

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

**Pacific Gas and Electric)
Company) Docket No. ER03-409-000**

**MOTION TO INTERVENE OUT-OF-TIME 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 January 15, 2003 Notice of Filing, the California Independent System Operator Corporation (“ISO”) hereby moves to intervene out-of-time in the above-captioned proceeding. In support thereof, the ISO states as follows:

I. COMMUNICATIONS

Please address communications concerning this filing to the following persons:

Anthony J. Ivancovich
Senior Regulatory Counsel
Deborah A. LeVine, Director of
Contracts & Special Projects
California Independent System
Operator Corporation
151 Blue Ravine Road
Folsom, CA 95630
Tel: (916) 608-7135
Fax: (916) 608-7296

David B. Rubin
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
Tel: (202) 424-7500
Fax: (202) 424-7643

II. BACKGROUND

On January 15, 2003, Pacific Gas and Electric Company (PG&E) tendered for filing proposed changes in its Transmission Owner Tariff (TO Tariff) and Cost Support for PG&E specific rates associated with the TO Tariff. PG&E requests that its filing be made effective upon the end of the 60-day prior notice period specified in Section 18 CFR 35.3.

By its Notice issued January 15, 2003, the Commission established February 3, 2003 as the date motions to intervene are to be filed in the above-captioned proceeding.

III. BASIS FOR MOTION TO INTERVENE

The 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 Pacific Gas & Electric Company, Southern California Edison Company, San Diego Gas & Electric Company and the Cities of Vernon, Anaheim, Azusa, Banning and Riverside, California. Because PG&E is a Participating Transmission Owner and its revenue requirement is reflected in the ISO's Transmission Access Charge, the ISO has a unique interest in any Commission proceeding concerning the issues raised in the captioned proceeding.

Due to the press of a number of significant regulatory matters, the ISO was unable to file its interventions in a timely manner. The ISO requests that it be allowed to intervene out-of-time because it has a significant interest in this

matter, and its unique interest cannot be adequately represented by any other party. A late-filed intervention by the ISO should not prejudice any party or delay the proceedings herein because such proceeding is in the infant stages and the Commission has not yet issued an order on PG&E's filing.

IV. CONCLUSION

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

Respectfully submitted,

Anthony J. Ivancovich
Senior Regulatory Counsel
California Independent System
Operator Corporation
151 Blue Ravine Road
Folsom, CA 95630
Tel: (916) 608-7135
Fax: (916) 608-7296

Counsel for the California Independent
System Operator Corporation

Date: February 4, 2003

CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Folsom, CA, this 4th day of February, 2003.

Anthony J. Ivancovich



February 4, 2003

The Honorable Magalie Roman Salas
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Re: **Pacific Gas and Electric Company**
Docket No. ER03-409-000

Dear Secretary Salas:

Enclosed please find an electronic filing of the Motion to Intervene Out-of-Time of the California Independent System Operator Corporation. Thank you for your attention to this filing.

Respectfully submitted,

Anthony J. Ivancovich

Counsel for the California Independent
System Operator Corporation