

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

90 FERC ¶ 61,337

March 30, 2000

Docket No. ER00-866-000

Swidler Berlin Shereff Friedman, LLP
ATTN: Kenneth G. Jaffe, Esq.
Attorney for The California Independent
System Operator Corporation
3000 K Street, N.W., Suite 300
Washington, DC 20007-5116

Dear Mr. Jaffe:

On February 4, 2000, you submitted for filing with the Commission, on behalf of the California Independent System Operator Corporation (ISO), a notice to withdraw Amendment No. 24 to the ISO Tariff and a request to terminate the proceedings. Your request is granted.

Notice of the filing was published in the Federal Register with comments, protests, or interventions due on or before February 25, 2000. On February 11, 2000, the California Department of Water Resources (DWR) filed an answer to the ISO's notice. DWR requests that the Commission condition the withdrawal on the ISO leaving Amendment No. 24 in the record, pursuant to Rule 216(c) of the Commission's Rules of Practice and Procedure. 18 C.F.R. § 385.216(c). DWR explains that it has cited Amendment No. 24 and related documents in testimony in another proceeding, Docket No. ER99-4323-000, and states that it may need to reference the Amendment in other contexts as well. Thus, DWR asks that the filing remain in the record or be made otherwise available, in accordance with Rule 216(c).

We note that the ISO's notice of withdrawal was not submitted pursuant Rule 216. That rule applies to the withdrawal of pleadings, and proposed rate schedules and tariffs are not pleadings. See 18 C.F.R. § 385.202. The Commission's practice is to treat the withdrawal of rate filings as filings under FPA section 205, and to act on them accordingly. See generally, New England Power Pool, 70 FERC ¶ 61,155 at 61,462, 61,465-66 (1995), and cases cited therein. Thus, the relief that DWR seeks is not available under Rule 216(c). The weight to be accorded DWR's testimony regarding Amendment No. 24 and related documents in the proceeding in Docket No. ER99-4323-000 will be determined in that proceeding.

Docket No. ER00-866-000

This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, contract, or practice affecting such rate or service provided for in the filed documents; nor shall such action be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such action is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the ISO.

By direction of the Commission.

Linwood A. Watson, Jr.,
Acting Secretary.