



October 25, 2004

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

Re: **Cabazon Wind Partners, L.L.C v.  
Southern California Edison Company  
Docket No. EL04-137-000**

Dear Secretary Salas:

Enclosed please find an electronic filing of the Motion to Intervene Seven Days Out Of Time and Comments of the California Independent System Operator Corporation.

Thank you for your attention to this filing.

Respectfully submitted,

**/s/ Anthony J. Ivancovich**  
Anthony J. Ivancovich

Counsel for the California Independent  
System Operator Corporation

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

<b>Cabazon Wind Partners, LLC</b>	)	
	)	
<b>v.</b>	)	
	)	<b>Docket No. EL04-137-000</b>
<b>Southern California Edison</b>	)	
<b>Company)</b>	)	
	)	

**MOTION TO INTERVENE SEVEN DAYS OUT OF TIME 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 September 23, 2004 Notice of Filing, the California Independent System Operator Corporation (“ISO”) hereby moves to intervene seven days out-of-time and provide comments 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:

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## **II. BACKGROUND**

On September 27, 2004, Cabazon Wind Partners, LLC (Cabazon) filed a formal complaint against Southern California Edison Company (SCE) pursuant to section 206 of the Federal Power Act. Cabazon states that the complaint alleges that (1) the failure of the Interconnection Facilities Agreement (IFA) between Cabazon and SCE to provide Cabazon credit for its upfront payments for network upgrades, misclassified as distribution facilities, causes SCE's transmission rates to be unjust and unreasonable; and (2) the IFA is unjust and unreasonable separately because it requires Cabazon to pay a tax gross-up associated with the misclassified network upgrades.

By its Notice of Complaint issued September 28, 2004, the Commission established October 18, 2004, 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 and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company and the Cities of Vernon, Anaheim, Azusa, Banning and Riverside, California. As the operator of this grid, the ISO believes that it has a unique interest in any Commission proceeding concerning the issues raised in the captioned proceeding.

#### **IV. MOTION TO INTERVENE OUT OF TIME**

Due to an administrative oversight, the ISO failed to file this motion by the date specified in the September 28, 2004, Notice of Complaint. Given the early status of the proceeding, however, no party will be prejudiced by the granting of the motion.

#### **V. COMMENTS**

The complaint filed by Cabazon on September 27, 2004 involves an upgrade to a line, the Garnet-Banning-Maraschino-Windfarm 115 kV line which is not under ISO Operational Control. SCE's position is that the line was classified as a Distribution Line in 1996, and was therefore classified as non-ISO line in 1997, and has remained a distribution line since then. The addition of the Cabazon wind generation, on a line that was already full of wind generators, does not change the functional use of the line. ISO asserts that 1) this line is not under the ISO Operational Control and is therefore not integrated today into the ISO Controlled Grid, and 2) the ISO knows of no reason that the current classification should be changed from distribution to transmission (i.e., the ISO reviewed the Cabazon facilities study and saw no reason to reclassify the Garnet-Banning-Maraschino-Windfarm 115 kV line as transmission and assume control over it in 2002 when the ISO reviewed the project.<sup>1</sup> Moreover, the

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<sup>1</sup> On July 9, 2002, the ISO submitted a Meter Service Agreement for ISO Metered Entities with Cabazon under Docket No. ER02-2297 and a Participating Generator Agreement under Docket No. ER02-2298. On April 25, 2002, the Commission issued the Final Rule in Docket No. RM01-8-000, Revised Public Utilities Reporting Requirements (Order No. 2001) which, inter alia, obviated the need to file with the Commission executed conforming cost-based power sales and conforming transmission service agreements and service agreements under market-based power sales tariffs with the Commission. Accordingly, the ISO's request that the Commission accept the proposed service agreements for filing in the instant docket was unnecessary. Therefore, in accordance with § 375.307(k)(3) of the Commission's Regulations, the ISO's filing was rejected as moot.

reclassification of the Garnet-Banning-Maraschino-Windfarm 115 kV line to a transmission line would be inconsistent with the functional test requirements previously developed by SCE to determine transmission versus distribution.

## **V. 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, and that the Commission consider the comments presented herein.

Respectfully submitted,

**/s/ Anthony J. Ivancovich**

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Date: October 25, 2004

## **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 25th day of October 2004.

**/s/ Anthony J. Ivancovich**  
Anthony J. Ivancovich