

128 FERC ¶ 61,140
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;
Sudeen G. Kelly, Marc Spitzer,
and Philip D. Moeller.

California Independent System Operator Corporation Docket Nos. ER06-24-001
EL06-79-000

ORDER TERMINATING PROCEEDINGS

(Issued August 6, 2009)

1. In this order, we grant the uncontested motion to terminate filed on October 3, 2008 by Modesto Irrigation District (Modesto), seeking to terminate these proceedings.

I. Background

2. In early 2005, Modesto informed Pacific Gas and Electric (PG&E) that it intended to move out of the California Independent System Operator Corporation (CAISO) control area¹ and move to the Western Area Power Administration (Western) sub-balancing authority area, which is part of the Sacramento Municipal Utility District (SMUD) balancing authority area. As a result of Modesto's decision to withdraw from the CAISO control area and move to the Western/SMUD control area, two related proceedings were initiated before the Commission.

3. First, on August 3, 2005, in Docket No. ER05-1286-000, PG&E filed a revised, unexecuted Interconnection Agreement (IA) with Modesto to reflect Modesto's move to the Western sub-balancing authority area/SMUD balancing authority area. In a September 30, 2005 order, the Commission accepted and suspended the IA, set the matter for hearing, but ordered the hearing held in abeyance pending settlement judge procedures.²

¹ Modesto supplies electric power and energy to customers within its service area, which is located within what was formerly the control area of PG&E, and what is now part of the balancing authority area of CAISO.

² *Pacific Gas & Elec. Co.*, 112 FERC ¶ 61,348 (2005).

4. Second, on October 11, 2005, in Docket No. ER06-24-000, CAISO filed an amendment to the Responsible Participating Transmission Owner Agreement (RPTOA) between the CAISO and PG&E. The CAISO filing addressed the obligations of its Participating Transmission Owners, and also listed the parties for whom PG&E will act as scheduling coordinator (and removed Modesto). In a December 9, 2005 order, the Commission found that PG&E's scheduling coordinator responsibility for Modesto was outside the scope of the proceeding and instead should be addressed in Docket No. ER05-1286-000, the proceeding described above concerning the IA between PG&E and Modesto.³

5. Modesto filed a request for rehearing challenging, *inter alia*, the Commission's determination that the scheduling coordinator responsibility issue was not at issue in the instant proceeding but should be dealt with in Docket No. ER05-1286-000. On June 29, 2006, the Commission issued an order granting Modesto's request for rehearing, finding that the Commission's acceptance of the CAISO's proposed RPTOA amendments was in error.⁴ In that order, the Commission also instituted a proceeding under section 206 of the Federal Power Act⁵ in Docket No. EL06-79-000 concerning the terms and conditions of the RPTOA as they pertain to Modesto. However, the Commission ordered that the proceeding be held in abeyance pending the outcome of Docket No. ER05-1286-000.

6. On March 6, 2008, PG&E and Modesto submitted an uncontested settlement resolving all issues in Docket No. ER05-1286-000, including specifically the terms of the IA between PG&E and Modesto. The Commission approved the settlement, and terminated Docket No. ER05-1286-000.⁶

II. Motion to Terminate

7. In its motion to terminate, Modesto asserts that the settlement in Docket No. ER05-1286-000 resolved also its differences with PG&E pertaining to matters pending in Docket Nos. ER06-24-000. Moreover, with the settlement filed and approved in Docket No. ER05-1286-000, Modesto explains that scheduling coordinator obligations have been clarified. Modesto states that no further matters remain pending in Docket

³ *California Indep. System Operator Corp.*, 113 FERC ¶ 61,250 (2005).

⁴ *California Indep. System Operator Corp.*, 115 FERC ¶ 61,385 (2006) (June 29 Order).

⁵ 16 U.S.C. § 824e (2006).

⁶ *See Pacific Gas and Elec. Co.*, 123 FERC ¶ 61,112 (2008).

Nos. ER06-24 and EL06-79 and, accordingly, Modesto requests that the Commission terminate these dockets. Modesto states that it has conferred with counsel for PG&E and CAISO and is authorized to state that they do not oppose the motion.⁷ No answers were filed.

III. Discussion

8. Inasmuch as the matters at issue in these proceedings between Modesto and PG&E have been resolved, and there is no opposition, the Commission grants Modesto's motion to terminate. Accordingly, this order terminates Docket Nos. ER06-24-001 and EL06-79-000.

The Commission orders:

(A) The motion to terminate is hereby granted, as discussed in the body of this order.

(B) Docket Nos. ER06-24-001 and EL06-79-000 are hereby terminated.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

⁷ Modesto Motion to Terminate at 3.