

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

**Portland General Electric Company) Docket Nos. ER25-1868-000
ER25-1868-001**

**MOTION FOR LEAVE TO FILE ANSWER AND SUPPLEMENTAL LIMITED
ANSWER OF THE CALIFORNIA INDEPENDENT
SYSTEM OPERATOR CORPORATION**

The California Independent System Operator Corporation (CAISO)¹ files this supplemental limited answer² to respond to supplemental comments recently submitted in the captioned dockets by Powerex Corp (Powerex), and Southwest Power Pool, Inc. (SPP).³ As explained below, the CAISO agrees with the explanations provided by Portland General Electric Company (PGE) in response to Powerex and SPP.⁴ The CAISO also explains how the Commission has previously addressed one issue now raised by SPP. The Commission should find no merit in the arguments Powerex and SPP make to reject or delay

¹ Capitalized terms not otherwise defined herein have the meanings set forth in appendix A to the CAISO tariff.

² This limited answer supplements the limited answer the CAISO filed on separate issues in these dockets on August 7, 2025.

³ Motion for Leave to File Supplemental Comments and Supplemental Comments of Powerex Corp, Docket Nos. ER25-1868-000 and ER25-1868-001 (July 29, 2025) (July 29 Powerex Comments), Motion for Leave to File Additional Comments and Additional Limited Comments of Southwest Power Pool, Inc. to Deficiency Letter Response of Portland General Electric Company, Docket No. ER25-1868-001 (Aug. 5, 2025) (August 5 SPP Comments).

The CAISO files this limited answer pursuant to Rules 212 and 213 of the Commission's Rules of Practice and Procedure, 18 C.F.R. §§ 385.212, 385.213. For the reasons explained in section I below, the CAISO respectfully requests waiver of Rule 213(a)(2), 18 C.F.R. § 385.213(a)(2), which prohibits an answer to an answer unless otherwise ordered by the decisional authority, to permit the CAISO to answer the July 29 Powerex Comments and August 5 SPP Comments.

⁴ Motion for Leave to Answer and Answer of Portland General Electric Company, Docket Nos. ER25-1868-000 and ER25-1868-001 (Aug. 13, 2025) (August 13 PGE Answer).

acceptance of PGE's tariff amendment.

This proceeding solely concerns the revisions PGE filed to its Open Access Transmission Tariff (OATT) (PGE OATT Filing) to enable PGE's participation in the CAISO's Extended Day-Ahead Market (EDAM).⁵ Instead of addressing anything in the PGE OATT Filing, Powerex and SPP's latest comments make arguments regarding an informational memorandum concerning EDAM implementation—which was clearly labeled as non-final—that PGE posted on July 22, 2025 for PGE's transmission customers ahead of future anticipated CAISO-led EDAM implementation meetings with customers (Draft Informational Memo). The Commission should reject those Powerex and SPP arguments not only because they misconstrue the Draft Informational Memo (as PGE explains), but also because they are beyond the scope of this proceeding.

Powerex's comments about an alleged inconsistency between the Draft Informational Memo and a presentation the CAISO gave in a PGE workshop in February 2025 are incorrect. PGE and the CAISO both confirm that the principles laid out in the February 2025 workshop remain in effect. Lastly, the Commission should disregard SPP's argument that statements made in the Draft Informational Memo suggest the Commission should clarify the relative priority of intra-day schedule changes using firm OATT rights as compared with EDAM schedules. The Commission has already resolved the scheduling priority issue in the EDAM Acceptance Order. SPP's argument is beyond the scope of this

⁵ The CAISO will implement EDAM pursuant to the Commission's December 2023 order accepting the EDAM design. *Cal. Indep. Sys. Operator Corp.*, 185 FERC ¶ 61,210 (2023) (EDAM Acceptance Order). PGE submitted its OATT Filing on April 3, 2025. The CAISO plans to take EDAM live on May 1, 2026.

PGE proceeding and an impermissible collateral attack on the EDAM Acceptance Order.

