint Procedural Schedule Motion that precludes discovery that DCRT could have sought earlier, and CAISO and ETCC cannot point me to anything in their discussions that would suggest such a restriction.

54. Similarly, nothing in the Joint Procedural Schedule Motion precludes discovery on statements made in the New Rebuttal Testimony on the basis that the witnesses did not specifically rely on the requested documents in making that New Rebuttal Testimony or on the basis that the requested documents may be used to supplement previously submitted pre-filed testimony.

⁷¹ Tr. 2201:23-25, 2663:1-2 (Presiding Judge).

⁷² See Unopposed Joint Expedited Motion for Extension of Procedural Schedule and Adoption of Updated Procedural Schedule, Docket Nos. ER23-2309-001, ER23-2309-002, ER24-1394-001, ER24-1394-002, and EL26-34-000 (consolidated), at 5, Att. A at 2 (filed Feb. 4, 2026) (Joint Procedural Schedule Motion); *see also* Order Waiving Answer Period and Adopting Revised Procedural Schedule (Feb. 5, 2026) (adopting the jointly proposed procedural schedule with minor revisions).

55. The only restriction I see is that the discovery must be “limited” and “on that rebuttal testimony.”⁷³ DCRT cites numerous passages in the rebuttal testimony as hooks on which it hangs its requests, and explains why it believes that the requests are “reasonably calculated to lead to the discovery of admissible evidence.”

56. On this score, I will remind participants that the Commission favors broad discovery and admissibility of evidence. Rule 402(a) provides that “participants may obtain discovery of any matter, not privileged, that is relevant to the subject matter of the pending proceeding,” and further, that “[i]t is not ground for objection that the information sought will be inadmissible in the Commission proceeding if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.”⁷⁴ I conclude that I must allow the discovery if the requester can articulate a plausible argument for why its information would support its position at hearing. In the context of the disputed data requests, DCRT has articulated such plausible arguments.

57. Nevertheless, to explain why DCRT-CAISO-10.09 is not overbroad, DCRT argues in its March 26 Motion that “[m]aterials showing how the bids and subsequent communications of other Approved Project Sponsors translated into their respective APSAs could lead to admissible evidence to evaluate the CAISO’s testimony, as well as the reasonableness of its assertions related to how the CAISO administers cost caps and any associated base year adjustments or inflation adjustments.”⁷⁵ This statement shows that DCRT-CAISO-10.09 seeks the information specifically about approved project sponsor agreements that have cost caps. Accordingly, in responding to each part of DCRT-CAISO-10.09, CAISO need only provide the requested information with respect to projects with approved project sponsor agreements that have cost caps.

2. Vagueness

58. At the oral argument, CAISO indicated that it was not pursuing its vagueness objections.⁷⁶

3. Undue Burden

59. CAISO makes a good argument that this discovery dispute comes at an inopportune time in the hearing schedule with the evidentiary hearing slated to

⁷³ Joint Procedural Schedule Motion at 5.

⁷⁴ 18 C.F.R. § 385.402(a).

⁷⁵ March 26 Motion at 15.

⁷⁶ Tr. 2742:3-4 (Atkins).

recommence on April 8, 2026, and at a time when CAISO's resources are stretched thin due to commitments beyond this case. But I fail to see how these concerns warrant quashing the "limited discovery" to which CAISO agreed.

60. More fundamentally, as DCRT points out, CAISO failed to make the demonstration required under Rule 410(b) to sustain an undue burden objection, namely "a description of the approximate number of documents that would have to be produced and a summary of information contained in such documents."⁷⁷

61. Nevertheless, DCRT proposed to limit the scope of CAISO's response to DCRT-CAISO-10.09 to nine projects.⁷⁸ Even though CAISO rejected that offer during the meet and confer period, I will hold DCRT to that offer.

62. In fact, I further restrict the scope of the request in an effort to ease CAISO's burden of responding to it. Consistent with my ruling on overbreadth at P 57 above, CAISO need not respond to the data request for projects that do not have cost caps.⁷⁹

4. Custody

63. I will sustain CAISO's objections to the data requests "insofar as [the requests] may involve documents not within the custody, control, or possession of the CAISO."⁸⁰ Nevertheless, CAISO is still obligated to produce documents I compel below if those documents are within the custody, control, or possession of the CAISO.

5. Confidentiality

64. I recognize that CAISO's tariff and related manuals treat some of the information sought by DCRT as highly confidential, but I see nothing in those provisions that bar me

⁷⁷ 18 C.F.R. § 385.410(b); Tr. 2752:20-21 (Atkins).

⁷⁸ March 26 Motion at 24-25; Tr. 2742:15-2748:25 (Presiding Judge, Hall) (after much debate, DCRT counsel admitting that under DCRT-CAISO-10.09 "while they are all relevant, yes, we would be most interested in the cost cap APSAs" and that under both DCRT-CAISO-10.09 and DCRT-CAISO-11.07 "we'd be willing to focus on that set, the six or seven").

⁷⁹ See Tr. 764:3-768:4 (Reed).

⁸⁰ See Tr. 2758:9-2759:4 (Presiding Judge, Hall, Atkins).

from compelling responses to discovery.⁸¹ In fact, section 20.1 of CAISO's tariff specifically says that "CAISO need not keep confidential ... information that the CAISO or the Market Participant providing the information is required to disclose pursuant to ... applicable regulatory requirements."⁸² Likewise, section 20.4 contemplates situations in which CAISO "is required by applicable laws or regulations, or in the course of administrative or judicial proceedings" to disclose information.⁸³ In fact, information about some project developer bids is already available publicly,⁸⁴ or in the record subject to the protective order.⁸⁵

65. Although ETCC cites to section 20.3 for the proposition that a "Market Participant," like DCRT, shall not "have the right hereunder to receive from the CAISO or review any documents, data or other information of another Market Participant to the extent such documents, data, or information is to be treated as in accordance with Section 20.2," this section 20.3 only precludes DCRT from receiving confidential information "hereunder."⁸⁶ Nothing in section 20.3 precludes DCRT from seeking information in this proceeding under Rule 406 of the Commission's rules of practice and procedure.⁸⁷ In fact, sections 20.1 and 20.4 appear to require affirmatively that CAISO produce materials pursuant to regulations governing administrative proceedings, such as Rule 406.

66. Section 20.4 provides procedures for CAISO to follow in the event it is required to disclose information otherwise confidential under section 20. These include notifying any affected Market Participant of the disclosure requirement; to "cooperate with such affected Market Participant to the maximum extent practicable to minimize the disclosure of the information consistent with applicable law;" and to "cooperate with the affected Market Participant to obtain proprietary or confidential treatment of confidential information by the person to whom such information is disclosed prior to any such

⁸¹ Tr. 2766:1-9 (Presiding Judge, Atkins) (CAISO counsel admitting that section 20 of the CAISO tariff contemplates situations in which a presiding judge may compel CAISO to provide third-party confidential information in its possession in discovery).

⁸² CAISO Answer, Att. 2 at 2.

⁸³ CAISO Answer, Att. 2 at 4.

⁸⁴ *See* Ex. CDN-0025.

⁸⁵ *See* Ex. CSO-0372 PRIV.

⁸⁶ ETCC Answer at 7-8.

⁸⁷ 18 C.F.R. § 385.406.

disclosure.”⁸⁸ Notwithstanding my rulings below compelling responses to certain discovery requests, I find that CAISO did all that is required of it under section 20.4.⁸⁹

67. Although CAISO, ETCC, and a number of developers raise the spectre of competitive harms that would result if I compelled CAISO to respond to DCRT’s discovery, I find that the Protective Order in this case mitigates those concerns by making clear that that Privileged Materials and Highly Confidential Privileged Materials “shall be used only in connection with these specific consolidated proceedings.”⁹⁰

68. I recognize that CAISO, ETCC, and a number of developers question the effectiveness of the Protective Order, particularly in light of concerns that reviewing representatives with access to highly confidential privileged materials may step into competitive duty personnel roles over time.⁹¹ Aside from being a collateral attack on the Protective Order, which is based on the Commission’s model protective order and very similar to many other protective orders in place in Commission litigation, such concerns are misplaced. The Protective Order makes clear that a violation of the Protective Order (including misuse of such information for purposes other than this hearing proceeding) “shall constitute a violation of an order of the Commission.”⁹² That should be sufficient assurance that anyone receiving access to Privileged Materials and Highly Confidential Privileged Materials in this proceeding will not use those materials for any purpose, much less an anticompetitive or pecuniary purpose, outside of this proceeding. I am loathe to curtail otherwise legitimate discovery based on speculation that a participant would violate the Protective Order.

69. I understand that the Commission balances the interests of participants seeking to produce and to withhold requested information, but I find that this particular discovery dispute merits a finding in favor of production. Indeed, the Commission has weighed the balance in favor of a party seeking information where that party has an interest in participating “meaningfully” in a proceeding, and has characterized assertions that

⁸⁸ CAISO Answer, Att. 2 at 4.

⁸⁹ CAISO Answer at 10-12 (indicating that CAISO notified affected developers and passing on concerns raised by those developers); CAISO Supplement at 2-14 and Att. 1 (transmitting for my consideration legal and policy concerns of various developers); *see* Tr. 2770:18-2772:14 (Presiding Judge, Atkins).

⁹⁰ Protective Order, App. P 4.

⁹¹ ETCC Answer at 8; CAISO Answer at 11-12; CAISO Supplement at 2, 7 and Att. 1.

⁹² Protective Order, App. P 20.

protective agreements will fail, without more, as “speculation.”⁹³ DCRT has an interest in meaningfully responding to the New Rebuttal Testimony, and the competitive harms alleged by CAISO, ETCC, and the several developers are adequately mitigated by the Protective Agreement and are based on the mere speculation that a reviewing representative in this case would violate the Protective Order.

70. I further find that the case law cited by CAISO is distinguishable from this case. In the Brenner Order, it is true that Judge Brenner declined to compel production of third-party bidding data in part because it was commercially sensitive, but the balance of interests tipped in favor of denying the motion to compel because Judge Brenner explicitly found that the movant “failed to show that there was a specific need for the third-party nonaffiliated data.”⁹⁴ In contrast, I have found that DCRT has demonstrated a need for responses to discovery in order to address statements in the New Rebuttal Testimony.

71. Similarly, in the ISO-NE Order cited by CAISO, the Commission found that the harms to an auction process likely could not be prevented through a non-disclosure agreement.⁹⁵ But as I found above, the Protective Order in this case offers greater protection against disclosure of confidential materials and the ensuing competitive harms than a non-disclosure agreement like the one considered in the ISO NE Order. The former would hold the unauthorized use of Privileged Material and Highly Confidential Privileged Material in violation of a Commission order, while the latter merely offers breach of contract remedies to the disclosing party.

72. Moreover, while the Commission in the ISO-NE Order found that the interest in preventing disclosure outweighed the “EMCO’s interest in participating in this proceeding,”⁹⁶ it is clear that the Commission conducts that balancing of interests on a case-by-case basis, and in other cases, the balance tips in favor of allowing disclosure of confidential information to allow for meaningful participation of the participants.⁹⁷ On the record of this discovery dispute, I similarly find that DCRT’s interest in probing

⁹³ *W. Deptford Energy, LLC*, 134 FERC ¶ 61,189, at PP 24-25, 29 (2011).

