

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

San Diego Gas & Electric Company

v.

Docket No. EL00-95-216

Sellers of Energy and Ancillary Services

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

Docket No. EL00-98-201

Puget Sound Energy, Inc.

v.

Docket No. EL01-10-040

Sellers of Energy and/or Capacity

Investigation of Anomalous Bidding Behavior and  
Practices in Western Markets

Docket No. IN03-10-042

Fact-Finding Investigation Into Possible  
Manipulation of Electric and Natural Gas Prices

Docket No. PA02-2-057

American Electric Power Service Corporation

Docket No. EL03-137-007

Enron Power Marketing, Inc. and Enron Energy  
Services, Inc.

Docket No. EL03-180-036

California Independent System Operator  
Corporation

Docket No. ER03-746-008

State of California, *ex rel.* Bill Lockyer, Attorney  
General of the State of California

v.

Docket No. EL02-71-012

British Columbia Power Exchange Corporation

City of Vernon, California

Docket Nos. EL00-105-011  
and ER00-2019-020

City of Vernon, California

Docket No. EL08-54-001

## MOTION FOR EXTENSION OF TIME

Pursuant to Rules 212 and 2008(a) of the Commission's Rules of Practice and Procedure, 18 C.F.R. §§ 385.212, 385.2008(a), the California Independent System Operator Corporation (the "ISO") respectfully submits this motion for an extension of the current February 20, 2009, due date for filing its refund report required by the Commission's October 23, 2008, Order in this proceeding.<sup>1</sup> The ISO seeks a sixty-day extension, to establish a new due date of April 21, 2009. Granting this extension is appropriate because it is necessitated by the ISO's on-going efforts to implement its Market Redesign and Technology Upgrade ("MRTU").

### I. Background

On July 16, 2008, the City of Vernon ("Vernon") and the California Parties<sup>2</sup> submitted a joint settlement over two claims: (1) those arising from events and transactions in California and western energy markets between January 1, 2000 and June 20, 2001, and (2) claims concerning Vernon's transmission revenue requirement ("TRR"), which the Commission had found to be unreasonably high.<sup>3</sup> The Commission approved the uncontested settlement in the October 23, 2008, Order.

Under the Settlement, the California Power Exchange (the "PX") was to disburse funds in an amount equal to Vernon's unpaid receivables from

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<sup>1</sup> *City of Vernon*, 125 FERC ¶ 61,085 (2008).

<sup>2</sup> "California Parties" comprise Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, the People of the State of California, *ex rel.* Edmund G. Brown, Jr., Attorney General, and the California Public Utilities Commission. The term "California Utilities" refers to Pacific Gas and Electric Company, San Diego Gas and Electric Company and Southern California Edison Company.

<sup>3</sup> Vernon and California Parties' Joint Offer of Settlement, Docket No. EL00-95 *et. al.* ("Joint Offer of Settlement")

transactions through markets operated by the PX and the ISO. A portion of these proceeds (\$5,500,000) was then to be transferred to the ISO.<sup>4</sup> Under the terms of the settlement, the Commission's Order approving the settlement would authorize the ISO to distribute this portion of the proceeds as refunds of Vernon's TRR, by recalculating the access charge for the applicable period. The settlement required the ISO to make a refund report in the TRR Proceedings within 120 days of the settlement's approval—effectively setting a compliance date of February 20, 2009.<sup>5</sup>

## **II. Request for Extension of Time**

The ISO respectfully requests a sixty-day extension of time to file its refund report, establishing a new due date of April 21, 2009. Rule 2008(a) provides that “except as otherwise provided by law, the time by which any person is required or allowed to act under any statute, rule, or order may be extended by the decisional authority for good cause.” Good cause exists for the Commission to grant this extension.

Although the ISO originally contemplated that it would be able to process the refunds in 120 days, that estimate has proven overly optimistic. The ISO's Settlement Department has needed to devote all available resources to preparation for the implementation of MRTU which it anticipates will “go-live” on March 31, 2009. The ISO expects these conditions to endure beyond the current February 20 compliance date. As a consequence, the ISO has determined that it

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<sup>4</sup> Joint Offer of Settlement at 4.

<sup>5</sup> Joint Offer of Settlement, Attachment B, 5.10.

will not be able to comply with that date. Granting the sixty-day extension will provide the ISO with the time necessary to manage these competing obligations.

Postponing the due date for this filing will not impose an undue hardship on the other parties in this case. The amounts to be refunded will continue to accrue interest during the period of the extension. The ISO has discussed extension with the California Parties and Vernon, the original parties to the Settlement,<sup>6</sup> and they have indicated that they do not oppose the extension.

### **III. Conclusion**

For the reasons discussed above, the ISO respectfully asks that the Commission grant the requested extension of time to submit its refund report.

Respectfully submitted,

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Dated: January 15, 2009

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<sup>6</sup> Other parties have subsequently opted into the Settlement.

## Certificate of Service

I hereby certify that I have this day caused a copy of this document to be served upon each person designated on the official ListServes established for Docket Nos. EL00-95, et al., and EL03-137, et al.

Dated at Washington, DC on this 15<sup>th</sup> day of January, 2009.

/s/ Walton Walker

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