I. Motion for Leave to File Answer

Pursuant to Rules 212 and 213, the CAISO respectfully requests waiver of Rule 213(a)(2) to permit it to file this supplemental limited answer in response to the July 29 Powerex Comments, the August 5 SPP Comments, and the August 13 PGE Answer. Good cause for the waiver exists because this limited answer will aid the Commission in understanding the issues in the proceeding, inform the Commission in its decision-making process, and help to ensure a complete and accurate record in the case.⁶

II. Supplemental Limited Answer

A. The Commission Should Disregard the Arguments Made by Powerex and SPP Regarding the Draft Informational Memo, All of Which Are Beyond the Scope of this Proceeding

As PGE explains, it posted the Draft Informational Memo to provide draft EDAM implementation materials for PGE's transmission customers ahead of future anticipated CAISO-led EDAM implementation meetings with customers. The Draft Informational Memo solely addresses a discrete implementation issue regarding the Northwest AC Intertie ("NWACI"),⁷ which is the northern segment of the California-Oregon Intertie ("COI"). The first page of the Draft Informational Memo states in boldface type that it is "being provided for informational purposes

⁶ See, e.g., *PJM Interconnection, L.L.C.*, 187 FERC ¶ 61,173, at P 25 (2024); *Constellation Mystic Power, LLC*, 185 FERC ¶ 61,016, at P 15 (2023); *ISO New Eng. Inc.*, 175 FERC ¶ 61,172, at P 15 (2021).

⁷ August 13 PGE Answer at 3-4, 12-13. A copy of the Draft Informational Memo is provided in Exhibit 1 to the July 29 Powerex Comments.

only,” is “subject to change,” and “should not be relied upon as a final business practice” of PGE.

Powerex and SPP make arguments based on misunderstandings of the meaning and import of the Draft Informational Memo.⁸ In raising issues about draft stakeholder implementation materials, they go beyond the scope of this proceeding. This docket solely concerns the revisions PGE filed to its OATT to enable PGE’s participation in EDAM.⁹ None of the issues Powerex or SPP raise about the Draft Informational Memo are directed to the OATT amendments pending in this proceeding. Under well-established precedent, the Commission’s only concern in addressing a tariff amendment filing submitted pursuant to section 205 of the Federal Power Act (FPA) is the tariff revisions before it. For this reason, the Commission rejects arguments that go beyond the scope of the section 205 proceeding.¹⁰

Accordingly, the Commission should disregard all arguments made by Powerex and SPP regarding the Draft Informational Memo, because they are beyond the scope of this proceeding on the tariff revisions contained in the PGE OATT Filing. The proper places for Powerex and SPP to raise issues regarding the Draft Informational Memo are future stakeholder EDAM implementation

⁸ See July 29 Powerex Comments at 3-12; August 5 SPP Comments at 2-4.

⁹ See August 13 PGE Answer at 14-16. PGE has also issued a clarifying supplement to the Draft Informational Memo making this plain to all stakeholders. The supplement is available at https://www.oasis.oati.com/woa/docs/PGE/PGEdocs/Informational_Memo_Clarification.pdf.

¹⁰ See, e.g., *Sw. Power Pool, Inc.*, 160 FERC ¶ 61,087, at P 12 (2017); *Cal. Indep. Sys. Operator Corp.*, 154 FERC ¶ 61,169, at P 63 (2016); *PJM Interconnection, L.L.C.*, 144 FERC ¶ 61,191, at P 24 (2013). *Cal. Indep. Sys. Operator Corp.*, 143 FERC ¶ 61,276, at P 11 (2013); *ISO New Eng. Inc.*, 137 FERC ¶ 61,112, at P 17 (2011); *Midwest Indep. Transmission Sys. Operator, Inc.*, 116 FERC ¶ 61,306, at P 28 (2006).

meetings. Indeed, the Draft Informational Memo expressly contemplates that those future meetings will address various implementation issues.¹¹

Powerex also misconstrues the Draft Informational Memo. Although the Draft Informational Memo is beyond the scope of this proceeding, the CAISO wishes to correct the record on one point. Powerex contends the Draft Informational Memo appears to contradict assurances made in a presentation given by CAISO staff at a PGE customer workshop on EDAM implementation matters held in February 2025 (February 2025 Presentation).¹² The February 2025 Presentation stated in relevant part that “[t]ransmission customers with transmission rights on the COI procured from PGE OATT can support intertie schedules between non-EDAM BAA [balancing authority areas] and PGE, PAC [PacifiCorp], or CAISO areas” and that a “[t]ransmission customer] can submit bid . . . at Malin (C[A]ISO) from a non-EDAM BAA (DGAP) [Default Generation Aggregation Point] supported by purchased COI transmission[.]”¹³

This concern is unfounded. PGE has clarified that it did not intend for the Draft Informational Memo to convey that PGE was deviating from the statements made in the February 2025 Presentation.¹⁴ Furthermore, the CAISO hereby confirms that the statements in the February 2025 Presentation remain accurate.

