UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

	)	**Docket Nos.**	**ER23-2309-001**
DCR Transmission, L.L.C.	)		**ER24-1394-001**
	)		**EL26-34-000**
	)		**(consolidated)**

ANSWER OF THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION OPPOSING MOTION TO INCREASE PAGE LIMITS FOR BRIEFS ON EXCEPTIONS AND BRIEFS OPPOSING EXCEPTIONS

To: The Honorable Andrew Satten
Chief Administrative Law Judge

Pursuant to Rule 213 of the Federal Energy Regulatory Commission's ("FERC" or "Commission") Rules of Practice and Procedure,[1] the California Independent System Operator Corporation ("CAISO") submits this answer to DCR Transmission, L.L.C.'s ("DCRT") November 2, 2026 motion requesting a page limit increase for briefs on exceptions and briefs opposing exceptions ("Page Increase Motion") regarding the initial decision issued in this proceeding on October 22, 2026 ("Initial Decision").[2] Under the guidelines set forth in Rule 711(a)(2), briefs on and opposing exceptions may not exceed 100 pages each.[3] DCRT's Page Increase Motion requests the page limits be increased to 150 pages each. As discussed below, the CAISO strongly opposes DCRT's page limit increase but supports a more modest increase to 125 pages each.

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1 18 C.F.R. § 385.213.

2 *DCR Transmission, L.L.C.*, 197 FERC ¶ 63,003 (2026).

3 18 C.F.R. § 385.711(a)(2).

I. ANSWER TO PAGE INCREASE MOTION

DCRT's Page Increase Motion seeks to increase the page limits for briefs on exceptions and briefs opposing exceptions to 150 pages each. DCRT claims this request is warranted due to the number of issues in dispute in the Initial Decision, the substantial record in these consolidated proceedings, and the length and scope of the Initial Decision. The Chief Judge should deny DCRT's Page Increase Motion because good cause has not been shown to grant the requested page limit increase, and granting the Page Increase Motion would prejudice CAISO ratepayers and the participants representing those ratepayers in this Section 206 proceeding by allowing DCRT to raise new issues and arguments that go beyond the extensive arguments DCRT has raised in this proceeding over the past three years and potentially delay the issuance of a Commission order in this proceeding, unduly extending the period in which ratepayers would be denied refund protection.

Since this proceeding began in 2023, the CAISO has consistently explained to the Commission why DCRT's Base Transmission Revenue Requirement ("Base TRR") rests on capital costs that far exceed what DCRT is permitted to recover under the voluntary cost cap proposed by DCRT and agreed to by DCRT and the CAISO in the Approved Project Sponsor Agreement between the CAISO and DCRT ("DCRT APSA").[4] The Initial Decision confirms that DCRT's proposed Base TRR impermissibly exceeds DCRT's contractual cost cap: it found the costs allowable under the DCRT APSA total $350,235,024,[5] a figure more than 1/3 lower than DCRT's claimed allowable total

[4] *See* Motion to Intervene and Comments of the CAISO, Docket No. ER23-2309-000, at 1-2 (filed July 21, 2023).

[5] Initial Decision at P 186.

project costs of $553,261,497.[6] This amounts to an over-recovery of $203,026,473 in total capital costs claimed by DCRT, which DCRT is currently collecting through its as-filed rate Base TRR of $83,370,655.[7] The Presiding Judge calculated that DCRT over-collects $1,780,758 every month its as-filed rate stays in effect,[8] which amounts to approximately $58,000 of unjust and unreasonable rates paid by CAISO ratepayers every day.

For most of this proceeding, the Commission treated DCRT's filing of a proposed Transmission Owner Tariff that included its Base TRR as a filing under section 205 FPA, and the participants spent almost two years in settlement negotiations based on the Commission's findings that CAISO ratepayers received the full refund protection without time limitations of rate case set for hearing under section 205.[9] On January 30, 2026, three weeks into an evidentiary hearing premised on the findings and burden of proof established by the Commission in the September 2023 Hearing Order and a subsequent June 2025 Order confirming it,[10] the Commission found that DCRT's Transmission Owner Tariff and Base TRR constitute an initial rate.[11] As a result, the Commission instituted a section 206 proceeding with a refund effective date of June 12, 2024.[12] Absent Commission exercise of its rights under sections 206 and 309 of the

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6 *Id.* at PP 1, 18.

