

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

California Independent System Operator Corporation))))	Docket Nos. ER01-313-000 and ER01-313-001
Pacific Gas and Electric Company)))	Docket Nos. ER01-414-000 and ER01-414-001

**CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION'S
SECOND SET OF DISCOVERY REQUESTS TO
COGENERATION ASSOCIATION OF CALIFORNIA AND THE ENERGY
PRODUCERS AND USERS COALITION**

GENERAL DEFINITIONS & INSTRUCTIONS TO BE USED
IN RESPONDING TO ALL CALIFORNIA INDEPENDENT SYSTEM OPERATOR
CORPORATION DISCOVERY REQUESTS

A. General Instructions

1. Please respond to each data request by email utilizing the electronic mailing list which has been updated from time-to-time in this proceeding, or by hardcopy (or IBM formatted diskettes for electronic data) if responding subject to a protective order, as soon as the information is available, and in no instance later than 10 business days after September 24, 2001. If you are unable to respond to any specific data requests by this date, or if you intend to interpose a claim of privilege or other immunity to discovery, please so notify the ISO as soon as possible.
2. In connection with any claim of privilege or other discovery immunity, list all information and documents withheld under the claim of privilege and, for each, state:
 - a. a summary of the information and documents sufficient for there to be a determination as to their status;
 - b. the privileges or discovery immunities being interposed and how the privileges apply;

- c. the age of the information and, for documents, their date, number of pages, and number and title of attachments;
 - d. the name and address of the person that collected or created the information and wrote, prepared, or signed the documents;
 - e. the name and address of the recipients of the information and documents; and
 - f. the name and address of the custodians of the information and documents, and the name and locations of the files containing the documents.
3. If you assert that documents or information responsive to any data request have been discarded or destroyed, state when and explain why any such document or information was discarded or destroyed, and identify the person directing the discarding or destruction. If a claim is made that the discarding or destruction occurred pursuant to a discarding or destruction program, identify and produce the criteria, policy, or procedures under which such program was undertaken.
 4. In response to each data request, provide information from corporate and individual files.
 5. Paper copies (or IBM formatted diskettes for electronic data) of responses to the Discovery Requests that are the subject of a protective order are to be served on:

J. Philip Jordan, Esq.
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W.
Washington, D.C. 20007
JPJordan@Swidlaw.com

Stephen Morrison, Esq.
California Independent System
Operator Corporation
151 Blue Ravine Road
Folsom, California 95630
smorrison@caiso.com

Julia Moore, Esq.
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W.
Washington, D.C. 20007
juliamoore@swidlaw.com

6. In the event there is no information or document responsive to a data request, so state.
7. Each data request is continuing in nature and requires supplemental responses as soon as further information is obtained that is responsive to the request.
8. For each response that is generated by a computer or data storage mechanism, separately state:

- a. the name of the program or file from which the information came;
 - b. how the data is stored (punch cards, tapes, discs, etc.) and how it can be transmitted and retrieved; and
 - c. the identity of the persons who collected or entered the information into the computer or data storage mechanism.
9. For each response in which data is presented in spreadsheet form, both a hardcopy and an electronic copy on a 3.5 inch IBM-compatible diskette using Excel software should be provided. If a spreadsheet is voluminous, hardcopy may be omitted.
10. Each written response, document or objection should designate the corresponding data request, and subpart or portion of the data request under which it is being provided. For this purpose, begin each page with a new data request first, followed by the corresponding response. No more than one response should appear on a page. Where the information or document responds to more than one request, a duplicate need not be provided. You need only provide cross-reference.
11. As to any data request consisting of a number of separate subparts or portions, a complete response is required to each subpart or portion as if the subpart or portion were propounded as a separate data request.
12. Whenever a data request specifically requests an answer rather than the identification of documents, an answer is required and the production of documents in lieu thereof will not substitute for an answer.
13. The term “or” should be construed either disjunctively or conjunctively whenever appropriate in order to bring within the scope of each data request any information or document which might otherwise be considered to be beyond its scope.
14. The singular form of a word should be interpreted as plural, and the plural form of a word should be interpreted as singular whenever appropriate in order to bring within the scope of each data request any information or document which might otherwise be considered to be beyond its scope.
15. For each data request, identify the individual responsible (whether primarily or indirectly) for preparing the response and provide a certification as required by Rule 403 of the Commission’s Rules of Practice and Procedure.
16. If you have any question or uncertainty as to what is intended by any instruction or definition or what is sought by any data request, contact Julia Moore (202) 295 - 8357.

