

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

California Independent System)	Docket No. ER04-115-000
Operator Corporation)	Docket No. EL04-47-000
)	
Pacific Gas and Electric Company)	Docket No. ER04-242-000
)	Docket No. EL04-50-000
)	

**MOTION OF THE CALIFORNIA
INDEPENDENT SYSTEM OPERATOR CORPORATION
FOR EXPEDITED CONSIDERATION OF
PENDING OFFER OF PARTIAL SETTLEMENT**

Pursuant to Rule 212 of the Commission’s Rules of Practice and Procedure, 18 C.F.R. § 385.212 (2004), the California Independent System Operator Corporation (“ISO”) submits this Motion to request that the Commission rule by December 6, 2004 on the Offer of Partial Settlement (“Settlement”) in the above-captioned dockets that has been pending before the Commission since August 23, 2004. As support for this Motion, the ISO states as follows:

1. On July 29, 2004, the ISO with respect to Docket Nos. ER04-115-000 and EL04-47-000 and Pacific Gas and Electric Company (“PG&E”) with respect to Docket Nos. ER04-242-000 and EL04-50-000 submitted the Settlement as the resolution of all issues in the above-captioned dockets, with the exception of a single reserved issue. Comments in support of the Settlement were filed by the Commission’s Trial Staff and by one party. No party filed comments in opposition to the Settlement and no party contested the Settlement within the meaning of Rule 602(f).

2. On August 23, 2004, the Settlement Judge submitted a Status Report describing the contents of the Settlement, the absence of any opposition thereto, and the fact that “there is no apparent contest of the [Settlement],” and noting the request of the Commission’s Trial Staff that the Settlement be certified to the Commission. Even though he found the Settlement to be uncontested with respect to the matters addressed, the Settlement Judge deemed the Commission’s guidance in *Cities of Anaheim, et. al.*, 101 FERC ¶ 61,392 (2002), to require him to report the fact of the Settlement to the Commission without certifying it. He did so in the August 23, 2004 Status Report.

3. On August 24, 2004, the Chief Administrative Law Judge issued an order terminating Settlement Judge procedures in these dockets. He stated that the Settlement Judge’s Status Report “presents the Settlement for the Commission’s consideration . . . in lieu of certification.” The Chief Administrative Law Judge determined that, in light of the Settlement neither the Settlement Judge procedures nor the hearing procedures previously prescribed by the Commission would be necessary.

4. Among many other uncontested provisions, the Settlement modifies the rate design for the Grid Management Charges (“GMC”) initially proposed by the ISO in Docket No. ER04-115-000 and provides that, if the ISO’s revenue requirement for the calendar 2005 budget year does not exceed a specified level, the ISO may modify the GMC charges to collect that revenue requirement without a filing under Section 205 of the Federal Power Act. See Settlement Section 4.4.1.

5. The ISO will shortly submit to its Board of Governors, for consideration at its December 3, 2004 meeting, a budget for calendar 2005 that reflects a revenue requirement below the threshold specified in Section 4.4.1 of the Settlement and, indeed, below the revenue

requirement that forms the basis for the current GMC charges, which are being collected subject to refund. If that budget is approved by the ISO's Board of Governors, the ISO desires to implement lower GMC rates effective January 1, 2005, in accordance with the provisions of the Settlement.

6. The ISO accordingly asks the Commission to act upon the pending Settlement at the earliest possible date, and in any event by December 6, 2004, so that the ISO will be in a position to implement reduced GMC charges, applying the Settlement rate design, as of January 1, 2005.

Respectfully submitted,

/s/ Charles F. Robinson

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of this document upon all parties listed on the official service list compiled by the Secretary in the above-captioned proceedings, in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.2010).

Dated this 19th day of November in the year 2004 at Folsom in the State of California.

/s/ Stephen A.S. Morrison
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