⁹⁴ Brenner Order at P 10.

⁹⁵ ISO-NE Order at PP 20-21.

⁹⁶ ISO-NE Order at PP 20-21.

⁹⁷ *W. Deptford Energy, LLC*, 134 FERC ¶ 61,189 at P 29 (“The Commission finds that a Protective Agreement consistent with this order will meet the legitimate needs of the parties who should be able to view the entire submittal by WDE in order to be able to respond, as well as safeguard WDE’s interest in maintaining confidentiality.”).

statements made in the New Rebuttal Testimony coupled with the Protections Order's mitigation of competitive harms alleged by CAISO, ETCC and the third-party developers tips the balance in favor of compelling discovery.

73. To the extent that any of the requested information is proprietary or confidential, CAISO should produce it and designate it as Privileged Material or Highly Confidential Privileged Material in accordance with my Protective Order in this proceeding.

6. Privilege

74. At the oral argument, CAISO confirmed that none of the requested documents fall under the attorney-client privilege, the attorney work product doctrine, or the joint defense doctrine, and withdrew its objection as to privilege.⁹⁸

B. Ruling on DCRT-CAISO-10.09(a)

75. At the oral argument, CAISO withdrew its objection to vagueness as to DCRT-CAISO-10.09(a).⁹⁹ I have addressed all of CAISO's remaining objections above.

76. Consistent with my rulings with respect to CAISO's other objections above, I ORDER CAISO to respond to DCRT-CAISO-10.09(a).

77. However, this order and CAISO's obligation to provide responsive materials is limited to the projects listed on pages 24-25 of the March 26 Motion, and only to the extent the approved project sponsor agreements for such projects incorporate a cost cap.

C. Ruling on DCRT-CAISO-10.09(b)

78. At the oral argument, CAISO withdrew its objection to vagueness as to DCRT-CAISO-10.09(a).¹⁰⁰ I have addressed all of CAISO's remaining objections above.

⁹⁸ Tr. 2760:11-16 (Presiding Judge, Atkins).

⁹⁹ Tr. 2796:6-2797:6 (Presiding Judge, Atkins).

¹⁰⁰ Tr. 2740:20-2742:4 (Presiding Judge, Atkins); *see also* Tr. 2754:14-18 (Atkins) ("10.09b, they have stated that what they are seeking is, in essence, the competitive solicitation materials and functional specifications. I believe that's set forth in there. So that helped us with the vagueness issue.").

79. Consistent with my rulings with respect to CAISO's other objections above, I ORDER CAISO to respond to DCRT-CAISO-10.09(b).

80. However, this order and CAISO's obligation to provide responsive materials is limited to the projects listed on pages 24-25 of the March 26 Motion, and only to the extent the approved project sponsor agreements for such projects incorporate a cost cap.

81. Moreover, I note that the data request seeks only bidding materials "provided by CASIO [sic]" and does not also seek communications that the developers "provided to" CAISO. This strikes me as only covering one side of the communication between CAISO and the developers. Nevertheless, if DCRT intended to seek bidding materials "provided by" and "provided to" CAISO, it could and should have written that explicitly in its request or clarified that in the meet and confer process. Since that process did not result in an agreement between CAISO and DCRT, I will limit my order to CAISO to provide bidding materials provided to CAISO, and I will not compel CAISO to provide bidding materials provided to CAISO which are not mentioned in DCRT-CAISO-10.09(b).¹⁰¹

D. Ruling on DCRT-CAISO-10.09(c)

82. At the oral argument, DCRT withdrew its motion to compel as to DCRT-CAISO-10.09(c).¹⁰²

E. Ruling on DCRT-CAISO-11.07(a)

83. At the oral argument, DCRT withdrew its motion to compel as to DCRT-CAISO-11.07(a).¹⁰³

F. Ruling on DCRT-CAISO-11.07(c)

84. At the oral argument, DCRT withdrew its motion to compel as to DCRT-CAISO-11.07(c).¹⁰⁴

¹⁰¹ See Tr. 2736:9-22 (Presiding Judge, Hall).

¹⁰² Tr. 2801:19-2802:7 (Presiding Judge, Hall).

¹⁰³ Tr. 2801:19-2802:7 (Presiding Judge, Hall).

¹⁰⁴ Tr. 2802:14-2803:12 (Presiding Judge, Atkins, Hall).

G. Ruling on DCRT-CAISO-11.07(d)

85. At the oral argument, DCRT withdrew its motion to compel as to DCRT-CAISO-11.07(d).¹⁰⁵

H. Ruling on DCRT-CAISO-11.08(b)

86. At the oral argument, DCRT withdrew its motion to compel as to DCRT-CAISO-11.08(b).¹⁰⁶

I. Deadline for Responses

87. For the reasons discussed above, I grant the March 26 Motion in part and order responses for DCRT-CAISO-10.09(a) and (b), subject to limits on the applicable projects discussed above.

88. As I announced and specified at the oral argument, CAISO shall provide the required responses by close of business on April 13, 2026, which is five business days from the date of the oral argument.¹⁰⁷

89. Finally, I will note that the limited discovery period on the New Rebuttal Testimony ended on March 27, 2026.¹⁰⁸ DCRT cannot propound any new data requests through mandatory discovery. As always, the participants remain free to continue to engage in informal voluntary discovery.

J. Leave for Appeal

90. As noted above, at the oral argument, after rendering rulings discussed in detail above, I invited the participants to make any oral motion for me to permit an appeal pursuant to Rule 715(b). Although CAISO, DCRT, and ETCC made such oral motions,¹⁰⁹ I denied them from the bench finding that there were no “extraordinary circumstances which make prompt Commission review of the contested ruling[s]

¹⁰⁵ Tr. 2803:13-2805:8 (Presiding Judge, Atkins, Hall).

¹⁰⁶ Tr. 2806:20-2807:25 (Presiding Judge, Atkins, Hall).

¹⁰⁷ Tr. 2822:9-11 (Presiding Judge).

¹⁰⁸ See Order Amending Procedural Schedule (Mar. 13, 2026), at Appendix.

¹⁰⁹ Tr. 2823:4-23; 2824:18-2826:7; 2827:1-8 (Atkins, Hall, Engleman).

necessary to prevent detriment to the public interest or irreparable harm to any person.”¹¹⁰ This allows CAISO, DCRT, and ETCC to pursue their respective interlocutory appeals directly with the Motions Commissioner under Rule 715(c).¹¹¹

Conclusion

91. I GRANT the March 26 Motion in part for the reasons and to the extent specified above. Specifically, I DIRECT CAISO to provide responses for DCRT-CAISO-10.09(a) and DCRT-CAISO-10.09(b), as limited above, to DCRT by close of business on April 13, 2026.

92. I DENY oral motions by CAISO, DCRT, and ETCC to permit appeals as to my ruling on the motion to compel as discussed above. These participants are free to pursue an interlocutory appeal with the Motions Commissioner pursuant to Rule 715(c), but according to Rule 715(e), the pursuit of such interlocutory appeals in and of themselves will not serve to suspend this proceeding in the absence of an order from the Motions Commissioner.¹¹²

SO ORDERED.

Joel deJesus
Presiding Administrative Law Judge

¹¹⁰ Tr. 2827:12-2828:14 (Presiding Judge) (citing 18 C.F.R. § 385.715(a)).

¹¹¹ 18 C.F.R. § 385.715(c).

¹¹² 18 C.F.R. §§ 385.715(c), (e).

EXHIBIT B

Exhibit B-1

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

DCR Transmission, L.L.C.	)	Docket Nos. ER23-2309-____,
	)	ER24-1394-____, and
	)	EL26-34-____
	)	(consolidated)

**ANSWER OF THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR
CORPORATION TO MOTIONS TO COMPEL OF DCR TRANSMISSION, L.L.C.**

**To: The Honorable Joel deJesus
Presiding Administrative Law Judge**

The California Independent System Operator Corporation (CAISO) respectfully submits this answer to the Motions to Compel the California Independent System Operator Corporation to Respond to DCR Transmission, L.L.C.’s Tenth and Eleventh Set of Data Requests filed by DCR Transmission, L.L.C. (DCRT) in this proceeding on March 26, 2026 (March 26 Motion to Compel) and March 31, 2026 (March 31 Motion to Compel).¹

As explained in the CAISO’s objections to the Tenth and Eleventh Sets of DCRT Data Requests, the DCRT data requests that are the subject of the Motions to Compel are beyond the agreed-upon limited scope of discovery permitted during the period that commenced in this proceeding on March 9, 2026, which is “limited to New Rebuttal Testimony.”² In their Prepared Rebuttal

¹ The CAISO submits this answer pursuant to Rule 213 of the Commission’s Rules of Practice and Procedure, 18 C.F.R. § 385.213.

² *DCR Transmission, L.L.C.*, Order Amending Procedural Schedule, Docket Nos. ER23-2309-001, ER24-1394-001, and EL26-34-000 (consolidated) (issued March 13, 2026) (“March 2026 Order on Procedural Schedule”).

Testimony, none of the CAISO witnesses referred to or relied on any project sponsor bids (other than those already in the record), CAISO bid materials, final cost reports, or drafts and communications related to third party Approved Project Sponsor Agreement (“APSA”) negotiations DCRT is now seeking.

DCRT easily could have requested the information it now seeks in connection with preparation of its rebuttal testimony in December 2025 and before the close of the discovery period. It did not. Instead, DCRT now seeks this information, unrelated to the competitive solicitation underlying the issues in this proceeding, going back 12 years. Waiting until this late hour to request this information is unduly burdensome and prejudicial to the CAISO and will unnecessarily and unduly tax the CAISO’s limited staff resources as it tries to (1) prepare for the hearing that starts April 8 and (2) complete two extensive competitive solicitation reports for the ongoing competitive solicitations, which are scheduled for decision this month. The CAISO personnel working on those matters are the same personnel that will be required to respond to the data requests.

DCRT is seeking highly confidential third-party information in the possession of the CAISO related to competitor bids and contract negotiations of competitors. In this answer, the CAISO provides details on Commission-approved provisions of the CAISO Tariff governing the confidentiality of third party information in the possession of the CAISO implicated by the Motion to Compel which require the CAISO to consult with those third parties whose confidential information DCRT is seeking. To date, the CAISO has received

responses from several of those impacted project sponsors who were provided notice to other project sponsors who confidential information DCRT is seeking. Those third party project sponsors, who are not parties to this proceeding, have contacted the CAISO and strongly object to the disclosure of their competitive solicitation bids under any circumstances, even when designated as “PRIV-HC” under the protective order in this proceeding.

