



August 31, 2005

IMC Branch Chief  
Energy Division  
California Public Utilities Commission  
505 Van Ness Avenue, 4<sup>th</sup> Floor  
San Francisco, CA 94102

**Re: Advice Letter 2695-E (Pacific Gas and Electric Company ID U39 E) –  
Resource Adequacy Capacity Contract Language**

Dear IMC Branch Chief:

The California Independent System Operator Corporation (“CAISO”) writes out-of-time in response to Pacific Gas and Electric Company’s (“PG&E”) Advice Letter (“AL”) 2695-E, dated August 3, 2005, which requests Commission approval of its Resource Adequacy Capacity Product (“RA Product”). PG&E seeks approval of the RA Product at this time to facilitate its ability to procure sufficient capacity to satisfy the Commission’s resource adequacy requirements that become effective June 2006.

Throughout the Commission’s resource adequacy process, the CAISO has repeatedly advocated the importance of establishing a resource adequacy paradigm founded on physical and verifiable capacity. Part of the trepidation expressed by market participants in expeditiously adopting such a view is the current absence of an established capacity product in the California market. PG&E should be commended for taking steps to fill this gap by developing a capacity product that can facilitate a capacity-based resource adequacy program. As such, the CAISO generally supports AL 2695-E. However, the CAISO’s initial review has identified several aspects of Section 3, entitled “CAISO Dispatch Requirements,” that could be enhanced as well as questions that may warrant Commission attention:

The Commission has prudently acknowledged that its resource adequacy rules must compliment the CAISO’s ongoing market redesign efforts (“Market Redesign and Technology Upgrade project” or “MRTU”). A critical intersection between the two efforts is defining the scope of the obligation for resource adequacy resources to make themselves available to the CAISO’s markets to ensure grid reliability. To this end, the CAISO suggests several changes to Section 3 of the RA Product, as set forth in the redlined language, to better promote the desired coordination.

In addition, as noted above, the CAISO has raises a couple of other issues for the Commission’s consideration. First, Section 3.1.D, which applies if the existing must-offer obligation imposed by the Federal Energy Regulatory Commission (“FERC”) is not longer effective and the CAISO has not implemented MRTU, indicates that the Seller shall recover its minimum load costs, start-up costs, emission costs and the costs for additional energy and any Ancillary Services provided by the CAISO. It appears, therefore, that the RA product presumes the existence of certain CAISO Tariff provisions. If the FERC must-offer terminates,


there remains some uncertainty whether particular CAISO cost-recovery provisions will endure. PG&E may want to account for this uncertainty so that the absence of such CAISO provisions does not jeopardize the effectiveness of the contract.

Second, as the Commission is well aware, the market participants are divided on whether the CAISO should pay an availability payment to all capacity that is committed in the MRTU residual unit commitment (“RUC”) process. The recent FERC order regarding the CAISO's MRTU briefly addressed the issue of RUC availability payments. It appears that FERC is considering that all resources that are available in RUC should be paid an availability payment. To the extent the Commission believes it desirable for RA resources to receive only an RA payment or an RUC availability payment, then it may be advisable for the RA Product to require the resource to be a price taker and credit any revenue to the load-serving entity.

It may be that PG&E prefers and intends to address some or all of these issues in its particular negotiations with counterparties. In addition, the CAISO appreciates PG&E's desire not to specify a particular term for RA Product transactions in order to potentially minimize procurement costs, rather than restrict negotiating flexibility by limiting the term to resource adequacy compliance year 2006. The Commission should balance the benefits of this flexibility against the reality that some aspects of the CAISO's MRTU design remain in development and that any contract formulated presently may not be wholly consistent with the final MRTU design. The CAISO emphasizes that it raises these points to enhance the efficacy of the RA Product, not to object to AL 2695-E. PG&E's efforts at developing the RA Product should be strongly supported by the Commission.

The CAISO respectfully requests that these comments be accepted out of time. The CAISO also thanks you in advance for your anticipated timely consideration of this matter. Please contact me if you have any questions.

Sincerely,



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Regulatory Counsel  
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CC: Mr. Jerry Royer, Energy Division  
Mr. Brian Cherry, Director of Regulatory Affairs, PG&E  
James Detmers, Vice President of Grid Operations, CAISO  
Anjali Sheffrin, Director of Market and Product Development, CAISO

## APPENDIX – REVISIONS TO CONTRACT LANGUAGE

### **3.1.B.**

Seller shall bid the Contract Quantity [footnote omitted] into the CAISO Day-Ahead integrated forward energy market (“DA IFM”) for all hours of the operating day when such a market is established, and to the extent if such bids are cleared in such CAISO Day-Ahead energy market DA IFM, Seller shall provide that portion of the Contract Quantity cleared in the DA IFM to the CAISO in accordance with the CAISO Tariff. ; however, To the extent if the the Contract Quantity is not cleared in such DA IFM CAISO Day-Ahead energy market, Seller shall schedule, or submit supplemental energy or Ancillary Services bids regarding the remaining Contract Quantity volumes into the CAISO Hour-Ahead Scheduling Process (“HASP”) energy market (if such a market is established) and supplemental energy or Ancillary Services bids to the CAISO; however, any Unit(s) not committed through the DA IFM or Day-Ahead Residual Unit Commitment (“RUC”) and from such Unit(s) whose start-up time do not permits such Unit(s) to be committed ment in HASP such markets will be relieved of its obligations for that operating day. Seller’s Unit(s) will remain available to the CAISO through its RUC esidual Unit Commitment (“RUC”) process after each market closes, if such a process is developed.

The foregoing suggested modifications have two purposes: (1) clarify terms to be consistent with CAISO usage and (2) clarify that all resource adequacy units have an obligation to make the entire Contract Quantity available through real-time, unless it is a long-start unit that was not “committed” in the Day-Ahead time frame. The CAISO felt the language was ambiguous whether a long-start unit that was partially scheduled in the Day-Ahead continued to have an obligation to make the remaining capacity available in the HASP process.

### **3.1.D**

If FERC’s MOO is no longer operative and the CAISO has not implemented its Market Redesign Technical Update (“MRTU”), Seller shall make Unit(s) subject to the same obligations to the CAISO and timeliness that exist under the current MOO process. Seller shall submit Hour-Ahead (if it exists) schedules and/or supplemental energy or Ancillary Services bids for the Contract Quantity for all hours for which the Unit(s) has been committed by to the CAISO pursuant to the following rights granted by the Parties to the CAISO through this Transaction: (1) the CAISO shall have the right to call on commit any type of Unit(s) on a Day-Ahead basis; and (2) the CAISO shall have the right, on an intra-hour or Hour-Ahead basis, to call on supplemental energy and/or Ancillary Services from only those Unit(s) whose start up time permits such a call. Seller shall then be compensated for minimum load costs, start-up costs, emission costs and the costs for additional energy and any Ancillary Services provided pursuant to this Section 3.1.D by the CAISO through a successor tariff or, if no CAISO successor tariff exists, as agreed upon by the parties as set forth herein.

The changes suggested above are intended to provide greater clarity by (1) referring to the ability of the unit to schedule in the Hour-Ahead time frame as well as bid supplemental energy and Ancillary Services in real-time, (2) indicating that the CAISO performs the committing function, and (3) referring explicitly to the obligation to make the entire Contract Quantity available. The final edit addresses the possibility that the CAISO may not have a successor tariff to cover costs associated with must-offer commitments.

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