

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

| | | |
|---|---|--|
| California Independent System Operator Corporation |) | Docket Nos. ER01-313-000 and ER01-313-001 |
| |) | |
| Pacific Gas and Electric Company |) | Docket Nos. ER01-424-000 and ER01-424-001 |
| |) | |

**MOTION OF THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR
CORPORATION TO WITHDRAW PORTIONS OF THE REBUTTAL
TESTIMONY OF DEBORAH A. LE VINE AND SUPPORTING EXHIBIT**

To: The Honorable Bobbie J. McCartney
Presiding Administrative Law Judge

Pursuant to Rule 212 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission ("Commission"), 18 C.F.R. § 385.212, the California Independent System Operator Corporation ("ISO") respectfully requests that it be permitted to withdraw portions of the Rebuttal Testimony it filed on September 27, 2001, together with an exhibit supporting that testimony. The testimony the ISO seeks to withdraw consists of portions of the Rebuttal Testimony of Deborah A. Le Vine (Exh. No. ISO-34). The ISO seeks to withdraw this testimony and supporting Exhibit No. ISO-35 because the testimony they are designed to rebut, portions of that of Mr. S. A. Yari submitted by San Diego Gas and Electric Company ("SDG&E") on August 17, 2001, has been stricken from the record.

I. Background

On August 17, 2001, SDG&E filed the Cross-Answering Testimony of its witness S. A. Yari (Exh. No. SDO-1). On August 28, 2001, the ISO filed a Motion to Strike portions of Mr. Yari's testimony, arguing that the testimony raised a new issue not previously addressed in this proceeding. The portions of Mr. Yari's testimony that the ISO moved to strike were: page 3, lines 12-16 and 20-25; page 4, lines 1-2; and page 5, line 14 through page 15, line 19. The Presiding Judge issued an Order granting the ISO's Motion to Strike on September 27, 2001. On the same day, the ISO filed Rebuttal Testimony, portions of which were designed to rebut Mr. Yari's now-stricken testimony.

II. Argument

The ISO seeks to withdraw the portions of its Rebuttal Testimony and a supporting exhibit designed to rebut the now-stricken testimony of Mr. Yari. Specifically, the ISO would like to withdraw Exh. No. ISO-34, page 2, lines 19-21; page 3, line 19 through page 4, line 2; page 13, lines 6-10; and page 13, line 18 through page 19, line 7. The ISO also would like to withdraw Exh. No. ISO-35. The ISO includes with this Motion corrected and renumbered Rebuttal Testimony reflecting the requested withdrawal.

III. Conclusion

For these reasons, the ISO respectfully requests that the Presiding Judge allow it to withdraw the above-identified portions of its Rebuttal Testimony.

Respectfully submitted,

Charles F. Robinson
General Counsel
Roger E. Smith
Senior Regulatory Counsel
Stephen Morrison
Regulatory Counsel
The California Independent
System Operator Corporation
151 Blue Ravine Road
Folsom, CA 95630
Tel: (916) 608-7135
Fax: (916) 608-7296

J. Phillip Jordan
Julia Moore
Theodore J. Paradise
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W.
Washington, DC 20007
Tel: (202) 424-7500
Fax: (202) 424-7643

Counsel for the California Independent
System Operator Corporation

Dated: October 17, 2001

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 Washington, DC, this 17th day of October, 2001.

Julia Moore
(202) 295-8357

October 17, 2001

The Honorable David P. Boergers
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Re: *California Independent System Operator Corporation*
Docket Nos. ER01-313-000 and ER01-313-001

Pacific Gas and Electric Company
Docket Nos. ER01-424-000 and ER01-424-001

Dear Secretary Boergers:

Enclosed are an original and fourteen copies of the California Independent System Operator Corporation's Motion To Withdraw Portions of Rebuttal Testimony and Supporting Exhibit in the above-captioned proceeding. Two courtesy copies of this filing are included to be hand delivered to Judge Bobbie J. McCartney. Also enclosed are two extra copies of the filing to be time/date stamped and returned to us by the messenger. Thank you for your assistance.

Sincerely,

Julia Moore
(202) 295-8357

Counsel for the California
Independent System Operator Corporation

Enclosures

cc: The Honorable Bobbie J. McCartney
Service List