

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Promote Policy and
Program Coordination and Integration in Electric Utility
Resource Planning.

Rulemaking 04-04-003
(Filed April 1, 2004)

Order Instituting Rulemaking to Promote Consistency in
Methodology and Input Assumptions in Commission
Applications of Short-run and Long-run Avoided Costs,
Including Pricing for Qualifying Facilities.

Rulemaking 04-04-025
(Filed April 22, 2004)

**MOTION OF THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR
CORPORATION TO DESIGNATE SPONSORING WITNESS**

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Dated: December 7, 2005

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Rulemaking 04-04-025
(Filed April 22, 2004)

MOTION OF THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION TO DESIGNATE SPONSORING WITNESS

TO: Administrative Law Judges (“ALJ”) Brown and Halligan

In accordance with Rule 45 of the Commission’s Rules of Practice and Procedure, the California Independent System Operator Corporation (“CAISO”) respectfully moves to designate a sponsor for its August 17, 2005 “Comments of the California Independent System Operator Corporation In Lieu of Testimony” (“Opening Comments”) and thereby convert the Opening Comments to testimony.

I. GRANTING THE MOTION WILL FACILITATE EXAMINATION OF ISSUES RELEVANT TO THIS PROCEEDING AND WILL NOT RESULT IN PREJUDICE TO ANY PARTY

In response to the Administrative Law Judge’s Ruling Modifying Schedule for Phase 2, issued on June 14, 2005, the CAISO submitted its Opening Comments. The purpose of the Opening Comments was to address how specific provisions of the Domenici-Barton Energy Policy Act of 2005 (Energy Policy Act of 2005) affect the status of QFs going forward and to build on earlier CAISO comments advocating that certain QF sales to public utilities not be classified as Regulatory Must Take under the

CAISO's Tariff and that such sales would subject QFs to the CAISO Tariff. Since the issues presented were substantially legal in nature, the CAISO elected to file as comments, not testimony.

The CAISO has become aware that at the prehearing conference held in this proceeding on November 29, 2005, an oral motion was made to strike the CAISO's submission. (Tr. at 389:11-19.) The CAISO is further aware of its ability to argue its position in post-hearing briefs without converting its Opening Comments to testimony. However, at the prehearing conference, ALJ Brown noted that without a sponsoring witness, the Opening Comments would not be an exhibit, "which means it probably wouldn't receive the same consideration at decisionmaking time as the exhibits that have been admitted into the record." (Tr. at 391:6-11.) The CAISO believes that the issues raised in the Opening Comments warrant full consideration by the Commission. Accordingly, the CAISO responds to ALJ Brown's admonition by moving to designate Michael Dozier as the sponsor for the Opening Comments. Mr. Dozier's qualifications are included as Attachment A.

The CAISO's identification of a sponsoring witness at this time will not result in any prejudice to other parties. As evident from the transcript of the prehearing conference, the parties are aware of the content of the CAISO's Opening Comments and have, in the case of several parties, responded with testimony in reply. Moreover, by granting this motion at this time, the parties will have ample opportunity to prepare cross-examination. Mr. Dozier does not have any restrictions on his availability.

II. CONCLUSION

The CAISO respectfully requests that its motion to designate Mr. Michael Dozier as the sponsoring witness for its Opening Comments be granted.

December 7, 2005

Respectfully Submitted:

By: 

Grant A. Rosenblum
Attorney for
California Independent System Operator

ATTACHMENT A

MICHAEL D. DOZIER
LEAD CONTRACTS NEGOTIATOR
CALIFORNIA ISO

EDUCATION: **UCLA School of Law, J.D., 1979**
 UCLA Graduate School of Management, M.B.A., 1979
 Stanford University, A.B., Economics, 1974

EXPERIENCE:

Manager of Contracts (1998-2005)
California Independent System Operator Corporation (ISO), Folsom, CA

Supervisor of drafting, negotiation, and administration of ISO agreements with generators and utilities (400 contracts).

Lead ISO negotiator for agreements with electric utilities and generators, including agreements for transmission operations, control area interconnected operations, utility interconnected operations, and generator interconnection, and special agreements with governmental utilities, qualifying facilities (QFs), dynamic scheduling, pseudo ties, and demand response programs.

ISO negotiator and witness in Federal Energy Regulatory Commission (FERC) proceedings regarding the terms of a special ISO Participating Generator Agreement for QFs; ISO representative in negotiations regarding arrangements for ISO market participation for QF "excess" energy; and contributor to drafting of ISO direct telemetry standard for QFs.

Consultant (1997-1998)
Resource Management International (now Navigant), Sacramento, CA

Drafted analyses of and substantial portions of pleadings in FERC proceedings on ISO Tariff, protocols, and agreements.

Senior Attorney (1989-1997) [Partner (1993-1995)]
Marron, Reid & Sheehy, Sacramento, CA

Practiced in numerous areas of electric energy law, with substantial experience in regulatory, environmental, and transactional matters, including:

Specialist in power plant licensing proceedings before the California Energy Commission (CEC) primarily for QFs; representation regarding issues of project need, alternatives, and environmental impacts and mitigation, including preparation of expert witness testimony and cross-examination and drafting extensive briefs and other pleadings; prepared filings in CEC proceedings on state energy policy.

Senior Attorney (1989-1997) [**Partner** (1993-1995)]
Marron, Reid & Sheehy, Sacramento, CA
(continued)

Representation of clients in California Public Utilities Commission (CPUC) certificate of public convenience and necessity, resource procurement, asset transfer, and other application proceedings, including detailed analysis of CPUC electric industry restructuring issues, resource planning and acquisition issues, and power purchase agreement terms primarily for QF clients.

Representation of clients with regard to FERC regulation of QFs.

Drafting, negotiation, and client counseling regarding power purchase, transmission service, demand-side management, and other contracts.

Project finance due diligence review and drafting of legal opinions regarding compliance with environmental laws and regulations.

Attorney (1979-1989)
Southern California Edison Company (SCE), Rosemead, CA

QF and power contracts (1984-1989)

Primary SCE attorney for all large QF cogeneration project power purchase contracts, including contracts for Kern River Cogeneration Project, Sycamore Cogeneration Project, ARCO Watson Cogeneration Project, and Midway-Sunset Cogeneration Project, for all major transmission project contracts, including the California-Oregon Transmission Project and the Devers-Palo Verde No. 2 Transmission Project, and for numerous other interconnection, transmission service, and power purchase contracts.

Power plant licensing (1979-1983)

Primary attorney for representation of SCE before the CEC, including conduct of power plant licensing proceedings for proposed coal, natural gas, cogeneration, and solar generation projects and representation in electricity policy and rulemaking proceedings.

PUBLICATIONS

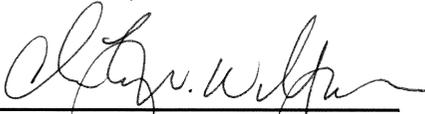
Dimento, Dozier et al., "Land Development and Environmental Control in the California Supreme Court: The Deferential, The Preservationist, and The Preservationist-Eratic Eras," 27 U.C.L.A. L. Rev. 859 (1980)

Dozier & Hagman, "Ranking Land Development and Environmental Cases and Courts," Environmental Comment, August 1978, p. 4

CERTIFICATE OF SERVICE

I hereby certify that I have served, by electronic and United States mail, a Motion of the California Independent System Operator Corporation to Designate Sponsoring Witness in Docket Nos. R.04-04-003 & R.04-04-025.

Executed on December 7, 2005, at Folsom, California.



Charity N. Wilson
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