¹¹ See Draft Informational Memo at 2 (“PGE shall be providing more detailed information on the Transmission Customer Portal in future Customer Stakeholder meetings.”); *id.* at 6 (“PGE will detail e-Tag source/sink requirements in future customer stakeholder meetings.”).

¹² July 29 Powerex Comments at 8.

¹³ See *EDAM COI Participation Settlement*, at 3, 6 (Feb. 20, 2025), available at https://www.oasis.oati.com/woa/docs/PGE/PGEdocs/CAISO_Presentation_EDAM_COI_Participation_Settlement_2025.02.20.pdf. Powerex cites the same above-quoted portions of the February 2025 Presentation.

¹⁴ August 13 PGE Answer at 15.

There is no reason to believe the CAISO is departing from those principles. Indeed, the CAISO will host a stakeholder workshop on August 21, 2025, at which EDAM implementation details related to intertie participation and other topics will be presented and stakeholders will have the opportunity to ask questions and engage with subject matter experts.¹⁵ This EDAM implementation workshop and similar future stakeholder engagement opportunities are where these details should be discussed.

B. The Commission Should Disregard SPP's Arguments Regarding EDAM Scheduling Priorities, Which the Commission Already Addressed in the EDAM Acceptance Order

Citing Order No. 888 and the Commission's *pro forma* OATT, SPP argues that statements made in the Draft Informational Memo suggest the Commission should clarify the relative priority of intra-day schedule changes using firm OATT rights as compared with EDAM schedules.¹⁶ There is no need for such a clarification. SPP ignores the fact that the Commission already resolved issues involving the relative priority of intra-day schedule changes in the EDAM Acceptance Order.

Specifically, the Commission rejected arguments that the EDAM design is inconsistent with rights firm point-to-point transmission customers have for scheduling their firm OATT rights after the 10:00 a.m. scheduling deadline (*i.e.*,

¹⁵ Materials for the August 21, 2025 implementation workshop are on the CAISO website at <https://stakeholdercenter.caiso.com/StakeholderInitiatives/Extended-day-ahead-market>.

¹⁶ August 5 SPP Comments at 3-7.

engage in intra-day scheduling) without any risk or potential market consequences.¹⁷

In the EDAM Acceptance Order, the Commission “disagree[d] with commenters’ arguments that under the EDAM transmission framework, firm transmission customers’ intra-day schedule changes would have lower priority than they would under the *pro forma* OATT.”¹⁸ The Commission also found that “CAISO’s proposed Tariff revisions in section 33.18.2.2.3 allow an EDAM Entity scheduling coordinator to instruct CAISO to afford intra-day self-schedules of firm transmission customers higher priority than EDAM day-ahead schedules.”¹⁹ The Commission concluded:

[S]ection 13.8 of the *pro forma* OATT requires schedules for firm point-to-point transmission service to be submitted to the transmission service provider no later than 10:00 a.m. of the day prior to service and provides that “schedules submitted after 10:00 a.m. will be accommodated, *if practicable*.” Under CAISO’s proposal, firm transmission customers are not required to submit their self-schedules any earlier than under the *pro forma* OATT, and EDAM will attempt to accommodate any intra-day schedule changes *if practicable*. Specifically, CAISO states that EDAM will attempt to accommodate any intra-day schedule changes via redispatch and if there is an infeasibility, CAISO will notify the EDAM Entity, which is then responsible for resolving the infeasibility through its OATT procedures.²⁰

¹⁷ The deadline of 10:00 a.m. on the day prior to the operating day follows the firm deadline established in section 13.8 of the *pro forma* OATT, which provides, “Schedules for the Transmission Customer’s Firm Point-To-Point Transmission Service must be submitted to the Transmission Provider no later than 10:00 a.m. of the day prior to commencement of such service.”

¹⁸ EDAM Acceptance Order at P 310.

¹⁹ *Id.*

²⁰ *Id.* (emphases added).