The CAISO is preparing this answer under significant time and resource constraints. During the week since DCRT filed its first Motion to Compel, the CAISO has been required to respond to four additional sets of DCRT discovery requests as well as providing limited objections to those discovery requests in addition to preparing for the resumption of the hearing next week and preparing materials due on April 3 under the procedural schedule. CAISO transmission planning staff have also been processing two competitive solicitations due to be completed in April which require internal approval of the approved project sponsor in advance of the CAISO’s public announcement of the results of that solicitation and the drafting of two detailed Approved Project Sponsor selection reports. Due to these resource and time constraints, the CAISO is submitting a brief answer and respectfully requests that Your Honor allow the CAISO to supplement its arguments during the oral argument scheduled on the two Motions to Compel scheduled for April 6, 2026.

I. Answer to Motion to Compel

In its March 26 Motion to Compel, DCRT requests that Your Honor issue an order directing the CAISO to respond to data request DCRT-CAISO-10.09 (Data Request 10.09), which states:

DCRT-CAISO-10.09:

Refer to the Le Vine rebuttal testimony (Exh. No. CSO-0601 PUB starting at Page 9 of 132) where Witnesses Le Vine is asked: “At pages 38 and 39 of his Rebuttal Testimony (Exh. No. DCT-0125 REV2 PUB), Witness Reed provides a table listing and summarizing the Approved Project Sponsor Agreements the CAISO has executed and attempts to draw several conclusions from them. Do you have any comments regarding this discussion?”.

- a. Please provide all Project Sponsor bids or applications and any revised bids or applications provided by the transmission developer bidder for each APSA executed by the CAISO listed on the referenced table.
- b. Please provide all bidding materials provided by the CASIO [sic] for each competitive process that resulted in an APSA listed on the referenced table.
- c. For each APSA listed on the referenced table executed by the CAISO that is subject to a cost cap, please provide the amount of the cap, the amount of final costs that were subject to the cost cap and any other costs, such as interconnection costs, that were outside the cost cap.

DCRT’s March 31 Motion to Compel also requests that Your Honor issue an order directing the CAISO to respond to portions of data request DCRT-CAISO-11.07 (Data Request 11.07) and portions of data request DCRT-CAISO-11.08 (Data Request 11.08), which provide in relevant part:

DCRT-CAISO-11.07:

Referring to Witness Le Vine’s Rebuttal Testimony (Exh. No. CSO-0601 PUB, at 9) where Witness Le Vine is asked: “At pages 38 and 39 of his Rebuttal Testimony (Exh. No. DCT-0125 7 REV2 PUB), Witness Reed provides a table listing and summarizing the Approved

Project Sponsor Agreements the CAISO has executed and attempts to draw several conclusions from them.”

- a. For each APSA the CAISO has executed that is subject to a cost cap or containment mechanism, please provide the amount of the cap, the amount of final costs that were subject to the cost cap and any other costs, such as interconnection costs, that were outside the cost cap.
- b.
- c. Please provide the final cost reports provided by the transmission developers for each of the executed APSAs between 2015 and 2026.
- d. For each project selected by CAISO between 2015 and 2026, please provide all APSA drafts and related communications exchanged by the relevant parties over the course of the negotiation of each project.

DCRT-CAISO-11.08:

Witness Le Vine states: “The Suncrest project has been constructed, Estrella is pending construction. The APSAs for both projects permit cost escalation for inflation in the event of project delays.” (Exh. No. CSO-0601 PUB, at 36, lines 7-9).

- a.
- b. Are the Suncrest and Estrella agreements silent as to the inflation index that will be used to calculate the adjustment? If so, how would CAISO administer the escalation of these contracts’ cost caps? Please provide all documents or other evidence in the CAISO’s possession as to the intent of these contracts with regard to the use of any escalation factor.

A. The Motion to Compel Seeks Information That is Beyond the Scope of Rebuttal Testimony

Both Data Request 10.09 and Data Request 11.07 state that they are based on a single page of CAISO Witness Le Vine’s Testimony responding to a table of APSAs in Witness Reed’s testimony. When preparing her Rebuttal Testimony, Witness Le Vine did not rely on or even review any of the project sponsor bids or other confidential data of third-party project sponsors sought in the DCRT data requests. The page of Witness Le Vine’s Rebuttal Testimony cited in both Data Requests 10.09 and 11.07 contains no discussion of the third

party project sponsor bids or other confidential data of third-party project sponsors sought by DCRT. Other than the DCRT bid, Witness Le Vine's entire Rebuttal Testimony only relies on a single third-party project sponsor bid, which is already in the record in this proceeding.³

In its Motions to Compel, DCRT attempts to reframe its data requests by references to various general statements in Witness Le Vine's Rebuttal Testimony that the various APSAs on Witness Reed's table reflect details of project sponsor bids. First, these statements reflect a general CAISO practice rather than the specifics of any bid. With respect to cost caps – the only APSA issue in this case – these general statements are supported by Section 10.1.1 of the *pro forma* APSA, which provides that the APSA should incorporate “the Project cost cap or any other any other binding cost cap measures agreed-to or proposed by the Approved Project Sponsor.”⁴ Moreover, these general statements are not a new position presented by Witness Le Vine in her rebuttal Testimony. In her September 17, 2025, Answering Testimony, Witness Le Vine stated, “One of the main reasons for requiring Approved Project Sponsors to execute an Approved Project Sponsor Agreement is to establish a contractual basis for enforcing a cost cap or cost containment measure proposed by a Project Sponsor in its bid.”⁵ DCRT could have requested the information it now seeks in response to Witness Le Vine's Answering Testimony, but it did not. It has instead waited until the eve of the resumed hearing to request it. The

³ See Exh. No. CSO-0601 PUB at 13-14 (citing Exh. No. CSO-0372 PRIV at 8, 82).

⁴ Exh. No. CDN-0003 at 19-20.

⁵ Exh. No. CSO-0001 PUB at 44.

CAISO's position on these issues has been consistent. Exh. No. CSO-0394 reiterates the CAISO's position on these issues in a data response provided by the CAISO to DCRT in October 2025, DCRT-CAISO-3.03. The CAISO's response states:

The application and supporting documentation submitted by a project sponsor forms the basis for the CAISO's selection of an Approved Project Sponsor who will then enter into an Approved Project Sponsor Agreement that reflects the terms and conditions upon which it agreed to finance, construct, own, maintain, operate in its application and supporting materials.⁶

This is further reinforced by CAISO's response to DCRT-CAISO-3.02, included here as Attachment 1 to this answer.

DCRT confirmed its understanding of the CAISO's position on these issues prior to the close of general discovery in December in a CAISO data request provided to DCRT on December 3, 2025⁷ where CAISO requested and received confirmation DCRT understood that an APSA is intended to reflect the commitments the Approved Project Sponsor made in the competitive solicitation bid and supporting documentation, and the CAISO cannot unilaterally dictate what cost containment measures they propose or unilaterally impose new ones.

DCRT cannot claim that this long-established CAISO position on how cost caps in project sponsor bids are incorporated into APSAs is some new position that requires discovery during a period when discovery is "limited to New Rebuttal Testimony."⁸ There is nothing new about the statements of Witness Le

⁶ Exh. No. CSO-0394.

⁷ Exh. No. CSO-0313.

⁸ March 2026 Order on Procedural Schedule.

Vine DCRT now cites to support the data requests that are the subject of its Motions to Compel.

As noted above, even assuming third-party project sponsor bids and other third-party project sponsor confidential information sought by DCRT in its Motions to Compel are relevant in this proceeding, DCRT had plenty of time to submit follow up discovery requests to the CAISO on this matter before the general discovery period in this proceeding ended on December 23, 2025. DCRT did not do so. It is unduly burdensome and prejudicial to wait until this last minute to ask for this information now just when the CAISO is trying to prepare for hearing and respond to the nine sets of discovery requests DCRT sent to the CAISO over a two and a half week period.

DCRT's references to CAISO Witness Davis's Rebuttal Testimony in their Motions to Compel are perplexing. Witness Davis's testimony is solely based on a review of the DCRT bid and the DCRT APSA. She acknowledges the existence of other APSAs that include inflation adjustments – all of which are in the record in this proceeding – but Dr. Davis does not refer to or rely on any bid other than the DCRT bid, which is also already in the record. As such, there is no connection between the Rebuttal Testimony of CAISO Witness Davis and the information DCRT seeks in its Motions to Compel.

B. The Motion to Compel Seeks Highly Confidential Information on Third Party Competitors to DCRT Which Should Not Be Disclosed in This Proceeding

In its Motions to Compel DCRT asks Your Honor to compel the CAISO to provide DCRT with highly confidential information provided to the CAISO by

competitors of DCRT and its affiliates in CAISO competitive solicitations over the strenuous objections of those competitors.

With certain exceptions not relevant here, the CAISO Tariff requires the CAISO to “maintain the confidentiality of all of the documents, data and information provided to it by any Market Participant that are treated as confidential or commercially sensitive under Section 20.2.”⁹ Section 20.2 of the CAISO Tariff defines confidential information to include “Information that involves proprietary analytical tools, computer codes, or any other material that is protected by intellectual property rights held by the CAISO, *Project Sponsor*, Market Participant or other third-party.”¹⁰

The CAISO Business Practice Manual for Transmission Planning allows project sponsors to designate a range of information provided to the CAISO in their bids or applications as confidential, subject to the confidentiality provisions of the CAISO Tariff.¹¹ In practice, most details of project sponsor submittals to the CAISO, including data and information that would be responsive to Data Request 10.09, are submitted subject to confidentiality protections. This is unsurprising as the details of project sponsor bids – particularly successful bids – would be highly useful not only to transmission project developers like DCRT but

⁹ CAISO Tariff, Section 20.1.

¹⁰ CAISO Tariff, Section 20.2(f) (emphasis added).

¹¹ CAISO Business Practice Manual for Transmission Planning Process (Version 28), Section 5.3.3.2 (stating in relevant part that “[t]o the extent a project sponsor considers any of the information submitted with its application to be confidential or proprietary[,] such information must be clearly identified and must include an explanation as to why the information should be handled by the CAISO as confidential”).

also to counsel and consultants who advise project sponsors participating in CAISO competitive solicitations.

Section 20.4 of the CAISO Tariff requires the CAISO to take certain steps with respect to confidential information provided to it by project sponsors and other third parties:

If the CAISO is required by applicable laws or regulations, or in the course of administrative or judicial proceedings, to disclose information that is otherwise required to be maintained in confidence pursuant to this Section 20, the CAISO may disclose such information; provided, however, that as soon as the CAISO learns of the disclosure requirement and prior to making such disclosure, the CAISO shall notify any affected Market Participant of the requirement and the terms thereof. The Market Participant may, at its sole discretion and own cost, direct any challenge to or defense against the disclosure requirement and the CAISO shall cooperate with such affected Market Participant to the maximum extent practicable to minimize the disclosure of the information consistent with applicable law. The CAISO shall cooperate with the affected Market Participant to obtain proprietary or confidential treatment of confidential information by the person to whom such information is disclosed prior to any such disclosure.¹²

For ease of reference, the CAISO is providing the relevant provisions of the CAISO Tariff and the Business Practice Manual for Transmission Planning as Attachment 2 to this answer.

