

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

Southern California Edison Company) Docket No. ER04-667-000

**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 March 25, 2004 Notice of Filing, the California Independent System Operator Corporation (“ISO”)¹ hereby moves to intervene out of time in the above-captioned matter.

I. COMMUNICATIONS

Please address communications concerning this filing to the following persons:

John Anders*
Corporate Counsel
Deborah A. Le Vine
Director of Contracts
The California Independent
System Operator Corporation
151 Blue Ravine Road
Tel: (916) 351-4400
Fax: (916) 608-7296

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

* Individuals designated to receive service pursuant to Rule 203(b)(3) of the Commission’s Rules of Practice and Procedure, 18 C.F.R. § 385.203(b)(3).²

¹ Capitalized terms not otherwise defined herein are used in the sense given in the Master Definitions Supplement, Appendix A to the ISO Tariff, as filed August 15, 1997, and subsequently revised.

² In addition to Mr. Anders and Mr. Rubin, the ISO respectfully requests that Ms. Le Vine be included on the Official Service List. Mr. Anders and Ms. Le Vine work in separate buildings and it would be of significant assistance to the ISO if both were included on the list.

II. BACKGROUND

As stated in the March 25, 2004 Notice of Filing, on March 31, 2004, Southern California Edison Company (“SCE”) filed with the Commission an unexecuted Kirkwall Substation Agreement and a revised Service Agreement for Wholesale Distribution Service (“Service Agreement”) between SCE and the City of Azusa, California (“Azusa”). SCE stated that the Kirkwall Agreement and the revised Service Agreement specify the terms and conditions under which SCE will provide wholesale Distribution Service from the ISO Controlled Grid at SCE’s Rio Hondo Substation to a new SCE-Azusa interconnection at Kirkwall Substation.

On May 21, 2004, the Commission issued an order in this proceeding that, *inter alia*, set for hearing and established settlement proceedings regarding issues surrounding SCE’s provision of ISO compliant meters for Azusa, and the liabilities that could arise as a result of such meters.³ In this regard, the Commission stated that metering service should be provided to Azusa consistent with the terms of an ISO Meter Service Agreement (“MSA”). *Id.* at P 41.

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 an electricity transmission grid comprising the transmission systems of Pacific Gas and Electric Company, SCE, San Diego Gas & Electric Company, and the Cities

³ *Cities of Azusa, Banning, Colton and Riverside, California, and Southern California Edison Company*, 107 FERC ¶ 61,179 (2004) a PP 40-41.

of Vernon, Anaheim, Azusa, Banning, and Riverside, California, as well as for the coordination of the competitive electricity market in California. The ISO believes that it has a unique interest in the instant proceeding, in that issues surrounding the provisions and applicability of the ISO's jurisdictional contract, *i.e.*, the MSA, form part of the proceeding's subject matter. Moreover, the ISO is the only entity situated to facilitate negotiation of a new type of "MSA" that could provide the parties with a solution that balances the obligations, responsibilities, and liabilities of each of the parties in a manner consistent with the ISO Tariff. Accordingly, the ISO respectfully requests that it be permitted to intervene herein with full rights as a party.

IV. MOTION TO INTERVENE OUT OF TIME

Until the Commission issued its May 21, 2004 order in this matter, the ISO did not recognize the extent to which ISO-compliant metering and the MSA would be at issue in this proceeding. The ISO has a vital interest in these matters, as reflected in the Commission's finding in Docket Nos. ER03-608, *et al.*, that "it is essential for parties to comply with the metering requirement" of the ISO Tariff, in order to promote efficient and reliable operation of the grid.⁴

Given the early status of the proceeding, no party will be prejudiced by the granting of the motion. In fact, the ISO believes that its participation will greatly assist the parties in coming to a mutually agreeable settlement and thereby avoid litigation. Moreover, the ISO has contacted both the City of Azusa and SCE and is authorized to state that neither party objects to this late intervention.

⁴ *California Independent System Operator Corporation*, 103 FERC ¶ 61,120 (2003) at P 25.

V. CONCLUSION

Wherefore, for the foregoing reasons, the ISO respectfully requests that the Commission permit it to intervene in this proceeding.

Respectfully submitted,

/s/ **Julia Moore**

David B. Rubin
Michael E. Ward
Julia Moore
Swidler Berlin Shereff Friedman, LLP
Suite 300
3000 K Street, NW
Washington, DC 20007
Tel: (202) 424-7500
Fax: (202) 424-7643

Charles F. Robinson
General Counsel
John Anders
Corporate Counsel
The California Independent System
Operator Corporation
151 Blue Ravine Road
Folsom, CA 95630
Tel: (916) 351-2207
Fax: (916) 351-4436

Date: June 8, 2004

CERTIFICATE OF SERVICE

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

Dated at Folsom, CA, this 8th day of June, 2004.

/s/ **John Anders**
John Anders