

UNITED STATES OF AMERICA 107 FERC ¶ 63,027
FEDERAL ENERGY REGULATORY COMMISSION

California Independent System Operator
Corporation

Docket No. ER01-889-012

California Independent System Operator
Corporation

Docket No. ER01-3013-004

San Diego Gas & Electric Company,
Complainant

Docket No. EL00-95-059

v.

Sellers of Energy and Ancillary Services
Into Markets Operated by the California
Independent System Operator and the
California Power Exchange,
Respondents

ORDER OF CHIEF JUDGE REQUIRING STATUS REPORT

(Issued May 3, 2004)

1. By order issued February 25, 2003, the Chief Judge suspended the procedural schedule in these proceedings upon representations that the parties were moving toward a settlement and that a suspension would relieve them from unnecessarily filing testimony and exhibits in preparation for a hearing.
2. On May 28, 2003, Presiding Judge Nancy issued an order requiring the parties to submit a report describing the present status of their negotiations toward settlement on or before June 6, 2003.
3. On June 6, 2003, the California Independent System Operation Corporation ("ISO") on behalf of the active participants filed a status report and request for continued suspension of the procedural schedule. The ISO stated that the parties were actively working on a settlement, but were awaiting the conclusion of the compliance process in the California refund proceeding before attempting to conclude and file a settlement in these proceedings.

4. The Chief Judge hereby directs the parties to file a further report on the progress of the settlement negotiations and whether the procedural schedule should be reestablished on or before May 14, 2004. In view of the fact that this proceeding has been held in abeyance for almost 15 months, the parties are directed to address in the status report whether it is critical for this case to continue to be held in abeyance pending the ISO's compliance filing in the refund proceeding in Docket Nos. EL00-95-045 and EL00-98-042. The parties will consider the Commission's three-part test to determine if a stay is appropriate. In addressing stay requests, "the Commission considers the following: (1) the likelihood that the moving party will be irreparably harmed absent a stay; (2) the prospect that others will be harmed if the stay is granted; and (3) the public interest in granting the stay."¹ Failure to satisfy any of these three requirements is sufficient to justify denying a stay.²

Curtis L. Wagner, Jr.
Chief Administrative Law Judge

¹ *Mirant Delta LLC v. California Independent System Operator*, 100 FERC ¶ 61,271 (2002) (denying request for stay); *see also Nevada Power Company*, 98 FERC ¶ 61,183 (2002).

² *Mirant Delta* at ¶ 13.