Consistent with these Tariff provisions, the CAISO has provided notice to project sponsors whose applications and project information potentially will be affected by any requirement that might be imposed on the CAISO to disclose their data and information.¹³ As required by the CAISO Tariff, the CAISO will

¹² CAISO Tariff, Section 20.4(b). In this context “Market Participant” includes Project Sponsors who have provided the CAISO with confidential information.

¹³ Under Section 20.4(b) of its tariff, the CAISO arguably is not obligated to provide notice to affected third parties until the production of their confidential information is actually compelled but

cooperate with affected project sponsors “to the maximum extent practicable to minimize the disclosure of the information consistent with applicable law.”

To the extent the CAISO is required to provide project sponsor confidential information as a result of Your Honor’s ruling on the Motions to Compel, the CAISO believes these requirements at a minimum will require it to submit any responses containing confidential information subject to PRIV-HC designation. Three project sponsors who are not parties to this proceeding have already contacted the CAISO and strongly object to the disclosure of their competitive solicitation bids under any circumstances, even when designated as PRIV-HC. By seeking the bids, updated bids, and other confidential information for every successful project sponsor in the CAISO competitive solicitation process, DCRT is effectively asking for everything needed to prepare a road map for winning future solicitations, including non-public bidding strategies and competitor assumptions, financials, and cost structures.

One impacted project sponsor asked the CAISO to highlight how the protective order allows for disclosure of “Highly Confidential Privileged Material” to “Reviewing Representatives” that have signed a non-disclosure certificate, noting that this would allow review by in-house and outside counsel, experts retained by a party, and party employees that are not currently “Competitive Duty Personnel.” Even if those individuals do not disclose specifics of project sponsor bids or other project sponsor data, a review of the confidential information DCRT

in order to facilitate the resolution of the Motion to Compel, the CAISO has already provided notice to affected project sponsors.

seeks would allow any reviewer to identify patterns of successful bidding strategies over the years. The third-party project sponsor asked the CAISO to explain how the protective order provides no protection against such individuals engaging in “competitive activities” in the future and leveraging the confidential competitive bid materials to disrupt the competitive process and directly compete against the successful project sponsors whose information DCRT is seeking.

Other project sponsors have raised comparable concerns. For example, another project sponsor asked the CAISO to highlight that competitive bids contain proprietary pricing strategies, cost structures, risk assumptions, and supplier relationships and the disclosure of this information to a competitor, even subject to a protective order, will cause harm to transmission developers that is “concrete and irreparable.” The CAISO is anticipating further feedback from impacted third party project sponsors prior to the April 6 oral argument and will present that feedback at the oral argument.

Given the serious concerns about providing the requested information even subject to a protective order, DCRT has not demonstrated that its requests for confidential information of competitors is justified.

II. Conclusion

For the foregoing reasons, the CAISO respectfully requests that Your Honor reject DCRT’s Motions to Compel.

Respectfully submitted,

Anthony J. Ivancovich
Deputy General Counsel
Sarah Kozal
Senior Counsel
California Independent System
Operator Corporation
250 Outcropping Way
Folsom, CA 95630
Tel: (916) 351-4400
Fax: (916) 608-7222
Email: aivancovich@caiso.com
skozal@caiso.com

/s/ Sean A. Atkins
Sean A. Atkins
Bradley R. Miliauskas
Samin Peirovi
Davis Wright Tremaine LLP
1301 K Street, NW
Suite 500 East
Washington, DC 20005
Tel: (202) 973-4200
Fax: (202) 979-4499
Email: seanatkins@dwt.com
bradleymiliauskas@dwt.com
saminpeirovi@dwt.com

Dated: April 2, 2026

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document upon all of the parties listed on the official service list for the above-referenced dockets, pursuant to 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 April, 2026.

/s/ Deiman Flores

Deiman Flores

Davis Wright Tremaine LLP

1301 K Street, NW

Suite 500 East

Washington, DC 20005

Tel: (202) 402-4037

Email: deimanflores@dwt.com

ATTACHMENT 1

CAISO Response to DCRT-CAISO-3.02

**CAISO Response to Data Request
DCRT-CAISO-3.02**

Request:

Does the CAISO consider responses to a Request for Proposal to solicit competitive bids for the development, permitting and licensing, financing, construction, commissioning, ownership and operation of new transmission facilities identified in an approved transmission plan to be contractually binding offers?

- a. If the response is anything other than an unqualified no, does the response change where the responses are submitted without having the project fully permitted, project route/location finalized, and only preliminary design is completed at the time of the response?

Response:

Yes. The CAISO considers each response to a request for proposals in the competitive solicitation process to be a binding offer to own, finance, construct, operate, and maintain the specific project pursuant to the terms and conditions set forth in the project sponsor's competitive solicitation application and supportive documents and clarifications. CAISO Tariff Section 24.5.2.3 (Project Sponsor Information Requirements) states that,

[t]he application to be submitted to the CAISO by an entity desiring to become an Approved Project Sponsor shall include the following general information (as well as related details) in response to the questions on the application form: . . . (j) demonstrated cost containment capability of the Project Sponsor and its team, specifically, binding cost control measures the Project Sponsor agrees to accept, including any binding agreement by the Project Sponsor and its team to accept a cost cap that would preclude costs for the transmission solution above the cap from being recovered through the CAISO's Transmission Access Charge

CAISO Tariff section 24.5.4 (j) further states that a factor the CAISO will consider in the comparative analysis of project sponsors is the "demonstrated cost containment capability of the Project Sponsor and its team, specifically, binding cost control measures the Project Sponsor agrees to accept, including any binding agreement by the Project Sponsor and its team to accept a cost cap that would preclude costs for the transmission solution above the cap from being recovered through the CAISO's Transmission Access Charge..." Question P-12 of the competitive solicitation application asks: "Does the Project Sponsor propose a binding cost cap

Prepared by or under the supervision of: Deborah A. Le Vine

This response is true and accurate to the best of my knowledge, information, and belief formed after a reasonable inquiry. /s/ Deborah A. Le Vine

(or some other binding cost containment measures)? If so, specify the amount of the cost cap and describe the cost cap or other cost containment measures in detail.” The CAISO relies on the project sponsor’s submitted demonstrations, express cost containment proposals, and any associated cost cap or cost containment exclusions in comparing the proposals of all project sponsors for the selection of an approved project sponsor.

All project sponsor applications in a competitive solicitation process are submitted without having all the necessary permits, without route finalization, and subject to possible design changes. That is why binding cost caps submitted by project sponsors often contain specific cost cap exclusions that identify the project risks the project sponsor is unwilling to accept. To the extent there is no specific cost cap exclusion for a particular risk, the project sponsor is knowingly willing to accept such risk. Allowing the approved project sponsor to change the terms and conditions pursuant to which the approved project sponsor agreed in its application, including the specific cost containment measures and specified cost containment exceptions, after the CAISO has selected the approved project sponsor, would undo the rationale on which the CAISO’s decision to select an approved project sponsor was based in the first instance and would unfairly give the approved project sponsor an advantage the other project sponsors did not have.

Prepared by or under the supervision of: Deborah A. Le Vine

This response is true and accurate to the best of my knowledge, information, and belief formed after a reasonable inquiry. /s/ Deborah A. Le Vine

ATTACHMENT 2

Excerpt of CAISO Tariff and CAISO
Business Practice Manual

20. Confidentiality

20.1 CAISO

The CAISO shall maintain the confidentiality of all of the documents, data and information provided to it by any Market Participant that are treated as confidential or commercially sensitive under Section 20.2; provided, however, that the CAISO need not keep confidential: (1) information that is explicitly subject to public data exchange pursuant to Section 6; (2) information that the CAISO or the Market Participant providing the information is required to disclose pursuant to this CAISO Tariff, or applicable regulatory requirements (provided that the CAISO shall comply with any applicable limits on such disclosure); or (3) information that becomes available to the public on a non-confidential basis (other than as a result of the CAISO's breach of this CAISO Tariff).

20.2 Confidential Information

The following information provided to the CAISO shall be treated by the CAISO as confidential:

- (a) individual Bids;
- (b) CRR bids and other CRR Allocation nomination information;
- (c) transactions between Scheduling Coordinators, including Inter-SC Trades;
- (d) individual Generator Outage programs unless a Generator makes a change to its Generator Outage program which causes Congestion in the short term (i.e. one month or less), in which case, the CAISO may publish the identity of that Generator; and
- (e) The following information related to the resource adequacy program in accordance with Section 40:
 - (i) Annual and monthly Resource Adequacy Plans and Supply Plans;
 - (ii) Demand Forecasts; and
 - (iii) Information on existing import contracts.
- (f) The following information related to the Transmission Planning Process in accordance with Section 24:
 - (i) Information received under Section 24.8 to the extent such information has been designated as confidential in accordance with the Business Practice Manual;
 - (ii) Information deemed confidential by DMM, per Section 8.6 of Appendix P;

California Independent System Operator Corporation
Fifth Replacement Electronic Tariff

- (iii) Information received by the CAISO pursuant to agreements and contracts, executed prior to December 21, 2007, that preclude the release of the information;
- (iv) Information that involves proprietary analytical tools, computer codes, or any other material that is protected by intellectual property rights held by the CAISO, Project Sponsor, Market Participant or other third-party; and
- (v) Critical Energy Infrastructure information.

However, composite documents, data, and other information that may be developed based on confidential information under this Section shall not be deemed confidential if the composite documents, data, and other information do not disclose any confidential information of any individual Scheduling Coordinator, Market Participant, or other third-party or Critical Energy Infrastructure Information.

20.3 Other Parties

No Market Participant shall have the right hereunder to receive from the CAISO or to review any documents, data or other information of another Market Participant to the extent such documents, data or information is to be treated as in accordance with Section 20.2; provided, however, a Market Participant may receive and review any composite documents, data, and other information that may be developed based upon such confidential documents, data, or information, if the composite document does not disclose such confidential data or information relating to an individual Market Participant and provided, however, that the CAISO may disclose information as provided for in its bylaws.

20.4 Disclosure

Notwithstanding anything in this Section 20 to the contrary,

- (a) The CAISO: (i) shall publish individual bids ninety (90) days after the Trading Day with respect to which the bid was submitted and in a manner that does not reveal the specific resource or the name of the Scheduling Coordinator submitting the bid, but that allows the bidding behavior of individual, unidentified resources and Scheduling Coordinators to be tracked over time; (ii) may publish data sets analyzed in any public report issued by the CAISO or by the MSC, provided that such data sets shall be published no sooner than six (6) months after the latest Trading Day to which data in the data set apply, and in

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a manner that does not reveal any specific resource or the name of any Scheduling Coordinator submitting bids included in such data sets; and (iii) shall, consistent with 18 CFR § 35.28 (g)(4), electronically deliver to FERC, on an ongoing basis and in a form and manner consistent with the CAISO's own collection of data and in a form and manner acceptable to FERC, data related to the CAISO Markets.

