

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

<b>CalPeak Power – El Cajon, LLC</b>	)	<b>Docket No. ER09-210-000</b>
	)	
<b>CalPeak Power – Border, LLC</b>	)	<b>Docket No. ER09-211-000</b>
	)	
<b>CalPeak Power – Enterprise, LLC</b>	)	<b>Docket No. ER09-212-000</b>
	)	

**MOTION TO INTERVENE OUT-OF-TIME 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, and the Commission’s November 5, 2008 Notice of Filing, the California Independent System Operator Corporation (“CAISO”) submits this Motion to Intervene Out-of-Time in the above captioned proceeding. In support thereof, the CAISO states as follows:

**I. DESCRIPTION OF THE PROCEEDING**

On October 31, 2008, CalPeak Power, LLC on behalf of CalPeak Entities (“CalPeak”) submitted modifications of certain schedules contained in the Reliability Must-Run Service Agreements with CAISO. By its Notice issued November 5, 2008, the Commission established November 21, 2008, as the date motions to intervene were to be filed in the above-captioned proceeding.

**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 its principal place of business at 151 Blue Ravine Road, Folsom, CA 95630. The CAISO is the Balancing Authority

responsible for the reliable operation of the electric grid comprising the transmission systems of a number of utilities including Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas and Electric Company (“SDG&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:

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### **III. CAISO’S INTEREST**

CalPeak’s RMR Units are located within SDG&E’s service area. These facilities are needed to maintain the reliability of the CAISO Controlled Grid. As the Balancing Authority Area operator and as the counter party to the RMR Agreement, the CAISO has a unique interest in any Commission proceeding that affects an RMR Agreement. Accordingly, the CAISO has a direct and substantial interest in this proceeding and requests that it be permitted to intervene. Because no other party can adequately represent the CAISO’s interests in this

proceeding and in the absence of any prejudice to any party in this proceeding<sup>1</sup>, the CAISO's intervention is in the public interest and should be granted.

#### **IV. CONCLUSION**

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

Dated: November 26, 2008

Respectfully submitted

**/s/ Sidney Mannheim Davies**  
Sidney Mannheim Davies

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<sup>1</sup> Due to administrative oversight, the deadlines for comments and protests in this proceeding did not get calendared.

**CERTIFICATE OF SERVICE**

I hereby certify that I have, this 26<sup>th</sup> day of November 2008, caused to be served a copy of the forgoing document upon all parties listed on the official service list compiled by the Secretary of the Federal Energy Regulatory Commission in this proceeding.

**/s/ Anna Pascuzzo**  
Anna Pascuzzo