

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

<b>Duke Energy Moss Landing LLC and )</b>	<b>Docket Nos. ER98-2668-009</b>
<b>Duke Energy Oakland LLC )</b>	<b>ER98-2669-008</b>
)	<b>ER99-1127-007</b>
)	<b>ER99-1128-007</b>
)	<b>ER98-4296-006</b>
)	<b>ER98-4300-006</b>

**MOTION TO INTERVENE OF  
THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION**

Pursuant to Rule 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), 18 C.F.R. § 385.214, and the Commission’s July 20, 2000, “Notice of Filing,” the California Independent System Operator Corporation (“ISO”) hereby moves to intervene in the above-captioned proceeding. In support thereof, the ISO states as follows:

**I. COMMUNICATIONS**

Please address communications concerning this filing to the following persons:

Roger E. Smith, Senior Regulatory Counsel	J. Phillip Jordan
Deborah Le Vine, Director of Contracts & Compliance	Rebecca A. Blackmer
The California Independent System Operator Corporation	Swidler Berlin Shereff Friedman, LLP
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## **II. BACKGROUND**

On July 13, 2000, Duke Energy Moss Landing LLC and Duke Energy Oakland LLC (collectively, "Duke Energy") tendered for filing with the Commission a refund report in compliance with the Commission's order<sup>1</sup> approving Duke Energy's Offer of Settlement ("Settlement") filed in Docket Nos. ER98-2668-000, *et al.*, on November 16, 1999.

## **III. MOTION TO INTERVENE**

The ISO is a non-profit public benefit corporation organized under the laws of the State of California. It is responsible for the reliable operation of a grid comprising the transmission systems of Pacific Gas and Electric Company ("PG&E"), San Diego Gas & Electric Company, and Southern California Edison Company, as well as for the coordination of the competitive electricity market in California. Approval of Duke Energy's Settlement placed into effect changes to the payment for RMR services. As the sole purchaser of Duke Energy's RMR services and recipient of any refunds resulting from the Settlement, the ISO has a substantial interest in this proceeding. Further, because the ISO is charged with the nondiscriminatory operation of the ISO Controlled Grid, the ISO's participation in this proceeding is in the public interest. Accordingly, the ISO requests that it be permitted to intervene in this proceeding with full rights of a party.

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<sup>1</sup> Duke Energy Moss Landing LLC, 90 FERC ¶ 61,073 (2000) (Letter Order).

The ISO has previously moved to intervene in this subdocket in accordance with the Commission's April 18<sup>th</sup>, 2000, Notice. The Commission has not as yet acted upon that motion.

#### **IV. CONCLUSION**

Wherefore, for the foregoing reasons, the ISO respectfully requests that the Commission permit it to intervene, that it be accorded full party status in this proceeding.

Respectfully submitted,

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Counsel for the California Independent  
System Operator Corporation

Date: August 3, 2000

## **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, DC, on this 3<sup>rd</sup> day of August, 2000.

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Rebecca A. Blackmer

August 3, 2000

**VIA MESSENGER**

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

Re: **Duke Energy Moss Landing LLC and Duke Energy  
Oakland LLC, Docket Nos. ER98-2668-009, *et al.***

Dear Secretary Boergers:

Enclosed for filing are one original and fourteen copies of the Motion to Intervene of the California Independent System Operator Corporation in the above-cited proceedings. Two additional copies of the filing are also enclosed. I would appreciate your stamping the additional copies with the date filed and returning it to the messenger.

Respectfully submitted,

Rebecca A. Blackmer  
Counsel for the California Independent System  
Operator Corporation