B. Definitions

1. Any reference to “you,” or variants thereof, the Cogeneration Association of California, Energy Producers and Users Coalition, “CAC” or “EPUC” also includes all individual members of the association and coalition, all merged or consolidated predecessors or predecessor in interest; subsidiaries past or present; and employees, officers, directors, agents, consultants, attorneys, and all persons acting under contractual arrangements with or acting or purporting to act on behalf of the Cogeneration Association of America or Energy Producers and Users Coalition and all individual members of CAC and EPUC.
2. “Document” should be interpreted to include, but not limited to, the original and all nonidentical copies of any written or retrievable matter, including electronic media, or data of any kind, however produced or reproduced, to which you have or have had access. The final version as well as each draft of each document should be produced separately. Any document that is not exactly identical to another document for any reason, including, but not limited to, marginal notations or deletions, should be considered to be a separate document. As to any document related to the matters addressed herein that is not in your possession but that you know or believe to exist, you are requested to identify or indicate to the best of your ability its present or last known location or custodian.
3. “Person” should be interpreted to include every natural person, corporate entity, partnership, association (whether formally organized or ad hoc), joint venture, cooperative, coalition, municipality, commission, governmental body, or agency.
4. “Relating to” should be interpreted to mean presenting, discussing, commenting on, or analyzing.
5. “Correspondence” should be interpreted to include, but not limited to, all letters, telexes, facsimiles, telegrams, E-mail or other electronic communication, messages, memoranda, or other written communications.
6. “Communications” should be interpreted to include, but not limited to, all forms of communication, whether written, printed, electronic, oral, pictorial or otherwise, including testimony or sworn statement.
7. “CAC” means Cogeneration Association of California.
8. “EPUC” means Energy Producers and Users Coalition.
9. “CAISO” means the California Independent System Operator Corporation
10. “WSCC” means Western System Coordinating Council.

11. “QF” means a Generator that qualifies for designation as a Qualifying Facility under the terms of the Section 210 of the Public Utility Regulatory Policies Act of 1978 (“PURPA”), 16 U.S.C. 824(a)(3), and Part 292 of the Commission’s Rules and Regulations, 18 C.F.R. Part 292.
12. “Behind-the-meter Load” is Load that is located on the same side of the interconnection with the distribution system as is a QF.
13. Capitalized terms not otherwise defined have the meaning given them in the ISO Tariff, on file with the Commission and available at <http://www.caiso.com>.

CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION
Docket No. ER01-313-000, et al.
California Independent System Operator Corporations
Second Set of Discovery Requests to Cogeneration Association of California and Energy
Producers and Users Coalition

ISO-CAC/EPUC-14:

In her objections to ISO-CAC/EPUC-1, ISO-CAC/EPUC-3, ISO-CAC/EPUC-3, and ISO-CAC/EPUC-13, counsel for CAC/EPUC stated that CAC/EPUC has no data pertaining to individual members.

(a) Please admit or deny that CAC-EPUC has no data regarding individual members of CAC/EPUC that is responsive to ISO-CAC/EPUC-1, ISO-CAC/EPUC-3, ISO-CAC/EPUC-3, or ISO-CAC/EPUC-13.

(a) Please admit or deny that Mr. James A. Ross has no data regarding individual members of CAC/EPUC that is responsive to ISO-CAC/EPUC-1, ISO-CAC/EPUC-3, ISO-CAC/EPUC-3, or ISO-CAC/EPUC-13.

