

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).