- (b) If the CAISO is required by applicable laws or regulations, or in the course of administrative or judicial proceedings, to disclose information that is otherwise required to be maintained in confidence pursuant to this Section 20, the CAISO may disclose such information; provided, however, that as soon as the CAISO learns of the disclosure requirement and prior to making such disclosure, the CAISO shall notify any affected Market Participant of the requirement and the terms thereof. The Market Participant may, at its sole discretion and own cost, direct any challenge to or defense against the disclosure requirement and the CAISO shall cooperate with such affected Market Participant to the maximum extent practicable to minimize the disclosure of the information consistent with applicable law. The CAISO shall cooperate with the affected Market Participant to obtain proprietary or confidential treatment of confidential information by the person to whom such information is disclosed prior to any such disclosure.
- (c) The CAISO may disclose confidential or commercially sensitive information, without notice to an affected Market Participant, in the following circumstances:
- (i) If the FERC, the Commodity Futures Trading Commission ("CFTC"), or the staff of one of those agencies, during the course of an investigation or otherwise, requests information that is confidential or commercially sensitive. In providing the information to FERC or its staff, the CAISO shall take action consistent with 18 C.F.R. §§ 1b.20 and 388.112, or to the CFTC or its staff, the CAISO shall take action consistent with 17 C.F.R. §§ 11.3 and 145.9, and request that the information be treated as confidential and non-public by the agency and its staff and that the information be withheld from public disclosure. The CAISO shall

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provide the requested information to the agency or its staff within the time provided for in the request for information. The CAISO shall notify an affected Market Participant within a reasonable time after the CAISO is notified by the agency or its staff that a request for disclosure of, or decision to disclose, the confidential or commercially sensitive information has been received, at which time the CAISO and the affected Market Participant may respond before such information would be made public; or

- (ii) If the National Cyber Communication Information Center (“NCCIC,” part of the Department of Homeland Security), or a federal agency with similar cybersecurity responsibilities, or the staff of one of those agencies, requests information that is confidential or commercially sensitive in response to a Cyber Exigency that threatens or has the potential to threaten reliable operation of the CAISO Balancing Authority Area. In providing the information to the agency or its staff, the CAISO shall take action consistent with applicable laws and regulations, as well as other applicable policies or procedures of the agency, and request that the information be treated as confidential and non-public by the agency and its staff and that the information be withheld from public disclosure. The CAISO shall notify an affected Market Participant within a reasonable time after the CAISO is notified by the agency or its staff that a request for disclosure of, or decision to disclose, the confidential or commercially sensitive information has been received, at which time the CAISO and the affected Market Participant may respond before such information would be made public; or
- (iii) As provided in 18 C.F.R. § 35.47(h)(1), the CAISO may share Credit Related Information with another market operator if the receiving market operator will treat the Credit Related Information as confidential under the terms set forth in the receiving market operator’s FERC-approved tariff. If the CAISO receives Credit Related Information from another market operator, the CAISO will treat the information in accordance with the confidentiality protections in Section 20. The

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CAISO will use the Credit Related Information received from another market operator to the same extent and for the same purpose as information received from its own Market Participants.

- (iv) In order to maintain reliable operation of the CAISO Balancing Authority Area, the CAISO may share critical operating information, system models, and planning data with the WECC Reliability Coordinator that has executed the Western Electricity Coordinating Council Confidentiality Agreement for Electric System Data, or is subject to similar confidentiality requirements; or
- (v) In order to maintain reliable operation of the CAISO Balancing Authority Area, the CAISO may share individual Generating Unit Outage information with the operations engineering and the outage coordination division(s) of other Balancing Authorities, Participating TOs, MSS Operators and other transmission system operators engaged in the operation and maintenance of the electric supply system whose system is significantly affected by the Generating Unit and who have executed the Western Electricity Coordinating Council Confidentiality Agreement for Electric System Data; or
- (vi) In order to maintain reliable operation of the CAISO Balancing Authority Area, the CAISO may share information regarding Maintenance Outages and Forced Outages of natural gas-fired generation resources and Maintenance Outages and Forced Outages of elements of the ISO Controlled Grid with natural gas transmission and distribution utilities operating inter-state and/or intra-state natural gas pipelines that serve natural gas-fired generation resources within the CAISO Balancing Authority Area. The CAISO may share information necessary for day-to-day coordination and longer term planning of gas transmission and pipeline outages which information includes, but is not limited to, the identity of individual natural gas-fired generation resources that are needed to support reliability of the ISO Balancing Authority Area in the event of natural gas shortage, natural gas pipeline testing and maintenance, or other curtailment of

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natural gas supplies. The information will be shared only pursuant to a non-disclosure agreement and non-disclosure statement included as part of the Business Practice Manual.

- (d) Notwithstanding the provisions of Section 20.2(e), information submitted through Resource Adequacy Plans and Supply Plans in accordance with Section 40 may be provided to:
- (i) the Scheduling Coordinator(s) and/or Market Participant(s) involved in a dispute or discrepancy as to whether a resource is properly identified in a Resource Adequacy Plan or a Supply Plan only to the limited extent necessary to identify the disputed transaction and the relevant counterparty or counterparties.
 - (ii) the regulatory entity, whether the CPUC, other Local Regulatory Authority, or federal agency, with jurisdiction over a Load Serving Entity involved in a dispute or discrepancy as to whether a resource is properly identified in a Resource Adequacy Plan or the Supply Plan, or otherwise identified by the CAISO as exhibiting a potential deficiency in demonstrating compliance with resource adequacy requirements adopted by the CPUC, other Local Regulatory Authority, or federal agency, as applicable. The information provided shall be limited to the particular dispute, discrepancy, or deficiency.
 - (iii) the California Energy Commission with respect to Demand Forecast information provided to the CAISO under Sections 40.2.2.3 and 40.2.3.3(b) to the extent the CAISO seeks, and the California Energy Commission grants, confidential treatment of such information pursuant to California Public Resources Code Section 25322 and related regulations.
- (e) Notwithstanding the provisions of Section 20.2(f), information submitted through the Transmission Planning Process shall be disclosed as follows:
- (i) Critical Energy Infrastructure Information may be provided to a requestor where such person is employed or designated to receive CEII by: (a) a Market

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Participant; (b) an electric utility regulatory agency within California; (c) an Interconnection Customer that has submitted an Interconnection Request to the CAISO under the CAISO's Large Generator Interconnection Procedure or Small Generator Interconnection Procedure (LGIP or SGIP); (d) a developer having a pending or potential proposal for development of a Generating Facility or transmission addition, upgrade or facility and that is performing studies in contemplation of filing an Interconnection Request or submitting a transmission infrastructure project through the CAISO Transmission Planning Process; or (e) a not-for-profit organization representing consumer regulatory or environmental interests before a Local Regulatory Authority or federal regulatory agency. To obtain Critical Energy Infrastructure Information, the requestor must submit a statement as to the need for the CEII, and must execute and return to the CAISO the form of the non-disclosure agreement and non-disclosure statement included as part of the Business Practice Manual. The CAISO may, at its sole discretion, reject a request for CEII and, upon such rejection, the requestor will be directed to utilize the FERC procedures for access to the requested CEII.

- (ii) Information that is confidential under Section 20.2(f)(i) or 20.2.(f)(ii) may be disclosed to any individual designated by a Market Participant, electric utility regulatory agency within California, or other stakeholder that signs and returns to the CAISO the form of the non-disclosure agreement, nondisclosure statement and certification that the individual is a non-Market Participant, which is any person or entity not involved in a marketing, sales, or brokering function as market, sales, or brokering are defined in FERC's Standards of Conduct for Transmission Providers (18 C.F.R. § 358 et seq.), included as part of the Business Practice Manual; provided, however, that information obtained pursuant to this Section 20.4(e)(ii) will be provided only in composite form so that information related to individual Load Serving Entities or Scheduling Coordinators will not be disclosed.

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- (iii) Data base and other transmission planning information obtained from the WECC, or its successor, may be disclosed to individuals designated by a Market Participant, electric utility regulatory agency within California, or other stakeholder in accordance with the procedures set forth in the Business Practice Manual.

Nothing in this Section 20 shall limit the ability of the CAISO to aggregate data for public release about the adequacy of supply.

20.5 Confidentiality

The CAISO shall implement and maintain a system of communications with Scheduling Coordinators that includes the strict use of passwords for access to data to ensure compliance with Section 20. Access within the CAISO to such data on CAISO's communications systems, including databases and backup files, shall be strictly limited to authorized CAISO personnel through the use of passwords and other appropriate means.

5.3.3.1 Opportunity for Collaboration

Any entity interested in collaborating with another entity may notify the CAISO of its interest in collaborating within ten (10) business days after the bid window to finance, construct, own, operate and maintain the regional transmission facility opens. The CAISO will post on its website a list, including contact information, of entities interested in collaborating. Project sponsors are not required to notify the CAISO to collaborate. After the bid window closes, there will be no further opportunity for project sponsors to collaborate.

5.3.3.2 Contents of Project Sponsor Applications

The project sponsor shall provide the information requested in the application, and any additional information subsequently requested by the CAISO that the CAISO finds relevant to the evaluation of the application. For each application question, if the project sponsor is submitting proposals to finance, construct, own, operate and maintain multiple regional transmission facilities open for competitive solicitation, the project sponsor should also indicate how its response would change depending on how many of its proposals are approved. For example, the project sponsor should describe how the projected in-service date of each project would be affected if the project sponsor is selected as the approved project sponsor for two or more of the regional transmission facilities eligible for competitive solicitation. To the extent a project sponsor considers any of the information submitted with its application to be confidential or proprietary; such information must be clearly identified and must include an explanation as to why the information should be handled by the CAISO as confidential. The identity of project sponsors and basic information included in the project sponsor's application is not confidential information.

The application is separated into specific sections. Each section specifies information to be provided and is assigned a unique identifier for each item of information required, for example, there are separate sections for sponsor qualifications, project qualification, environmental and public process items, substation related items, and so on.

