

February 11, 2000

The Honorable David P. Boergers
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

**Re: California Independent System Operator Corporation,
Docket No. ER00-1365-000**

Dear Secretary Boergers:

Enclosed for filing please find an original and fourteen copies of the Answer of the California Independent Operator System Corporation to Motion for Additional Time to Submit Interventions and Protests in the above-identified docket.

Also enclosed are two additional copies of the filing. We would appreciate your having the extra copies stamped with the time and date and returned to the messenger.

Yours truly,

Roger E. Smith, Senior Regulatory Counsel
Beth Ann Burns, Regulatory Counsel
The California Independent
System Operator Corporation

Edward Berlin
J. Phillip Jordan
Michael E. Ward
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Counsel for the California Independent System
Operator Corporation

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

California Independent System)
Operator Corporation)

Docket No. ER00-1365-000

**ANSWER OF THE
CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION
TO MOTION FOR ADDITIONAL TIME
TO SUBMIT INTERVENTIONS AND PROTESTS**

Pursuant to Rule 213 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213, the California Independent System Operator Corporation ("ISO") respectfully provides this Answer to the February 2, 2000, Motion for Additional Time to Submit Interventions and Protests of El Segundo Power, LLC, Long Beach Generation LLC, Cabrillo Power I LLC, Cabrillo Power II LLC, Southern Energy Delta, L.L.C., Southern Energy Potrero, L.L.C., Duke Energy Moss Landing LLC, Duke Energy Oakland LLC, and Duke Energy South Bay LLC (collectively, the "Litigating RMR Owners").

The Litigating RMR Owners allege in support of their motion that, under the terms of the Stipulation and Agreement accepted by the Commission on May 28, 1999, in Docket Nos. ER98-441, et al., the ISO was free to file Amendment No. 26 ten business days after January 4, 2000, when the ISO provided copies of the proposed amendment to the owners of Reliability Must-Run Units.¹ They state that, by delaying the filing until January 28, 2000, the ISO caused the deadline for interventions and protests to coincide with a period during which counsel for the Litigating RMR Owners

¹ Litigating RMR Owners erroneously assert that the date on which the ISO could have filed Amendment No. 26 was January 14, 2000. The tenth business day after January 4, 2000, was January 19, 2000.

had scheduled depositions in connection with litigation regarding the compensation due them for services provided by their Reliability Must-Run Units. They complain that the timing disadvantages them, and that they need an extension so that they can better inform the Commission of their positions. They imply that the ISO delayed filing deliberately to gain advantage.

The facts are to the contrary. Indeed, because of procedures agreed to by the ISO, and through the operation of its stakeholder process, the Litigating RMR owners had an advance opportunity to familiarize themselves with the ISO's proposal well before it was filed. The actual filing was provided to the Litigating RMR Owners, as they acknowledge, on January 4, 2000. At that point, they knew all that they needed to know in order to prepare their protests. Beyond that, the Reliability Must-Run Owners were provided with an earlier version of the tariff language, which differs only in minor respects from the filed version, along with a draft transmittal letter and the report of the Department of Market Analysis in October 1999. The Litigating RMR Owners have thus known the fundamental outline of Amendment No. 26 and the ISO's justification for the amendment for almost three months. Their inaction during that period cannot justify lengthening the protest period and shortening the time available to the Commission for consideration of the amendment.

The ISO therefore respectfully requests that the Commission deny the Litigating RMR Owners' Motion for Additional Time to Submit Interventions and Protests.

Respectfully submitted,

Roger E. Smith, Senior Regulatory Counsel
Beth Ann Burns, Regulatory Counsel
The California Independent
System Operator Corporation

Edward Berlin
J. Phillip Jordan
Michael E. Ward
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Counsel for the California Independent System
Operator Corporation

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the Official Service List for Docket No. ER00-1365-000.

Dated at Washington, D.C. this 11th day of February, 2000.

Michael E. Ward