

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

San Diego Gas & Electric Company,
Complainant,

Docket No. EL00-95-069

v.

Sellers of Energy and Ancillary Services
into Markets Operated by the California
Independent System Operator Corporation
and the California Power Exchange,
Respondent.

Investigation of Practices of the California
Independent System Operator and the California
Power Exchange

Docket No. EL00-98-058

**DISCOVERY MASTER ORDER SCHEDULING ORAL ARGUMENT ON
MOTIONS TO COMPEL DISCOVERY/NOTICE TO ALL
PARTICIPANTS CONCERNING FAILURE TO COMPLY WITH
COMMISSION PRACTICE OBLIGATIONS**

(Issued January 28, 2003)

1. Various California parties (“California Parties”) filed a Motion to Compel Responses to Data Requests Directed to Dynegy in the above-captioned proceedings on January 28, 2003.
2. Duke Energy North America, LLC and Duke Energy Trading and Marketing, L.L.C. (collectively, “Duke Energy”) also filed a motion to compel California Parties’ responses to four (4) discrete sets of data requests on January 28, 2003.
3. Oral argument concerning the California Parties and Duke Energy motions to compel will be convened at 10:00 a.m. on January 30, 2003 in a hearing room of the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.
4. California Parties, Duke Energy and Dynegy are directed in the interim before January 30, 2003 to confer among themselves in good faith best efforts to resolve or limit the issues set for argument. California Parties,

Duke Energy and Dynegy each will be required to make a threshold demonstration of compliance with this directive prior to presenting oral argument on January 30, 2003. Failure to have satisfied this obligation may result in action pursuant to 18 C.F.R. §385.2102 (2002).

5. Despite repeated admonitions from the Discovery Master, the participants in these proceedings generally are demonstrating increasing disregard for the professional and ethical obligations attending practice before the Commission. Such disregard cannot be tolerated. It is an affront to the Commission, as well as to those who practice appropriately before it. All participants are hereby **PUT ON NOTICE** that any matter hereafter scheduled for oral argument will be *strictly scrutinized* for compliance with the professional and ethical obligations attending practice before the Commission. Any determination that those obligations have not been satisfied shall constitute a finding of contumacious conduct in a hearing before a presiding officer, and shall result in the immediate exclusion of the offending representative from participation for the duration of these proceedings.

SO ORDERED.

H. Peter Young
Discovery Master