Project Sponsors participating and desiring to become an Approved Project Sponsor shall submit an application that includes the following general information (as well as detailed information related to these general categories) in response to the questions on the application form:

- The following financial information:
 1. A proposed financial plan demonstrating that adequate capital resources are available to the Project Sponsor to finance the transmission solution, and that constructing, operating and maintaining the facilities will not significantly impair the Project Sponsor's creditworthiness or financial condition;
 2. A showing from the Project Sponsor's most recent audited financial statements that the Project Sponsor's assets are in excess of liabilities as a percentage of the total cost of the transmission solution;
 3. Financial funding ratios from the most recent audited financial statements;
 4. Credit arrangements between affiliated entities, including corporate parent, and compliance with regulatory restrictions and requirements; and,
 5. Bankruptcy, dissolution, merger or acquisition history;
- The credit rating from Moody's Investor Services and Standard & Poors of the Project Sponsor, or its parent company, controlling shareholder, or any other entity providing a bond guaranty or corporate commitment to the Project Sponsor;
- Information showing the Project Sponsor's ability to assume liability for major losses resulting from failure of, or damage to, the transmission facility, including damage after the facility has been placed into operation;
- The projected in-service date of each transmission solution with a construction plan and timetable;
- A description of the Project Sponsor's proposed engineering, construction, maintenance and management teams, including relevant capability and experience;
- A description of the Project Sponsor's resources for operating and maintaining the transmission solution after it is placed in-service;
- A discussion of the capability and experience of the Project Sponsor that would enable it to comply with all on-going scheduling, operating, and maintenance activities required for each transmission solution, including those required by the tariff, business practice manuals, policies, rules, guidelines, and procedures established by the CAISO;
- Resumes for all key management personnel, including contractors, that will be involved in obtaining siting approval and other required regulatory approvals and for constructing, operating and maintaining each transmission solution;
- A description of the Project Sponsor's business practices that demonstrate consistency with Good Utility Practice for proper licensing, designing and right-of-way acquisition for

constructing, operating and maintaining transmission solutions that will become part of the CAISO Controlled Grid;

- The Project Sponsor's previous record regarding construction, operation and maintenance of transmission facilities within and outside the CAISO Controlled Grid; or a detailed plan for constructing, operating, and maintaining transmission facilities in the absence of a previous record regarding construction, operation and maintenance of transmission facilities;
- The Project Sponsor's pre-existing procedures and practices for acquiring and managing right of way and other land for transmission facility, or, in the absence of preexisting procedures or practices, a detailed description of its plan for right of way and other land acquisition;
- A description of existing rights of way or substations upon which all or a portion of the transmission facility can be located and incremental costs, if any, that would be incurred in connection with placing new or additional facilities associated with the transmission solution on such existing rights of way;
- The Project Sponsor's preexisting practices or procedures for mitigating the impact of the transmission solution on affected landowners and for addressing public concerns regarding facilities associated with the transmission solution. In the absence of such preexisting practices or procedures, the Project Sponsor shall provide a detailed plan for mitigating such impacts and addressing public concerns;
- A description of the following and any related or relevant information regarding:
 1. a plan for addressing topography issues;
- Cost containment capabilities and cost cap, if any;
- Description of the Project Sponsor's plan for complying with standardized maintenance and operation practices and all applicable reliability standards;
- Any other strengths and advantages that the Project Sponsor and its team may have to build and own the transmission solution, as well as any specific efficiencies or benefits demonstrated in its Project Sponsor proposal; and
- The authorized government body from which the Project Sponsor will seek siting approval for the transmission solution and the authority of the selected siting authority to impose binding cost caps or cost containment measures on the Project Sponsor, as well as its history of imposing such measures.

Exhibit B-2

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

DCR Transmission, L.L.C.	)	Docket Nos. ER23-2309-____,
	)	ER24-1394-____, and
	)	EL26-34-____
	)	(consolidated)

**MOTION OF THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR
CORPORATION TO SUPPLEMENT ANSWER TO
MOTIONS TO COMPEL OF DCR TRANSMISSION, L.L.C.
AND FOR SHORTENED ANSWER PERIOD**

**To: The Honorable Joel deJesus
Presiding Administrative Law Judge**

Pursuant to Rule 212 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure,¹ the California Independent System Operator Corporation (CAISO) respectfully submits this motion seeking to supplement its April 2, 2026, Answer (April 2 Answer) to the Motions to Compel the California Independent System Operator Corporation to Respond to DCR Transmission, L.L.C.'s Tenth and Eleventh Set of Data Requests filed by DCR Transmission, L.L.C. (DCRT) in this proceeding on March 26, 2026 (March 26 Motion to Compel) and March 31, 2026 (March 31 Motion to Compel). The CAISO also respectfully requests that the Presiding Judge permit a shortened comment period so that this motion can be considered during the oral argument on the DCRT Motions to Compel. The CAISO notes that a shortened comment period is justified because this motion is being filed on the deadline for answers

¹ The CAISO submits this motion pursuant to Rule 212 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.212.

to DCRT's March 31 Motion to Compel as set forth in the Presiding Judge's April 1, 2026, Order Setting Answer Period and Scheduling Oral Argument.

This motion is limited to requesting that the Presiding Judge consider position statements and additional legal arguments provided to the CAISO by third parties who are not parties to this proceeding, but whose confidential information is sought in the DCRT data requests. Most of these position statements and legal arguments were provided to the CAISO concurrent with the deadline for filing the April 2 Answer.

As explained in the CAISO's April 2 Answer, DCRT is seeking highly confidential third-party information in the possession of the CAISO related to competitor bids and contract negotiations of competitors to DCRT in competitive solicitations other than the one underlying this proceeding. In the April 2 Answer, the CAISO provided details on Commission-approved provisions of the CAISO Tariff governing the confidentiality of third-party information in the possession of the CAISO implicated by the Motions to Compel which required the CAISO to consult with those third parties whose confidential information DCRT is seeking. The CAISO provided notice of the Motions to Compel to approved project sponsors whose confidential information DCRT is seeking. Multiple third-party approved project sponsors, who are not parties to this proceeding, contacted the CAISO and strongly object to the disclosure of their competitive solicitation bids under any circumstances, even when designated as "PRIV-HC" under the protective order in this proceeding. If the CAISO was not in possession of this third-party confidential information, DCRT would have been required to secure a

subpoena to obtain the confidential information from these non-parties, and those non-parties would have had an opportunity to seek to quash the subpoena.

In the April 2 Answer, the CAISO summarized the position of one Approved Project Sponsor opposing the motion to compel, Viridon California LLC (Viridon). Viridon's full position was set forth in a March 30, 2026, letter sent to the CAISO. During the evening of April 2, Viridon authorized the CAISO to submit that March 30 letter in this proceeding, and the CAISO provides the March 30 letter as Attachment 1 to this motion. At 4:55 PM Eastern on April 2, 2026, Viridon provided an e-mail supplementing its March 30 letter which responds to the DCRT March 31 Motion to Compel. That April 2 Viridon supplement is provided as Attachment 2 to this motion.

The CAISO notes that Viridon has requested that the CAISO pursue an interlocutory appeal to the Commission prior to disclosing their confidential information if the Presiding Judge grants the Motion to Compel with respect to confidential third party approved project sponsor information. In Attachment 2, Viridon affirms that the APSAs executed by Viridon's development subsidiaries accurately reflect Viridon's bids in the CAISO competitive solicitation process.

LS Power, the parent company of multiple Approved Project Sponsors, has also requested that the CAISO seek interlocutory appeal of any Presiding Judge decision granting the Motions to Compel with respect to LS Power's bidding information before producing the information in discovery. LS Power represents that the APSAs LS Power entered into with the CAISO accurately,

faithfully, and correctly reflect LS Power's bids submitted to the CAISO through the solicitation process.

Several third-party Approved Project Sponsors who have provided the CAISO with confidential bidding information sought in the DCRT Motions to Compel did not provide attachments to the CAISO but requested that the CAISO make the following arguments in opposing those Motions to Compel. One project sponsor requested that the CAISO advance the following arguments:

- **Legal Standard**
- When competitively sensitive materials are sought, FERC balances “the interests of a party seeking confidential treatment for information with the interests of parties seeking access to that information.” *W. Deptford Energy, LLC*, 134 FERC ¶ 61189, at P 30 (2011).
 - “Fairness requires that in a Commission adjudicatory proceeding, entities which have intervened properly in a proceeding and are parties to that proceeding be permitted to participate meaningfully in that proceeding.” *Id.* at P 25.
 - A party claiming that confidential material should be withheld must show that a protective order will not adequately safeguard its interests. *Id.* at P 27.
- Here, the interests of CAISO are in protecting the integrity of its solicitation processes by ensuring that it can receive creative and competitive bids. This requires CAISO to be able to protect the commercially sensitive, proprietary, and trade secret information included in the bid submissions it receives.
- As such, the CAISO tariff explicitly outlines the protections applied to the transmission planning bid it receives.

- Transmission planning bids and related information are also confidential under the CAISO tariff. Section 20.1 of CAISO's tariff states that "The CAISO shall maintain the confidentiality of all of the documents, data and information provided to it by any Market Participant that are treated as confidential or commercially sensitive under Section 20.2." Section 20.2 includes "bids" and "information related to the Transmission Planning Process" deemed confidential. [As well as Critical Energy Infrastructure information.]
 - Section 20.3 further provides that "No Market Participant shall have the right hereunder to receive from the CAISO or to review any documents, data or other information of another Market Participant to the extent such documents, data or information is to be treated as in accordance with Section 20.2."
 - Permitting the disclosure of competitive bidding information to competitors in contravention of these tariff provisions would undermine the CAISO's credibility as a counterparty to these transmission development agreements and would discourage transmission developers from participating in future competitive solicitations to the detriment of CAISO all its stakeholders.
- Furthermore, the solicitation documents associated with these bids also reiterated these protections and how a bidder could avail themselves of such protections
 - To the extent a project sponsor considers any of the information submitted with its application to be confidential or proprietary, the project sponsor must clearly identify the confidential or proprietary information and must include an explanation as to why the

information should be treated by the ISO as confidential. The ISO will not treat the identity of a project sponsor and basic information about the project sponsor's proposed project as confidential information. A project sponsor must separately request confidential treatment for each response to an individual application information request and explain the need for confidential treatment. Project sponsors shall not make general designations of large sections of the application as confidential or proprietary.

- Removing these protections would have a chilling effect on the type, scope, and quality of information that bidders are willing to include in their bid submission out of concern that such information would become freely available to competitors. This reduction in available information in bids would impair CAISO's ability to robustly evaluate the bids and prudently select the best proposal in the best interest of electric consumers in CAISO.
- It is important to note that the information sought is not simply the bids submitted by each of the participants, but also the evaluation materials associated with each of those bids and the communications between CAISO and the successful bidders.
 - The information at issue and the interests implicated are not just those of the bidders, but also the way in which CAISO evaluates and compares different bids as part of its selection process.
- In contrast, the interest of DCR in making this request is simply to gain access to the commercially sensitive, proprietary, and trade secret information of its competitors.

- DCR claims that “[b]ecause the CAISO alleges that ‘other Approved Project Sponsors clearly know how to include wording in their bid that indicates the binding cost cap is subject to a future inflation adjustment,’ ... DCRT has the right to request information on the negotiation of other APSAs, as well as the administration, evaluation, and interpretation of the cost caps, final costs, and cost reports related to the APSAs of the other Approved Project Sponsors, to evaluate the CAISO’s statements.”
- The scope of this request plainly exceeds the level of information needed to verify whether the CAISO’s witness was correct in stating that “other Approved Project Sponsors clearly know how to include wording in their bid that indicates the binding cost cap is subject to a future inflation adjustment.”
- DCR’s desire to second-guess the judgments and conclusions of CAISO do not override CAISO’s interests in protecting the integrity of its solicitations by ensuring a competitive and robust pool of bidders.
 - For these same reasons, releasing the requested information pursuant to a protective order, even the more bespoke protective order applicable to this proceeding, is insufficient to protect the interests of CAISO. Once released to DCR, and only DCR, a direct competitor to the other bidders in this and future solicitations, DCR would have an improper advantage through its access to the bid details, strategy, and proprietary information of its competitors, as well as CAISO’s internal decision-making and evaluation process. This information asymmetry and the harm it would do to the competitive process cannot be rectified if this information is released.