ISO-CAC-EPUC-15:

In his April 4th testimony, Mr. James A. Ross testifies that “QF’s have been assessed and have paid an appropriate portion of the GMC in a non-discriminatory manner since the inception of the charge through their retail standby service.” Exh. No. CAC-2 at 12. In CAC/EPUC’s objections to ISO-CAC/EPUC-1 (which requested information regarding the entities that provides standby service to CAC/EPUC members) and ISO-CAC/EPUC-2 (which request data on the energy consumed under standby tariffs by CAC/EPUC members), counsel for CAC/EPUC stated that CAC/EPUC has no data pertaining to individual members. Inasmuch as CAC/EPUC has no information regarding the whether any member of CAC/EPUC take standby service and, if so, in what amount –

(a) please state any and all factual bases for Mr. Ross’s conclusion that any QFs have paid for GMC through retail standby service;

(b) please state any and all factual bases for Mr. Ross’s conclusion that the amount paid is appropriate;

(c) please provide any and all documents and other materials relied on by Mr. Ross to support his contention described above; and

(d) please admit or deny the Mr. Ross did not rely on any data regarding individual members of CAC or EPUC to support his contentions described above.

ISO-CAC/EPUC-16:

In his April 4th testimony, Mr. James A. Ross testifies regarding “maintenance” power and “back-up” power that “The CPUC regulated utilities provide both types of power under a “standby service” schedule. Exh. No. CAC-2 at 19. In CAC/EPUC’s objections to ISO-CAC/EPUC-1 (which requested information regarding the entities that provides standby service to CAC/EPUC members) and ISO-CAC/EPUC-2 (which request data on the energy consumed under standby tariffs by CAC/EPUC members), counsel for CAC/EPUC stated that CAC/EPUC has no data pertaining to individual members. Inasmuch as CAC/EPUC has no information regarding whether any member of CAC/EPUC take standby service and, if so, in what amount –

- (a) please state any and all factual bases for Mr. Ross’s conclusion that any QFs receive maintenance and back-up power through standby-service;
- (b) please provide any and all documents and other materials relied on by Mr. Ross to support his contention described above; and
- (c) please admit or deny the Mr. Ross did not rely on any data regarding individual members of CAC or EPUC to support his contentions described above.

ISO-CAC/EPUC-17:

In his April 4th testimony, Mr. James A. Ross testifies that “QF’s have been assessed and have paid an appropriate portion of the GMC in a non-discriminatory manner since the inception of the charge through their retail standby service.” Exh. No. CAC-2 at 12. Mr. Ross then testifies “Accordingly, the total retail load scheduled by the UDC’s includes a component for standby service (i.e. load resulting from QF forced and scheduled outages)... .” Exh. No. CAC-2 at 19. In addition, Mr. Ross states “The highly reliable nature of self-generation results in the total standby service energy (not just the deviation from scheduled load attributable to standby service) being nothing more than undiscernable “noise” in comparison to the total energy scheduled by PG&E.” CAC-2 at 20. In CAC/EPUC’s objections to ISO-CAC/EPUC-1 (which requested information regarding the entities that provides standby service to CAC/EPUC members) ISO-CAC/EPUC-2 (which request data on the generating capacity and the energy consumed under standby tariffs by CAC/EPUC members), and ISO-CAC/EPUC-3 (which requested data regarding the outages of CAC/EPUC members) counsel for CAC/EPUC stated that CAC/EPUC has no data pertaining to individual members. Inasmuch as CAC/EPUC has no information regarding the frequency, length of generators owned by members of CAC/EPUC, or the MW capacity of those generators –

- (a) please state any and all factual bases for Mr. Ross’s conclusion that self-generation is “highly reliable”;
- (b) please state any and all factual bases for Mr. Ross’s conclusion that total standby energy is nothing but “undiscernable noise”; and

(c) please provide any and all documents and other materials relied on by Mr. Ross to support his contentions described above; and

(d) please admit or deny the Mr. Ross did not rely on any data regarding individual members of CAC or EPUC to support his contentions described above.

