

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

**San Diego Gas & Electric )  
Company )**

**Docket No. EL03-172-000**

**COMMENTS OF THE CALIFORNIA INDEPENDENT SYSTEM  
OPERATOR CORPORATION ON AGREEMENT AND STIPULATION**

**To: Presiding Administrative Law Judge Carmen A. Cintron**

On August 29, 2003, San Diego Gas & Electric Company (“SDG&E”) and the Federal Energy Regulatory Commission Trial Staff (“Staff”) submitted an Agreement and Stipulation (“Agreement”) to the Commission in full and final resolution of all issues related to SDG&E set for hearing on June 25, 2003 in *American Electric Power Service Corp., et al.*, 103 FERC ¶ 61,345 (2003) (the “Gaming Show Cause Order” or the “Order”). Pursuant to Rule 602 of the Commission’s Rules of Practice and Procedure, 18 C.F.R. § 385.602 (2003), and to the ruling of the Presiding Judge extending the deadline for comments on the Agreement until September 30, 2003, the California Independent System Operator Corporation (“CAISO”) timely submits these comments on the Agreement.

**I. Background**

The Gaming Show Cause Order required SDG&E to show cause why it should not be found to have engaged in Cut Counter-flow and Circular

Scheduling, as those practices were described in the Order. In the Agreement, SDG&E and Staff propose to settle as to those practices, as well as the practice of Wheel Out, by having SDG&E pay \$27,972.

## **II. Discussion**

The CAISO supports the Agreement. The Agreement states that it “constitutes a full and final resolution of all claims related to SDG&E set for hearing” in the Gaming Show Cause Order. Agreement at ¶ 3.1. The CAISO notes that neither the Agreement, if approved by the Commission, nor SDG&E’s payment of the amount it has agreed in the Agreement to pay, will affect SDG&E’s potential liability under any other proceeding now ongoing, or prevent the institution of future Show Cause or other proceedings against SDG&E based on time periods, practices or transactions different from those made relevant to SDG&E in the Gaming Show Cause Order, nor does the Agreement purport to do so.

### III. Conclusion

The CAISO urges the Presiding Administrative Law Judge to certify the Agreement to the Commission as in the public interest.

Respectfully submitted,

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/s/ J. Phillip Jordan  
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Dated: September 26, 2003

## CERTIFICATE OF SERVICE

In accordance with the order issued by the Presiding Administrative Law Judge I hereby certify that I have this day served the foregoing document by posting an electronic copy on the Listserv for this proceeding, as maintained by the Commission.

Dated at Washington, DC, on this 26<sup>th</sup> day of September, 2003.

/s/ J. Phillip Jordan  
J. Phillip Jordan