

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

**Southern California Edison                     )         Docket No. ER13-1216-000  
Company   )**

**MOTION TO INTERVENE AND COMMENTS OF THE  
CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION**

The California Independent System Operator Corporation (“ISO”) moves to intervene and file comments in response to Southern California Edison Company’s (“SCE”) filing of an unexecuted Large Generator Interconnection Agreement (“LGIA”) among CalWind Resources, Inc. (“CalWind”), SCE, and the ISO.<sup>1</sup> As explained below, the ISO agrees with SCE that, in accordance with section 25 of the ISO tariff and Commission policy, the maximum amount of interconnection service to be reflected in the LGIA for CalWind, a qualifying facility previously exempt from the ISO tariff, should be based on the net generating capacity of CalWind’s facility, which is 21.795 MW.

**I.       Motion to Intervene**

The ISO is a non-profit public benefit corporation organized under the laws of the State of California. The ISO tariff includes provisions regarding the interconnection of generating facilities to the ISO controlled grid. These provisions include the *pro forma* Large Generator Interconnection Agreement on which the LGIA filed in this proceeding is based. The ISO was involved in the

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<sup>1</sup> The ISO submits this motion to intervene and comments pursuant to Rules 212 and 214 of the Commission’s Rules of Practice and Procedure, 18 C.F.R. §§ 385.212, 214. After the Commission issues an order on SCE’s filing, the ISO will submit a certificate of concurrence that accords with the Commission’s directives regarding the LGIA.

negotiations of the LGIA with CalWind and SCE, and is a party to the LGIA. As such, the ISO has an interest in this proceeding that cannot be adequately represented by any other party. Accordingly, the ISO requests that the Commission permit it to intervene in this proceeding.

## **II. Comments**

CalWind has owned the existing qualifying facility (“QF”) that is the subject of the LGIA, the Pajuela Peak Wind Park, for over 15 years. During that entire time, the maximum net generating capacity (*i.e.*, nameplate rating minus auxiliary load) of the QF has been 21.795 MW, as evidenced by CalWind’s self-recertification of the QF<sup>2</sup> and the affidavit provided by CalWind to the ISO and SCE pursuant to Section 25.1.2 of the ISO tariff.<sup>3</sup>

As SCE states, the ISO tariff reflects the policy in Commission Order No. 2003 that “the owner of the QF need not submit an Interconnection Request if it represents that the output of the generating facility will be substantially the same as before.”<sup>4</sup> Specifically, section 25 of the ISO tariff provides that several types of existing generators (including facilities converting from QFs) need not enter the interconnection queue if the owner of the generating facility submits an affidavit certifying, and the ISO and Participating TO confirm, that the generator’s electrical characteristics and total generating capability are “substantially

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<sup>2</sup> Self-recertification, Docket No. QF83-290-001, at 4 (Feb. 7, 1997).

<sup>3</sup> See Exhibit 1 to SCE’s filing in this proceeding.

<sup>4</sup> SCE at 9 (quoting *Standardization of Generator Interconnection Agreements and Procedures*, Order No. 2003, FERC Stats. & Regs. ¶ 31,146, at P 815 (2003)).

unchanged.”<sup>5</sup> Therefore, when a QF seeks interconnection pursuant to section 25 to commence wholesale sales, the maximum amount of interconnection service the generator is entitled to receive, without being required to submit a new interconnection request, can be no more than the generator’s existing net generating capacity.<sup>6</sup> As reflected in its affidavit submitted pursuant to section 25, as well as its power purchase arrangements with SCE and its QF certifications with the Commission, the existing net maximum generating capacity of the CalWind facility is 21.795 MW. As such, the LGIA at issue in this proceeding, which was tendered pursuant to section 25, should indicate a level of interconnection service of no greater than 21.795 MW.

CalWind argues that it is entitled to a higher maximum amount of interconnection service under the LGIA at issue based on historical contractual arrangements with SCE. Such arrangements, however, are not determinative because they do not reflect the actual installed electrical characteristics of the CalWind generator. It appears that CalWind ultimately plans to increase the capacity of its facility from 21.795 MW to 37.5 MW – an increase of approximately fifty-eight percent. Adding this amount of new capacity would constitute a substantial change in the both the total capability and the electrical characteristics of the facility, and therefore is beyond the scope of the “safe harbor” rules in section 25. CalWind would need to submit a new interconnection request for the added capacity and proceed through the interconnection study

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<sup>5</sup> ISO tariff sections 25.1(d), 25.1(e), 25.1.2.

<sup>6</sup> ISO tariff sections 25.1(e), 25.1.2, 25.1.2.1, 25.1.2.2.

process, to determine whether and to what extent additional upgrades might be required to provide 37.5 MW of interconnection service to CalWind and how much capacity ultimately to reflect in the LGIA. This is in accord with both the ISO tariff and the underlying policy articulated by the Commission in Order No. 2003.

### **III. Communications**

The ISO requests that all communications and notices regarding this filing and this proceeding be provided to:

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**IV. Conclusion**

For the reasons stated above, the ISO requests that the Commission grant the ISO status as an intervenor in this proceeding and take the foregoing comments into account as appropriate.

Respectfully submitted,

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Dated: April 22, 2013

## CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document upon the parties listed on the official service list in the captioned proceeding, in accordance with 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 22<sup>nd</sup> day of April, 2013.

/s/ Bradley R. Miliauskas  
Bradley R. Miliauskas