Thus, the Commission recognized in the EDAM Acceptance Order that EDAM will attempt to accommodate intra-day schedules, but where such accommodation is not practicable, the firm point-to-point transmission customer bears the risk and potential market consequences if schedules submitted after the 10:00 a.m. scheduling deadline cannot be accommodated. The Commission also “disagree[d] with concerns that under EDAM, firm point-to-point transmission service is being made less firm due to EDAM’s treatment of intra-day schedule changes.”²¹

SPP’s claim that the CAISO may not consider potential conflicts between intra-day scheduling of firm rights and EDAM market outcomes to be an infeasibility is directly at odds with the Commission’s finding that “EDAM will attempt to accommodate any intra-day schedule changes via redispatch and if there is an infeasibility, CAISO will notify the EDAM Entity, which is then responsible for resolving the infeasibility through its OATT procedures.”²² The Commission found that the EDAM approach is consistent with the *pro forma* OATT because “EDAM will attempt to accommodate any intra-day schedule changes if practicable.”²³

Insofar as SPP comments are seeking to revisit issues resolved in the EDAM Acceptance Order, they would constitute an impermissible collateral attack on that order. The statutory 30-day period for filing any requests for

²¹ EDAM Acceptance Order at P 311.

²² *Id.* at P 310.

²³ *Id.*

rehearing after the issuance of the EDAM Acceptance Order²⁴ passed without any party—including SPP—submitting a request for rehearing.²⁵ Therefore, the EDAM Acceptance Order is now final and non-appealable.²⁶

Under longstanding precedent, “[a] collateral attack is an attack on a judgment in a proceeding other than a direct appeal and is generally prohibited.”²⁷ The Commission has explained the rationale for the prohibition against impermissible collateral attacks:

[I]t is contrary to sound administrative practice and a waste of resources to relitigate issues in succeeding cases once those issues have been fully determined. Absent a showing of significant change in circumstances, the relitigation of an issue is simply not justified. Sound public policy reasons support the Commission's policy against relitigation of issues.²⁸

SPP does not attempt to demonstrate, much less succeed in demonstrating, a significant change in circumstances since the Commission issued the EDAM

²⁴ See FPA section 313(a), 16 U.S.C. 825l(a).

²⁵ SPP filed a motion to intervene in the proceeding that resulted in the EDAM Acceptance Order. See SPP motion to intervene, Docket No. ER23-2686-000 (Sept. 21, 2023).

²⁶ See, e.g., *La. Pub. Serv. Comm'n v. Entergy Corp.*, 162 FERC ¶ 61,234, at P 149 (2018) (“Accordingly, we find that the Presiding Judge correctly found that the Louisiana Commission failed to take the critical step of seeking rehearing of the 2012 Rehearing Order. The 2012 Rehearing Order is the final order in that docket and is no longer subject to judicial review.”); *Old Dominion Elec. Coop. v. Pub. Serv. Elec. & Gas Co.*, 105 FERC ¶ 61,094, at P 17 (2003) (finding that “[b]ecause ODEC did not seek rehearing of the Complaint Order, that order became final and non-appealable 30 days following its issuance”); *CNG Transmission Corp.*, 86 FERC ¶ 61,013, at 61,030 (1999) (“Since no parties have filed a request for rehearing of that order, it is final and non-appealable.”).

²⁷ *Louisville Gas & Elec. Co.*, 144 FERC ¶ 61,054, at P 12 (2013) (internal citation and quotation marks omitted).

²⁸ *Alamito Co.*, 43 FERC ¶ 61,274, at 61,753 (1988) (footnote omitted) (*Alamito*). See also *Duke Energy Progress, LLC*, 184 FERC ¶ 61,098, at P 18 & n.30 (2023) (citing the same page of *Alamito* in finding that “[a]bsent a showing of significant changes in circumstances, which Duke has not made, such relitigation of an issue constitutes a collateral attack and is not justified”).

Acceptance Order to overcome the prohibition against impermissible collateral attacks.

Lastly, the Commission should disregard SPP's arguments because they are beyond the scope of this proceeding, which solely concerns PGE's OATT revisions to allow participation in EDAM.²⁹

III. Conclusion

For the foregoing reasons and the reasons explained in the CAISO's earlier filings in this proceeding, the Commission should accept the PGE OATT Filing, without modification or condition.

Respectfully submitted,

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²⁹ See the discussion in section II.A above regarding the Commission's prohibition against making arguments that go beyond the scope of the proceeding.

CERTIFICATE OF SERVICE

I certify that I have served the foregoing document upon the parties listed on the official service list in the above-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, DC this 21st day of August, 2025.

/s/ Daniel Klein

Daniel Klein

Davis Wright Tremaine LLP