

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

**California Independent System) Docket No. ER98-997-000, et al.
Operator Corporation)**

**JOINT STIPULATION OF THE
CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION,
THE COGENERATION ASSOCIATION OF CALIFORNIA
AND ARCO CQC KILN
AND
WITHDRAWAL OF MOTION TO STRIKE BY THE
CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION**

To: The Honorable Jacob Leventhal
 Presiding Administrative Law Judge

The California Independent System Operator Corporation (“ISO”), the Cogeneration Association of California (“CAC”), and ARCO CQC Kiln (“ARCO”) respectfully submit the following Joint Stipulation. Conditional upon the acceptance of the stipulation, the ISO hereby withdraws the motion to strike filed in this proceeding on November 7, 2000. CAC and ARCO believe and assert that the Commission has decided that this case will resolve generic issues regarding the ISO’s Participating Generator Agreement (“PGA”) for all Qualifying Facilities (“QFs”). The ISO disagrees. Accordingly, nothing in this Joint Stipulation shall be interpreted as an agreement by the ISO, CAC, and ARCO on whether the instant proceeding concerns generic issues or only issues specific to ARCO, Midway Sunset Generating Company, and Texaco Exploration and Production, Inc. Further, the ISO reserves its right to argue that Commission decisions in other proceedings constitute prima facie proof of the justness and

reasonableness of specific portions of the ARCO Meter Service Agreement ("MSA").

JOINT STIPULATION

CAC, ARCO, and the ISO stipulate as follows:

- (1) The ISO's PGA as applied to Qualifying Facilities (the "QF-PGA") does not propose to alter the metering requirements of the ISO's Metering Protocols, as included in the ISO Tariff, and the ISO's Pro Forma MSA, both of which are on file with the Commission.
- (2) CAC and ARCO, through the testimony of Mr. James A. Ross, propose to exempt certain facilities from the metering requirements of the ISO's Metering Protocols and the ISO's Pro Forma MSA, in effect modifying those requirements with regard to the particular facilities.
- (3) Therefore, CAC and ARCO bear the burden of proving that the metering requirements of the ISO's Metering Protocols and the ISO's Pro Forma MSA, as applied to any or all QFs, are not just and reasonable and that CAC's and ARCO's proposed alternative requirements, as applied to those facilities, are just and reasonable.
- (4) In all other respects the ISO retains the burden of proving that the QF-PGA is just and reasonable. Further, the ISO retains the burden of proving that the MSA for ARCO filed in Docket ER00-2205 is just and reasonable.

Counsel for CAC and ARCO has authorized the undersigned to state CAC's agreement with this Joint Stipulation.

Respectfully submitted,

Michael E. Ward
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W.
Washington, D.C. 20007
202-424-7588 (Tel.)
202-424-7643 (Fax)
MEWard@Swidlaw.com
Counsel for the California Independent
System Operator Corporation

Dated: December 1, 2000

CERTIFICATE OF SERVICE

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

Dated at Washington, DC, this 1st Day of December, 2000.

Michael E. Ward
Swidler Berlin Shereff LLP Friedman,
3000 K Street, N.W.
Washington, D.C. 20007

Counsel for the California Independent
System Operator Corporation

December 1, 2000

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

**Re: California Independent System Operator Corporation
Docket No. ER98-997-000, et al.**

Dear Secretary Boergers:

Enclosed is an original and fourteen copies of the Joint Stipulation of the California Independent System Operator Corporation, The Cogeneration Association of California and ARCO CQC Kiln and Withdrawal of Motion To Strike by the California Independent System Operator Corporation. Also enclosed is an extra copy of the filing to be time/date stamped and returned to us by the messenger. Thank you for your assistance.

Respectfully submitted,

Michael E. Ward
Counsel for the California
Independent System Operator Corporation

Enclosures

cc: Service List
The Honorable Jacob Leventhal