- **Harm to CAISO and the Competitive Bid Process**
- FERC has recognized the harm that can occur in a competitive marketplace if bidding parties have knowledge of other bidding parties' strategies and behavior and that, for example, unmasking parties' bids in a competitive bidding process could result in market-damaging collusion. See, e.g., *Wholesale Competition in Regions with Organized Electric Markets*, Order No. 719, 125 FERC ¶ 61,071, at P 432 (2008); see also *Cent. Hudson Gas & Elec.*, 86 FERC ¶ 61,062, at P 61,204 (1999) (explaining that the basis for keeping bid data confidential for six months is to prevent collusive behavior).
 - In Order No. 719-A, FERC rejected a request to make bidding behavior and identities public, recognizing that market participants might use such information to gain a “competitive advantage, or to eliminate the competitive advantage of another entity.” *Wholesale Competition in Regions with Organized Electric Markets*, Order No. 719-A, 128 FERC ¶ 61,059, at P 153-57 (2009).
 - FERC has noted that the sharing of certain types of information between market parties could result in collusion. See, e.g., *San Diego Gas & Elec. Co.*, 95 FERC ¶ 61,115, at P 61,364 (2001) (“The amount particular competitors bid is generally considered confidential business information. Disclosure of such information may lead to a reduction in competition because it will allow competitors to learn what their competitors are bidding and could lead to price collusion or coordination.”).
- In the capacity auction context, FERC has explained that “revealing resource-specific bid data [in a capacity auction] would result in such harm to the Forward Capacity Market that it cannot be provided to parties, even though a non-

disclosure agreement. *ISO New England Inc.*, 148 FERC ¶ 61,137, at P 20 (2014).

- Specifically, FERC was concerned that revealing information related to the capacity auctions, costs and prices, and bidder behaviors “could harm the market participants that provided such information and adversely affect the competitiveness of future capacity auctions. Contrary to the assertions made by EMCOS, this information is not “stale,” as it is predictive of resources’ bidding behavior in future auctions. Given the ongoing relevance of this information, we are concerned that market participants could use this information in order to gain a competitive advantage in future auctions.” *Id.*
- The same rationales that led FERC to uphold the confidentiality of bids in the capacity market context apply with equal force to the CAISO solicitation process: the disclosure of bid information necessarily undermines the competitive process and could lead to collusion.
- **Harm to the Bidders**
- FERC has also recognized the harm to the bidders themselves
 - In *ISO New England Inc.*, 148 FERC ¶ 61,137, at P 20 (2014), FERC was specifically concerned that revealing information related to the capacity auctions, costs and prices, and bidder behaviors “could harm the market participants that provided such information and adversely affect the competitiveness of future capacity auctions. Contrary to the assertions made by EMCOS, this information is not “stale,” as it is predictive of resources’ bidding behavior in future auctions. Given the ongoing relevance of this information, we are concerned that market participants

could use this information in order to gain a competitive advantage in future auctions.” *Id.*

- Revealing confidential bids in this proceeding would put the affected transmission developers at a significant competitive disadvantage, as other competitive suppliers (including DCR) would have information about the affected transmission developers that they would not have about DCR.
 - In addition to the bidder’s own information, the bid contain confidential or proprietary information from third parties, such as engineering data, soil boring analysis, or geological data that is subject to separate confidentiality protections between the bidder and those third parties.
- Furthermore, FERC ALJs have acknowledged the particular harm to bidders where the party seeking access to their bid data was a competitor.
 - In *Entergy Services Inc., et al.*, Docket No. ER03-583, the presiding ALJ denied a motion to compel: “when weighed against the fact that the information is of the highest magnitude of commercial sensitivity for bidders that are not parties to the proceeding but are competitors of [movant], [movant] failed to show that there was a specific need for the third-party nonaffiliated bid data. While [movant] offered to have the information turned over only to its outside counsel in the first instance, any further attempt to use it for the hearing would quickly lead to the concern that there would be a need to make a further disclosure to other persons. Therefore, on balance for this combination of reasons, [the] motion was denied.” Order Summarizing Rulings on Motions to Compel, (June 14, 2004) (J. Brenner) (Unreported).
- Similar harms to the bidder are present here.

- The transmission developers who provided this information, conversely, have a significant interest in its confidentiality because their bids and the associated negotiations with CAISO contain commercially sensitive, proprietary, and trade secret information.
- Providing the Confidential Information pursuant to a non-disclosure agreement will not adequately protect the interests of the transmission developers who provided the Confidential Information, because the information would be available to any transmission developers competitor that executes a non-disclosure agreement.

Another impacted project sponsor requested that the CAISO make the following arguments:

- **Unduly burdensome request**

- This motion, and the result of granting the motion, diverts CAISO resources from the hearing itself and multiple competitive solicitations that CAISO is currently conducting
- The motion to compel and disclosure of the requested materials would produce no material of substance that Lotus does not already have in its possession by way of the executed APSAs previously produced in this proceeding
 - It would give Lotus insight into business strategies of its competitors that were submitted under the pretext that bids would be confidential

- **Motions are inconsistent with the competitive guardrails baked into the CAISO competitive solicitation process, and granting them will have a chilling effect on future competition**
 - The risk of competitive harm to other participants in CAISO's competitive solicitation process substantially outweighs any alleged probative value of the materials requested
 - If Qualified Bidders have reason to believe that their confidential submissions can be pulled into litigation by competitors years later, participation in competitive solicitations will decline, undermining FERC's own policy goals around competitive transmission development
- **The competitive harm caused by granting the motions is concrete and irreparable**
 - Competitive bids contain proprietary pricing strategies, cost structures, risk assumptions, and supplier relationships. Disclosure to a direct competitor—even through a formal FERC proceeding—causes real competitive harm that cannot be undone. This is not merely speculative injury
- **Confidentiality provisions in the bids were bargained for and legally binding**
 - CAISO's competitive solicitation process explicitly promised confidentiality to bidders. That promise induced participation and shaped how bids were structured. Unraveling those protections retroactively undermines the integrity of future competitive solicitations, not just this one
 - Designation of requested materials as "PRIV H/C" does not mitigate the potential for competitive harm because non-competitive signatories could become competitive personnel at any moment

- **Lotus has less invasive alternatives to the materials the motion to compel seeks to produce**
 - CAISO can provide aggregated, anonymized, or redacted data addressing Lotus' comparability argument without exposing individual bids
 - Lotus should be required to exhaust those alternatives first
- **The requests are overbroad and disproportionate**
 - Lotus' underlying dispute is about its own cost recovery, not a broad audit of CAISO's procurement practices. Competitors' bids spanning years go far beyond what is necessary to resolve whether Lotus is entitled to cost recovery. FERC's discovery standards, like most, require proportionality between the request and the claim at issue
- **Seeks information that is duplicative of information already provided in discovery (duplicative and burdensome)**
 - The substance that Lotus seeks to gain via these motions is already memorialized in Appendix E of the APSAs in Lotus' possession via this proceeding
 - Appendix E is generally a faithful recitation of what was in the bid

The CAISO requests that the Presiding Judge consider these arguments as part of Your Honor's deliberations on the Motions to Compel.

In light of the importance of the attached position statements and the additional legal arguments set forth in this motion to the issues being considered during the oral argument on DCRT's Motions to Compel scheduled for April 6, 2026, the CAISO respectfully requests that the Presiding Judge establish a shortened comment period for any written answers to this motion to supplement

so that they are due prior to the oral argument on April 6. This request is warranted because this motion is being filed on the deadline for answers to DCRT's March 31 Motion to Compel as set forth in the Presiding Judge's April 1, 2026, Order Setting Answer Period and Scheduling Oral Argument. The CAISO notes that all interested participants will have an opportunity to address this motion verbally during the April 6 oral argument.

II. Conclusion

For the foregoing reasons, the CAISO respectfully requests that Your Honor establish the requested shortened comment period, accept this motion to supplement the CAISO's April 2 Answer, and consider the additional legal arguments and position statements provided herein when ruling on the DCRT Motions to Compel.

Respectfully submitted,

Anthony J. Ivancovich
Deputy General Counsel
Sarah Kozal
Senior Counsel
California Independent System
Operator Corporation
250 Outcropping Way
Folsom, CA 95630
Tel: (916) 351-4400
Fax: (916) 608-7222
Email: aivancovich@caiso.com
skozal@caiso.com

/s/ Sean A. Atkins
Sean A. Atkins
Bradley R. Miliauskas
Samin Peirovi
Davis Wright Tremaine LLP
1301 K Street, NW
Suite 500 East
Washington, DC 20005
Tel: (202) 973-4200
Fax: (202) 979-4499
Email: seanatkins@dwt.com
bradleymiliauskas@dwt.com
saminpeirovi@dwt.com

Dated: April 3, 2026

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document upon all of the parties listed on the official service list for the above-referenced dockets, pursuant to 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 3rd day of April, 2026.

/s/ Deiman Flores

Deiman Flores

Davis Wright Tremaine LLP

1301 K Street, NW

Suite 500 East

Washington, DC 20005

Tel: (202) 402-4037

Email: deimanflores@dwt.com

ATTACHMENT 1

March 30, 2026 Letter from Viridon to the CAISO



Verónica Gómez
General Counsel
515 N. State Street
Suite 1150
Chicago, IL 60654
773.551.1920
veronica@viridon.com

March 30, 2026

Mr. Anthony Ivancovich
Deputy General Counsel
California Independent System Operator Corporation
250 Outcropping Way
Folsom, California 95630
aivancovich@caiso.com

Re: Viridon California LLC's Objection to Producing Confidential Information

Dear Mr. Ivancovich:

Viridon California LLC ("Viridon") on behalf of itself and California Grid Holdings LLC ("CalGrid") submits this letter pursuant to California Independent System Operator Corporation ("CAISO") Tariff Section 20.4(b), which requires the CAISO to cooperate with Market Participants in the course of administrative proceedings "to the maximum extent practicable to minimize the disclosure of [confidential] information consistent with applicable law." As described in detail below, Viridon strenuously objects to disclosing any confidential information related to the CAISO's competitive transmission solicitation process, including related bid or application materials and Approved Project Sponsor Agreements ("APSAs"). Disclosure of competitive bid information, even pursuant to a protective order, would have significant negative impacts on Viridon specifically and, more generally, on all Order No. 1000 competitive solicitation processes in the CAISO and nationwide. Viridon requests that the CAISO oppose any attempt to require disclosure through ongoing administrative proceedings.

Viridon understands that DCR Transmission, L.L.C. ("DCRT") filed a motion to compel the CAISO to produce responses to data requests in its ongoing Federal Energy Regulatory Commission ("FERC") rate case proceeding.¹ Viridon takes no position on DCRT's rate proceeding. Viridon seeks here to protect its own important interests that are directly implicated by DCRT's data request. That request seeks the bids materials, application documents, and executed contracts for competitive transmission projects awarded to parties other than DCRT. This data request potentially implicates highly confidential commercially sensitive materials submitted by or relating to Viridon and/or its subsidiary, CalGrid. Viridon and CalGrid's confidential

¹ Docket Nos. ER23-2309-000 et seq; ER24-1394-000 et seq; and EL26-34-000

Mr. Anthony Ivancovich

March 30, 2026

Page 2 of 2



information is specifically designated as confidential pursuant to CAISO Tariff Section 20.2(f), which provides that the CAISO must treat any “information received under CAISO Tariff Section 24.8 [the competitive solicitation process] as confidential to the extent designated in accordance with the Business Practice Manual.” Viridon, through CalGrid, properly designated competitive solicitation bid materials as confidential information pursuant to this provision. The CAISO should maintain that confidentiality to protect Viridon’s highly sensitive and proprietary information, including details regarding its business structure and financials, as well as other commercially sensitive materials, and to safeguard the integrity of the competitive solicitation process.

