

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

Dynergy Oakland, LLC ) Docket No. ER20-270-000

**JOINT PROTEST OF THE CALIFORNIA INDEPENDENT SYSTEM  
OPERATOR CORPORATION AND PACIFIC GAS AND ELECTRIC  
COMPANY**

Pursuant to Rule 211 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), 18 C.F.R. § 385.211, the California Independent System Operator Corporation (“CAISO”) submits in the captioned proceeding a joint Protest on behalf of itself and Pacific Gas and Electric Company (“PG&E”).

**I. Background and Description of the Proceeding**

On October 31, 2019, Dynergy Oakland, LLC (“Dynergy Oakland”) submitted, pursuant to Section 205 of the Federal Power Act,<sup>1</sup> its annual filing proposing revisions to its Reliability Must-Run (“RMR”) Service Agreement (“RMR Agreement”) with the CAISO along with its annual informational filing to support its proposed changes to the Annual Fixed Revenue Requirement (“AFRR”). This annual filing was made in response to the CAISO’s notice to Dynergy to extend the term of the RMR Agreement for the 2020 contract year, pursuant to Section 2.1(b) of the RMR Agreement.

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<sup>1</sup> 16 U.S.C. §§ 824d and 824e.

The Commission issued a Combined Notice of Filings setting November 21, 2019 as the deadline for interventions and protests in this proceeding. The CAISO and PG&E have filed interventions.

## **II. Joint Protest of the CAISO and PG&E**

Through its filing in this docket, Dynegy Oakland seeks to recover certain costs relating to its RMR rate schedules. The CAISO and PG&E protest Dynegy Oakland's filing on the grounds that it has failed to provide adequate support to establish that the proposed rate schedules, including certain elements of the AFRR, are just and reasonable. In particular, Dynegy Oakland has failed to support the substantial increases in Prepaid Start-up Costs and Prepaid Start-up Charges reflected in Table D-0, or to support the changes reflected in Table D-1, Start-Up Costs. In addition, the CAISO and PG&E protest the filing because Dynegy Oakland has failed to provide the information necessary to enable the CAISO and PG&E to understand sufficiently all of the cost components of Dynegy Oakland's Schedule F filing. The CAISO and PG&E need additional time and information to understand the increase in Dynegy Oakland's 2020 AFRR.

Because Dynegy Oakland has not met its burden to show that its proposed rates terms and conditions are just and reasonable, the CAISO and PG&E request that the Commission suspend the rate schedules subject to hearing and establish a refund date at the proposed effective date of January 1, 2020.

The CAISO and PG&E anticipate informal exchanges of information with Dynegy Oakland in the near term. The CAISO and PG&E are hopeful that these discussions will lead to a mutually agreeable resolution of the issues in this docket.

Therefore, the CAISO and PG&E request that the Commission provide all parties with a reasonable opportunity, until January 31, 2020, to resolve the issues before initiating either a hearing or settlement judge procedures.

### **III. Conclusion**

For the foregoing reasons, the CAISO and PG&E request the Commission rule that the rate schedules set forth in Dynegy Oakland's filing have not been shown to be just and reasonable, suspend the rate schedules subject to hearing, establish a refund date equal to the proposed effective date, January 1, 2020, and hold in abeyance all hearing or settlement judge procedures until January 31, 2020 to give the parties an opportunity to resolve the outstanding issues.

Respectfully submitted,

/s/ Noelle R. Formosa

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Counsel for the  
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Operator Corporation

Dated: November 21, 2019

### **CERTIFICATE OF SERVICE**

I hereby certify that I have this 21st day of November, 2019 caused to be served a copy of the forgoing Protest upon all parties listed on the official service list compiled by the Secretary of the Federal Energy Regulatory Commission in this proceeding.

/s/ Kevin M. Downey

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