

99 FERC 63, 024  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

San Diego Gas & Electric Company,  
Complainant,

v.

Docket No. EL00-95-045

Sellers of Energy and Ancillary Service Into  
Markets Operated by the California  
Independent System Operator Corporation  
and the California Power Exchange,  
Respondents.

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

Docket No.  
EL00-98-042

ORDER CONCERNING ISO PRIVILEGE CLAIMS  
(Issued May 15, 2002)

1. On May 15, 2002, the ISO provided under seal a privilege log regarding Dynegy data requests and 6 unredacted documents for my in camera review in connection with the discovery conference to be convened on May 20, 2002. This order confirms my informal direction that, for clarity, the ISO was required to promptly revise the affidavits and provide me with a Master Index regarding its privilege claims to provide essential information. The affidavits shall be of the nature set forth in Southern Natural Gas Company, 58 FERC 63,027 (1992) at 65,103, and n. 2, as concerns any claims of attorney-client privilege and/or qualified work-product immunity. I am not clear whether either or both privileges are claimed, and if both, which privilege is associated with the claimed matter. The Master Index should conform to that shown in Appendices A and C to Consolidated Gas Supply Corporation, 17 FERC 63,048 at 65,243-249 (1981) the index should identify the document, who issued it and to whom it was provided, the date, and the nature of the privilege claimed.

Bruce L. Birchman  
Presiding Administrative Law

Judge