7 *Id.* at P 7.

8 *Id.* at P 10.

9 *See* Final Report of Settlement Judge, Docket No. ER23-2309-000 (issued Apr. 2, 2025); Request for Rehearing of the CAISO, Docket Nos. ER23-2309-003, et al., at 6 (filed Mar. 2, 2026); *DCR Transmission, L.L.C.*, 184 FERC ¶ 61,199 (2023) ("September 2023 Hearing Order").

10 September 2023 Hearing Order; *DCR Transmission, L.L.C.*, 191 FERC ¶ 61,212 (2025) ("June 2025 Order").

11 *DCR Transmission, L.L.C.*, 194 FERC ¶ 61,085 (2026) ("January 2026 Order").

12 January 2026 Order at PP 14, 20; *see* Extension Motion at 4 n.14.

FPA to extend the period of refund protection, refunds under FPA section 206(b) are limited to 15 months.[13] To date, the Commission has declined to exercise its rights to extend refund protection. DCRT's refund obligation therefore ended on September 12, 2025, even though DCRT continues to collect its unjust and unreasonable rate today.[14] The mid-hearing conversion from a section 205 proceeding to section 206, combined with the Commission's not having extended the refund protection beyond 15 months, means every dollar DCRT over-collects after September 12, 2025 is unrecoverable for CAISO ratepayers.[15]

Because over-collections beyond the 15-month refund period cannot be refunded absent Commission action to extend the refund protection, any delay in a Commission order on the Initial Decision costs CAISO ratepayers and consumers in the region a substantial amount of money. At the over-collection rate found by the Presiding Judge, CAISO ratepayers pay $1,780,758 of unjust and unreasonable rates every month DCRT's Base TRR remains in effect.[16] The Presiding Judge already determined that 125 pages was more than enough for participants to address every issue in this case in their initial post-hearing briefs. To the extent DCRT attempts to use the added pages it seeks in the Page Increase Motion to raise new issues and arguments, granting that motion could further delay the Commission's deliberation on the issues and thereby result in additional delay of the Commission's order on the Initial Decision.

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13 16 U.S.C. § 824e(b).

14 Initial Decision at PP 8, 721, 723.

15 If the CAISO and other participants understood DCRT's proposed Base TRR would be litigated under FPA section 206, they would have terminated settlement talks earlier to avoid the risk of CAISO ratepayers being compelled to pay an unjust and unreasonable rate after the conclusion of a 15-month refund period.

16 *Id.* at P 10.

If the Chief Judge does grant a page limit increase, the Chief Judge should not grant anything above 125 pages. The CAISO recognizes the Initial Decision is lengthy and is willing to agree to a more modest figure of 125 pages for briefs on and opposing exceptions, which is the same page limit the Presiding Judge set for the initial post-hearing briefs.[17] Neither DCRT nor any other participant lost on every issue in the case, so all briefs on and opposing exceptions are expected to cover only a subset of issues. As such, if the Presiding Judge found 125 pages to be sufficient to cover all issues in this case, it should be more than enough to cover a smaller subset of issues.

II. CONCLUSION

WHEREFORE, for the foregoing reasons, the CAISO respectfully requests that the Chief Judge deny DCRT's request for a page limit increase for the briefs on and opposing exceptions. If the Chief Judge grants any increase, 125 pages is the maximum page limit he should approve for briefs on and opposing exceptions.

Respectfully submitted,

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[17] *See* Tr. 360:8-10 (Jan. 9, 2026).

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document upon all of the parties listed on the official service list for the above-referenced dockets, in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.2010).

Dated at Washington, DC this 5th day of November, 2026.

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