Viridon further objects to providing these materials under a protective order. The protective order in the ongoing DCRT rate case does not provide adequate protection for commercially sensitive competitive bid materials. Instead, it allows for disclosure of “Highly Confidential Privileged Material” to “Reviewing Representatives” that have signed a non-disclosure certificate.² This would allow review by in-house and outside counsel, experts retained by a party, and party employees that are not “Competitive Duty Personnel.”³ In practice, this means the protective order would allow DCRT’s counsel, experts, and any employees that are not “Competitive Duty Personnel” to access confidential bid materials for all CAISO awarded projects. Such an outcome is untenable and would fundamentally undermine the competitive solicitation process. There is no protection against such individuals engaging in “competitive activities” in the future and leveraging the confidential competitive bid materials to disrupt the competitive process and directly compete against Viridon and other developers. The protective order is inadequate to protect the commercially sensitive information at issue here.

Viridon appreciates the CAISO’s efforts to date in objecting to DCRT’s data requests for confidential bid information. Viridon requests that the CAISO continue these efforts to object to production to the maximum extent possible. Viridon is ready and willing to provide any assistance necessary to ensure these materials remain confidential.

Sincerely,

A handwritten signature in black ink, appearing to read "Veronica Gomez", with a stylized, cursive script.

Verónica Gómez

cc: Eric Gleason
Fanny Kidwell Langlois
Jordan Pinjuv
by electronic delivery

² <https://elibrary.ferc.gov/eLibrary/filedownload?fileid=79817F4F-1175-C464-9405-99F293900000>, at page 5-6.

³ Id. at 6.

ATTACHMENT 2

April 2, 2026 Email from Viridon to the CAISO

From: Verónica Gómez <veronica@viridon.com>

Sent: Thursday, April 2, 2026 1:55 PM

To: Ivancovich, Anthony <Alvancovich@caiso.com>

Cc: Pinjuv, Jordan <JPinjuv@wbklaw.com>

Subject: [EXTERNAL] Re: Viridon/CalGrid Objection to Disclosing Confidential Information

Mr. Ivancovich:

As a supplement to Viridon California LLC's ("Viridon") March 30, 2026, letter objecting to producing confidential information ("March 30 letter"), Viridon provides this additional objection in response to DCR Transmission L.L.C.'s ("DCRT") subsequent March 31, 2026, Motion to Compel ("second motion"). Viridon objects to producing confidential information in response to the second motion on the same grounds as those provided in its March 30 Letter. In addition, Viridon provides additional clarification that the Approved Project Sponsor Agreements ("APSAs") executed by Viridon's development subsidiary, California Grid Holdings LLC (CalGrid), accurately reflect the company's bids into the CAISO competitive solicitation process.

Viridon appreciates the CAISO's efforts to maintain confidentiality of the competitive information at issue in DCRT rate case. To the extent the Administrative Law Judge grants DCRT's motions to compel the CAISO to produce confidential competitive information, Viridon requests the CAISO

pursue interlocutory appeal, or a similar procedural mechanism, to continue to press protection of these important rights of Viridon and other affected parties and allow Viridon an opportunity to directly participate to challenge any disclosure of its information, as necessary and appropriate.

Please do not hesitate to contact me if you would like to discuss this.

Sincerely,

Verónica



Verónica Gómez | General Counsel & Chief Administrative Officer

515 North State Street, Suite 1150, Chicago, IL 60654

+1 (773) 551-1920 | veronica@viridon.com

This message (including attachments) is confidential and may be privileged. If you are not the intended recipient, please delete it without further distribution and reply to the sender that you have received the message in error.

EXHIBIT C

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

)	
	)	Docket Nos. ER23-2309-001
DCR Transmission, L.L.C.	)	ER24-1394-001
	)	EL26-34-000
	)	(consolidated)
)	

**AFFIDAVIT
OF
MARK D. MILBURN**

1. My name is Mark D. Milburn. I am employed as Senior Vice President at LS Power Development, LLC (“LSP Development”), the general partner and manager of LS Power Associates, L.P. (“LS Power”), which is an indirect owner of LS Power Grid California, LLC (“LS Power Grid”). In my role as Senior Vice President of LSP Development, I lead the development, construction, and management of high-voltage transmission projects. My business address is 16150 Main Circle Drive, Suite 310, Chesterfield, Missouri 63017. I hold a Bachelor of Science degree in Mechanical Engineering from the University of Missouri and am a licensed Professional Engineer. I have over 32 years of experience in the electric power industry focused on the development, design, and construction of power generation and transmission facilities.

2. The purpose of this affidavit is to explain the commercial and competitive harms that LS Power Grid and other similarly situated transmission developers will experience if the California Independent System Operator Corporation (“CAISO”) is required to disclose to DCR Transmission, L.L.C. (“DCRT”) competitive and commercially sensitive information as contemplated by the April 7, 2026 Order Confirming Bench Ruling Granting in Part and Denying in Part Motion to Compel Discovery (“Order”) issued in the above captioned proceedings.

3. The disclosure of the commercially sensitive and proprietary materials DCRT is seeking, even under the procedures contained in the modified Protective Order applicable to these proceedings, risks irreparable harm. The information at issue includes the bid and related materials submitted by LS Power Grid to CAISO as part of competitive solicitations for transmission solutions. These materials contain LS Power Grid's commercially sensitive, proprietary, and trade secret information, and LS Power Grid provided these materials on a confidential basis as part of the bid process, on the understanding that CAISO would maintain the confidentiality of that information consistent with the solicitation procedures and the applicable CAISO Tariff provisions. The disclosure of this information could irreparably harm LS Power Grid, CAISO, and the broader competitive transmission solicitation process.

4. As to the harms to LS Power Grid, DCRT's access to this information could put LS Power Grid at a competitive disadvantage in future competitive transmission bidding proceedings, because DCRT is a direct competitor of LS Power Grid. LS Power Grid devotes significant time, capital, and resources to each solicitation to craft bids that creatively and efficiently address CAISO's needs while also delivering the best value. This process necessarily involves the disclosure of commercially sensitive, proprietary, and trade secret information that LS Power Grid and its affiliates have developed through years of experience bidding, developing, and operating transmission projects both inside CAISO and elsewhere. Such information includes not only the final bid price or rate mechanism in a given proposal but also the underlying assumptions and inputs used to derive it, including the cost of debt, estimated operating and maintenance costs, vendor prices, etc. LS Power Grid and its affiliates meticulously protect this information from disclosure and ensure that it is appropriately labeled and submitted when disclosed in the bidding process. Permitting the disclosure of this valuable information to DCRT, a direct competitor of LS

Power Grid, would create a stark information asymmetry that could cause economic harm to LS Power Grid and directly undermine LS Power Grid's competitive position in future solicitations in CAISO and elsewhere. Further, such disclosure could force LS Power Grid to evaluate if and how it includes such sensitive information in future solicitations to guard against the risk that it is disclosed to other direct competitors.

5. As to the harms to CAISO, the solicitation and evaluation process is predicated on CAISO being able to gather a broad range of information and proposals from its pool of bidders to determine what solutions best fit its needs. Bids by participants in ISO competitive transmission processes have become increasingly complex. Cost containment provisions, for example, are not simply a fixed stated cost cap; they also include various commercially sensitive provisions. Under CAISO's process, it is common for bidders to provide fulsome explanations to CAISO on various aspects of their proposals without concern that such information will be disclosed to third parties or competitors in the future. Without confidence that such information will be protected consistent with past practice, bidders will be reluctant to disclose it in their bids or may not elect to participate in the solicitation altogether. In either case, the quality and number of bids CAISO receives will suffer, to the detriment of CAISO, ratepayers, and transmission developers alike.

6. As to the harms to the broader competitive transmission solicitation process, the disclosure contemplated by the Order would disproportionately benefit one competitor to the detriment of all others. The nature and scope of the information to be disclosed go to the pattern, practice, and strategy of successful CAISO transmission project bidders over the past decade. To permit DCRT to access this information, to the exclusion of all other current and future competitors, would give DCRT a substantial and unprecedented advantage in all future solicitations in a way that could never be mitigated, including by the Protective Order. DCRT

would be able to use this information to derive the bidding strategies, differentiating features, and commercial inputs of many of its competitors while still protecting its own information from disclosure. In addition to undermining CAISO's competitive transmission solicitation process, as discussed above, this information asymmetry would harm bidders' ability to participate in other similar transmission solicitations.

7. It is my understanding that the information to be disclosed pursuant to the Order would be labeled as "Highly Confidential" pursuant to the Protective Order in these proceedings. Although the Protective Order prohibits Competitive Duty Personnel from reviewing such material, prohibits any individual who reviews such material from using it for a commercial purpose or competitive advantage, and enforces noncompliance with such restrictions as violations of a Commission order, such protections are insufficient in this specific context. The nature and scope of the information to be disclosed go to the pattern, practice, and strategy of successful CAISO transmission project bidders over the past decade. Once disclosed to the lawyers, consultants, and employees of DCRT, this information cannot be withdrawn, removed, or otherwise purged from their awareness or memories. Each individual with access to this information will take this knowledge with them, and it will become part of their conscious or unconscious decision-making in the future. Furthermore, such individuals may later become Competitive Duty Personnel or advise other competitors in future solicitations. In doing so, such individuals would necessarily draw on this information and may deploy that knowledge in ways that would never present as clear, actionable violations of the Protective Order but would, nonetheless, irreparably harm LS Power Grid, other similarly situated transmission developers, and the broader competitive landscape.

8. Allowing DCRT to access the competitive and commercially sensitive information contemplated by the Order could create far-reaching and unpreventable harms to LS Power Grid, CAISO, and the broader competitive transmission solicitation process. Accordingly, LS Power Grid's interest in protecting its commercially sensitive, proprietary, and trade secret information and CAISO's interest in ensuring the integrity of its competitive bidding process significantly outweigh DCRT's interest in obtaining these materials in this proceeding.

9. This concludes my affidavit.

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

)	
	)	Docket Nos. ER23-2309-001
DCR Transmission, L.L.C.	)	ER24-1394-001
	)	EL26-34-000
	)	(consolidated)
)	

VERIFICATION OF AFFIDAVIT

Pursuant to 18 C.F.R. § 385.2005, I, Mark D. Milburn, verify under penalty of perjury that I possess full power and authority to sign the filing, have read and know the contents of the foregoing Affidavit and that the information contained therein is true and correct to the best of my knowledge, information, and belief.

Executed on April 10, 2026

/s/ Mark D. Milburn
Mark D. Milburn