

114 FERC ¶ 61,069
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Nora Mead Brownell, and Sudeen G. Kelly.

San Diego Gas & Electric Company
Complainant,

v.

Docket No. EL00-95-147

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

Docket No. EL00-98-134

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

ORDER GRANTING JOINT MOTION TO DEFER ACTION
ON IDACORP'S COST FILING

(Issued January 26, 2006)

1. On January 20, 2006, the California Parties¹ and Idacorp² together filed a request to defer action on the cost filing Idacorp filed with the Commission on September 14, 2005.³ California Parties and Idacorp state that they have reached agreement on “nearly all” of the substantive matters in the refund proceeding and that they “hope to file” with

¹ “California Parties” includes: Southern California Edison Company, Pacific Gas & Electric Company, San Diego Gas & Electric Company, the California Attorney General and the California Electricity Oversight Board. Movants state that, while the California Public Utilities Commission has yet to support the settlement, its staff will recommend it do so at its next meeting, scheduled January 26, 2006. *See* Request for Deferral at n.1.

² “Idacorp” refers to IDACORP Energy LP and Idaho Power Company.

³ Letter Requesting Deferred Action on Cost Filing, Docket Nos. EL00-95-000 *et al.* (Jan. 20, 2006) (Request for Deferral).

the Commission a definitive settlement within 30 days of the date of their deferral request.⁴ California Parties and Idacorp seek deferral in order to “avoid possible disruption of their efforts to memorialize” their settlement.⁵ They further request that, given the time-sensitive nature of the request, the Commission act promptly on their request and not wait for answers.

2. Upon consideration, the Commission will defer action on Idacorp’s cost filing for a limited period of time. We have consistently encouraged settlement in the refund proceeding.⁶ However, as the California Independent System Operator is unable to calculate refunds unless it has all of the final, approved cost offset information, we are concerned that this deferral not further delay completion of the proceeding and issuance of refunds. Consequently, we will require California Parties and Idacorp to file their settlement with the Commission on or before February 17, 2006. We further require Idacorp to notify the Commission on that date whether it still seeks Commission action on its cost filing or whether it elects to withdraw its cost filing. The Commission will not entertain any supplement or change to Idacorp’s original September 14, 2005, cost filing as a result of this deferral.

3. Significantly, because we want to minimize any possible delay resulting from this deferral, parties have five business days after Idacorp files its settlement to notify the Commission whether they intend to opt-in or opt-out of the settlement. If it is still necessary for the Commission to act on Idacorp’s cost filing, the Commission envisions issuing an order on Idacorp’s cost filing shortly thereafter.

The Commission Orders:

(A) Deferral on Idacorp’s cost filing is hereby granted, consistent with the body of this order;

(B) Idacorp is required to file its settlement, if any, with the Commission by February 17, 2006;

(C) Idacorp must notify the Commission by February 17, 2006, whether it still seeks Commission action on its cost filing or whether it will withdraw its cost filing;

⁴ Request for Deferral at 1, 2.

⁵ *Id.* at 1.

⁶ *E.g.*, Notice Granting Motion to Defer Filing of Comments, *San Diego Gas & Electric Co.*, Docket Nos. EL00-95-000, *et al.* (Oct. 3, 2005) (granting request to defer filing comments until after the Commission acts on the Enron Settlement).

(D) Parties are hereby given five business days after Idacorp files its settlement, if any, to notify the Commission whether they intend to opt-in or opt-out of the settlement.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.