

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

CalPeak Power – El Cajon, LLC )

Docket No. ER08-400-000

**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 (2007), the California Independent System Operator (“CAISO”) submits this Motion to Intervene in the captioned proceeding. In support thereof, the CAISO states as follows:

**I. Description of the Proceeding**

On December 31, 2007, CalPeak Power LLC (“CalPeak”), on behalf of CalPeak Power - El Cajon, LLC, submitted, pursuant to Section 205 of the Federal Power Act (“FPA”), revisions to its Reliability Must-Run Agreement (“RMR Agreement”)<sup>1/</sup> between the CAISO and CalPeak for Contract Year 2008 to conform the RMR Agreement to the minimum operating levels in the CAISO’s Master File, consistent with recent testing of the unit. CalPeak requests a January 1, 2008 effective date.

The Commission issued a Combined Notice of Filings setting January 22, 2008 as the deadline for interventions in this proceeding.

**II. Description of the CAISO and Communications**

The CAISO is a non-profit public benefit corporation organized under the laws of the State of California with a principal place of business at 151 Blue Ravine Road, Folsom, CA

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<sup>1/</sup> Because the generation units covered by a RMR agreement must operate at certain times for the reliability of the transmission grid, they are referred to as “reliability must-run” or “RMR” units. Other capitalized terms that are not defined in this filing have the same meaning set forth in the RMR Agreement.

95630. The CAISO is the Control Area Operator responsible for the reliable operation of a grid comprising of the transmission systems of a number of public utilities including San Diego Gas & Electric Company (“SDG&E”), as well as the coordination of the ancillary services and real-time electricity markets in California.

The CAISO requests that all communications and notices concerning this motion and these proceedings be provided to:

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### **III. Motion to Intervene**

The CalPeak – El Cajon RMR unit is located within SDG&E’s transmission system and is needed to maintain the reliability of such system. As the Control Area Operator responsible for maintaining reliability of the SDG&E transmission system and, as the counter party to the CalPeak RMR Agreement, the CAISO has a unique interest in any Commission proceeding that affects this RMR Agreement. Accordingly, the CAISO has a direct and substantial interest in this proceeding and requests that it be permitted to intervene with full rights of a party. Because no other party can adequately represent the CAISO’s interests, the CAISO’s intervention is in the public interest and should be granted.

**IV. Conclusion**

For the foregoing reasons, the CAISO respectfully requests that the Commission grant the CAISO's motion to intervene and make the CAISO a party in the above-captioned proceeding with full rights of participation.

Respectfully submitted,

/s/ Mary Anne Sullivan

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Karin L. Larson  
Hogan & Hartson LLP  
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Counsel for  
California Independent System  
Operator Corporation

Dated: January 22, 2008

## CERTIFICATE OF SERVICE

I hereby certify that I have this 22<sup>nd</sup> day of January, 2008 caused to be served a copy of the forgoing Motion to Intervene upon all parties listed on the official service list compiled by the Secretary of the Federal Energy Regulatory Commission in this proceeding.

/s/ Karin L. Larson  
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