

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

<b>Duke Energy Oakland LLC</b>	)	<b>Docket No. ER02-10-001</b>
<b>Duke Energy South Bay LLC</b>	)	<b>Docket No. ER02-239-003</b>

**LATE FILED 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 October 1, 2002 Notice of Filing, the California Independent System Operator Corporation (“CA ISO”) hereby moves to intervene out of time in the above-captioned proceedings. In support thereof, the CA ISO states as follows:

**I. COMMUNICATIONS**

Please address communications concerning this filing to the following persons:

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The California Independent System  
Operator Corporation  
151 Blue Ravine Road  
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## **II. BACKGROUND**

On September 26, 2002, Duke Energy South Bay, LLC ("DESB") tendered for filing certain revisions to Schedules A and B of its Reliability Must-Run ("RMR") Agreement ("RMR Agreement") with the CA ISO ("DESB filing"). The revisions were proposed in light of an Offer of Settlement in Dockets ER02-10-000, ER02-239-000, ER02-239-001 and ER02-239-002. These dockets concern the Annual Fixed Revenue Requirement ("AFRR") values for DESB's RMR generating facilities, and values to be incorporated in DESB's 2002 RMR rates. DESB, San Diego Gas and Electric Company ("SDG&E") and the CA ISO submitted two separate Offers of Settlement addressing these matters on June 25, 2002 and September 26, 2002 respectively.

On October 1, 2002, the Commission issued a notice of filing inviting interested parties to file motions to intervene or protests on the DESB filing by October 17, 2002.

## **III. BASIS FOR MOTION TO INTERVENE**

The CA ISO is a non-profit public benefit corporation organized under the laws of the State of California and responsible for the reliable operation of a grid comprising the transmission systems of SDG&E, and other utilities, as well as for the coordination of the competitive Ancillary Services and real-time electricity markets in California. As the counter party in the RMR Agreements governing DESB's provision of RMR services the CA ISO has a unique interest in any Commission proceeding concerning rates under those RMR Agreements. Further, the CA ISO is a party to the Offer of Settlement that is the basis for

DESB's filing in this matter. Accordingly, the CA ISO has a direct and substantial interest in this proceeding and requests that it be permitted to intervene in this proceeding with full rights of a party.

The CA ISO requests that it be allowed to intervene out-of-time because it has a significant interest in the matter. In contrast, late-filed intervention by the CA ISO should not prejudice any party or delay the proceedings.

## **V. CONCLUSION**

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

Respectfully submitted,

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Jeanne M. Solé  
Regulatory Counsel  
California Independent System Operator  
Corporation  
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Counsel for the California Independent  
System Operator Corporation

Date: October 29, 2002



October 29, 2002

Magalie Roman Salas, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

Re: **Duke Energy Oakland LLC and Duke Energy South Bay LLC,  
Docket Nos. ER02-10-001 and ER02-239-003**

Dear Secretary Salas:

Enclosed please find an electronic filing in the above-captioned proceeding of the Late-Filed Motion to Intervene of the California Independent System Operator Corporation. Thank you for your attention to this filing.

Respectfully submitted,

Jeanne M. Solé  
Counsel for the California Independent  
System Operator Corporation

**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 Folsom, CA, on this 29th day of October, 2002.

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Jeanne M. Solé