

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

Duke Energy Oakland LLC)	ER02-10-004
Duke Energy South Bay LLC)	ER98-496-014
Duke Energy South Bay, LLC)	ER240-004
Duke Energy Oakland, LLC)	ER021478-003

**MOTION TO INTERVENE AND COMMENTS 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 March 12, 2003 Notice of Filing, the California Independent System Operator Corporation (“CA ISO”) hereby moves to intervene 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:

Jeanne M. Solé
Regulatory Counsel
The California Independent System
Operator Corporation
151 Blue Ravine Road
Folsom, CA 95630
Tel: (916) 351-4400
Fax: (916) 608-7222

Deborah Le Vine, Director
of Contracts
The California Independent System
Operator Corporation
151 Blue Ravine Road
Folsom, CA 95630
Tel: (916) 351-2144
Fax: (916) 351-2487

II. BACKGROUND

On March 6, 2002, Duke Energy South Bay, LLC ("DESB") and Duke Energy Oakland, LLC ("Oakland") collectively ("Duke") submitted refund reports in response to the Commission's November 21, 2002 Order in the above referenced dockets. The refunds stem from a settlement to which the CA ISO is a party. On March 12, 2003, the Commission issued a notice of filing inviting interested parties to file motions to intervene or protests on the Duke submittal by March 27, 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 San Diego Gas and Electric ("SDG&E") and Pacific Gas and Electric ("PG&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 Reliability Must Run ("RMR") Agreements with Duke that are the subject of the settlement and refunds, the CA ISO has a unique interest in any Commission proceeding concerning rates and refund under those RMR Agreements. Moreover, the CA ISO was a party to the settlement that resulted in the refunds described in the report. 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.

V. COMMENTS

The CA ISO has reviewed the refund report and has found no errors in the amounts reported.

VI. 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,

Jeanne M. Solé
Regulatory Counsel
California Independent System Operator
Corporation
151 Blue Ravine Road
Folsom, CA 95630
Tel: (916) 351-4400
Fax: (916) 608-7222

Counsel for the California Independent
System Operator Corporation

Date: March 27, 2003



March 27, 2003

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 No. ER02-10-004, ER98-496-014; ER02-239-004, ER02-
240-004; ER1478-003**

Dear Secretary Salas:

Enclosed please find an electronic filing in the above-captioned proceeding of the Motion to Intervene and Comments 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 27th day of March, 2003.

Jeanne M. Solé