

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

Mirant Delta, LLC) Docket No. ER04-227-000
Mirant Potrero, LLC)

**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 (2003), the California Independent System Operator Corporation (“ISO”) submits this Motion to Intervene in the captioned proceeding.

I. Description of the Proceeding

On November 25, 2003, Mirant Delta, LLC (“Mirant Delta”) and Mirant Potrero, LLC (“Mirant Potrero”) (collectively “Mirant”) filed, pursuant to Section 205 of the Federal Power Act (“FPA”), revisions to certain Reliability Must-Run Rate Schedules of its Reliability Must Run Agreements (“RMR Agreements”) with the ISO for Contract Year 2004 for the generation facilities currently owned by Mirant Delta, the Contra Costa and Pittsburg Power Plants, and those currently owned by Mirant Potrero, commonly known as the Potrero Power Plant. Mirant’s filing proposes a number of changes to the rate schedules for the RMR Agreements including the: (1) Air Emissions Limitations; (2) Contract Service Limits; (3) Hourly Availability Charges and Penalty Rates; (4) Capital Item Charges and Penalty Rates for the RMR; (5) Prepaid Start-up Costs; and (6) outage hours. Mirant requested an effective date of January 1, 2004.

On December 3, 2003, the Commission issued a “Notice of Filing” setting December 16, 2003, as the date for interventions, comments and protests.

II. Description of the ISO and Communications

The ISO 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 95630. The ISO 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 the Pacific Gas and Electric Company (“PG&E”), as well as for the coordination of the competitive ancillary services and real-time electricity markets in California.

The ISO requests that all communications and notices concerning this motion and these proceedings be provided to: 1/

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1/ Pursuant to Rule 101(e), 18 C.F.R. § 385.101(3), the ISO requests waiver of the Commission’s limit on persons to be served, as set forth in 18 C.F.R. § 385.203(b)(3).

III. ISO's Interest

Mirant's RMR Units are located within PG&E's transmission system and are needed to maintain the reliability of the PG&E transmission system. As the Control Area Operator responsible for maintaining reliability in the PG&E transmission system and as the counter party to the RMR Agreements, the ISO has a unique interest in any Commission proceeding concerning proposed changes to the RMR Agreements. Accordingly, the ISO has a direct and substantial interest in the proposed changes 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 ISO's interests in this proceeding, the ISO's intervention is in the public interest and should be granted.

WHEREFORE, the ISO respectfully requests that the Commission grant this Motion to Intervene and make the ISO a party in the above-caption proceeding with full rights of participation.

Respectfully submitted

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Counsel for
California Independent System
Operator Corporation

Dated: December 16, 2003

CERTIFICATE OF SERVICE

I hereby certify that I have this 16th day of December, 2003 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.

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