ISO-CAC/EPUC-18:

Mr. Ross states in this April 4, 2001 Direct Testimony that the GMC proposal “unreasonably eliminates the ability of a consumer installing Self-generation to capture the financial benefits associated with industrial site sufficiency and thus may totally eliminate Distributed Generation as a viable customer option. Indeed, the CAISO’s discriminatory policies on self-generation, if implemented, may reduce benefit [*sic*] that can be recaptured by the customer to such a level that customers are forced to purchase power off the grid from large, more remotely located generation.” Exh. No. CAC-2 at 23-24 and states that the ISO’s GMC proposal “discourages the development of Distributed Generation and QFs used in providing self-generation... .” Exh. No. CAC-2 at 25. In CAC/EPUC’s August 17, 2001 Cross-Answering testimony, Mr. Ross argues that the effects of the ISO’s GMC “could result in a reduction in available capacity due to the islanding of existing self-generation QFs with capacity in excess of the on-site electrical energy consumption and the discouragement of new development.” CAC-4 at 20. In ISO-CAC/EPUC-13, the ISO requested information for each member of CAC and EPUC regarding (i) the megawatt hours of energy sold to the California PX or to a Utility Distribution Company by each individual member of CAC or EPUC during each month of calendar years 1999 and 2000; (ii) the variable costs of producing such energy; and (iii) the revenue received by the member of CAC or EPCU [*sic*] for such energy. In CAC/EPUC’s objection to ISO-CAC/EPUC-13, counsel for CAC/EPUC stated that CAC/EPUC has no data pertaining to individual members. Inasmuch as CAC/EPUC has no information regarding the energy sold by its members, the costs of producing that energy, and the revenues therefrom –

(a) please state any and all factual bases for Mr. Ross’s conclusion that the proposed GMC charge “unreasonably eliminates the ability of a consumer installing Self-generation to capture the financial benefits associated with industrial site sufficiency”;

(b) please state any and all factual bases for Mr. Ross’s conclusion that “may reduce benefit [*sic*] that can be recaptured by the customer to such a level that customers are forced to purchase power off the grid from large, more remotely located generation”;

(c) please state any and all factual bases for Mr. Ross’s conclusion that the ISO’s GMC “could result in a reduction in available capacity due to the islanding of existing self-generation QFs with capacity in excess of the on-site electrical energy consumption and the discouragement of new development;”

(d) please provide any and all documents, specifically including any spreadsheets, financial analyses, or calculations, and other materials relied on by Mr. Ross to support his contentions described above; and

(e) please admit or deny the Mr. Ross did not rely on any data regarding individual members of CAC or EPUC to support his contentions described above.

ISO-CAC/EPUC-19:

Please confirm that the current, complete membership of CAC, which CAC states that it “represents”, Exh. No. CAC-2 at 1, is still the following and provide a current mailing address for each:

- Coalinga Cogeneration Company
- Kern River Cogeneration Company
- Mid-Set Cogeneration Company
- Midway Sunset Cogeneration Company
- Sycamore Cogeneration Company
- Texaco Kern Field Projects
- Sargent Canyon Cogeneration Company
- Salinas River Cogeneration Company
- Texaco North Midway Cogeneration Project
- Texaco McKittrick Cogeneration Project

ISO-CAC/EPUC-20:

If the above list in ISO-CAC/EPUC-19 is not accurate, please provide a current list of CAC’s members with addresses.

ISO-CAC/EPUC-21:

Please confirm that the current, complete list of companies whose interests EPUC is “representing” in this proceeding, Exh. No. CAC-2 at 2, consists of the following and provide a current mailing address for each:

- Aera Energy, LLC
- Atlantic Richfield Company
- Chevron U.S.A., Inc.
- Equillon Enterprises, LLC
- Tosco Corporation

ISO-CAC/EPUC-22

If the above list in ISO-CAC/EPUC-21 is not accurate, please provide a current list of the companies EPUC is representing in this proceeding with addresses.

ISO-CAC/EPUC-23:

With reference to ISO-CAC/EPUC-4, Admit or Deny: California's investor-owned utilities are the entities ultimately responsible for defining the ISO's load responsibility.

ISO-CAC/EPUC-24:

If the answer to ISO-CAC/EPUC-23 is "admit," please provide all supporting documents or other materials relied upon for this contention.