

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

Mirant Delta, LLC

)

Docket No. ER08-128-000

**MOTION TO INTERVENE AND COMMENTS IN SUPPORT
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 (2007), the California Independent System Operator (“CAISO”) submits this Motion to Intervene and Comments in the captioned proceeding. In support thereof, the CAISO states as follows:

I. Description of the Proceeding

On October 31, 2007, Mirant Delta, LLC (“Mirant Delta”) tendered for filing its Notice of Cancellation of Rate Schedule FERC No. 4 effective 60 days from the date of filing. Mirant Delta’s Rate Schedule No. 4 is a Reliability Must-Run Service Agreement (“RMR Agreement”) between Mirant Delta and the CAISO.^{1/} In addition, Mirant Delta requested that the Commission authorize its Unplanned Repair Notice so that Mirant Delta may invoice and receive payment from the California Independent System Operator Corporation (“CAISO”) for the agreed upon repair.

The Commission issued a Combined Notice of Filings setting November 21, 2007 as the deadline for interventions in this proceeding.

^{1/} Because the generation units covered by a RMR agreement must operate at certain times for the reliability of the transmission grid, they are referred to as “reliability must-run” or “RMR” units. Other capitalized terms that are not defined in this filing have the same meaning set forth in the RMR Agreement.

II. Description of the CAISO and Communications

The CAISO is a non-profit public benefit corporation organized under the laws of the State of California with a principal place of business at 151 Blue Ravine Road, Folsom, CA 95630. The CAISO is the Control Area Operator responsible for the reliable operation of a grid comprising of the transmission systems of a number of public utilities including Pacific Gas & Electric Company (“PG&E”), as well as the coordination of the ancillary services and real-time electricity markets in California.

The CAISO requests that all communications and notices concerning this motion and these proceedings be provided to:

Sidney Mannheim Davies
Assistant General Counsel
California Independent System
Operator Corporation
151 Blue Ravine Road
Folsom, CA 95630
916-608-7144 (tel)
916-608-7222 (fax)
sdavies@caiso.com

Robert C. Kott
Manager of Model & Contract Implementation
California Independent System
Operator Corporation
151 Blue Ravine Road
Folsom, CA 95630
916-608-5804 (tel)
916-351-2487 (fax)
rkott@caiso.com

Mary Anne Sullivan
Hogan & Hartson LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004
202-637-3695 (tel)
202-637-5910 (fax)
masullivan@hhlaw.com

Karin L. Larson
Hogan & Hartson LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004
202-637-6861 (tel)
202-637-5910 (fax)
kllarson@hhlaw.com

III. Motion to Intervene

Mirant Delta’s RMR units are located within PG&E’s transmission system and have been needed to maintain the reliability of such system. As the Control Area Operator responsible for maintaining reliability of the PG&E transmission system and, as the counter party to Mirant Delta’s RMR Agreement, the CAISO has a unique interest in any Commission proceeding that affects this RMR Agreement. Accordingly, the CAISO has a direct and substantial interest in

this proceeding and requests that it be permitted to intervene with full rights of a party. Because no other party can adequately represent the CAISO's interests, the CAISO's intervention is in the public interest and should be granted.

IV. Comments in Support

The CAISO supports the cancellation of Mirant Delta's Rate Schedule No. 4 because the CAISO has not redesignated Mirant Delta's units for RMR for 2008.

V. Conclusion

For the foregoing reasons, the CAISO respectfully requests that the Commission grant the CAISO's Motion to Intervene with Comments in Support and make the CAISO a party in the above-captioned proceeding with full rights of participation.

Respectfully submitted,

/s/ Mary Anne Sullivan

Mary Anne Sullivan
Karin L. Larson
Hogan & Hartson LLP
555 13th Street, N.W.
Washington, D.C. 20004

Counsel for
California Independent System
Operator Corporation

Dated: November 21, 2007

CERTIFICATE OF SERVICE

I hereby certify that I have this 21st day of November, 2007 caused to be served a copy of the forgoing Motion to Intervene and Comments in Support upon all parties listed on the official service list compiled by the Secretary of the Federal Energy Regulatory Commission in this proceeding.

/s/ Karin L. Larson
Karin L. Larson
Hogan & Hartson LLP
555 13th Street, N.W.
Washington, D.C. 20004