

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA**

In the Matter of the Application of San Diego)	
Gas & Electric Company (U 902 E) for a)	
Certificate of Public Convenience and)	Application 06-08-010
Necessity for the Sunrise Powerlink)	(Filed August 4, 2006)
Transmission Project.)	
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**MOTION OF THE CALIFORNIA INDEPENDENT SYSTEM
OPERATOR CORPORATION TO REOPEN THE RECORD
FOR RECEIPT OF ADDITIONAL EXHIBIT**

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Attorneys for the CALIFORNIA
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CORPORATION

October 29, 2007

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
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Pursuant to Rules 11.1 and 13.14 of the California Public Utilities Commission (“Commission”) Rules of Practice and Procedure, the California Independent System Operator Corporation (“CAISO”) respectfully moves to reopen the record for the limited purpose of receiving additional documentary information concerning the South Bay Replacement Project (the “Replacement Project”). As explained below and in the attached declaration of Judy Nickel Brown, this additional documentary evidence constitutes a material change of fact that occurred after the Phase 1 evidentiary hearings concluded on October 4, 2007.

Attached as Appendix A to Ms. Brown’s declaration is a letter dated October 19, 2007 from Kevin R. Johnson of the South Bay Replacement Project, LLC (“SBRP”) to Judy Nickel Brown of the CAISO. In the letter, Mr. Johnson states that SBRP has not been able to secure site control for the Replacement Project and, as a result, has elected not to proceed with execution of a Large Generator Interconnection Agreement (“LGIA”) or the filing of an unexecuted LGIA. The letter also acknowledges that the decision not to pursue the LGIA will result in the Replacement Project being removed from CAISO’s interconnection queue. Most importantly for the purposes of this proceeding, the letter provides that SBRP will not be committing any

additional development resources to the Replacement Project. In other words, the Replacement Project is no longer moving forward.

The CAISO and other parties in this proceeding analyzed and evaluated the Replacement Project as a potential alternative to the Sunrise Powerlink Transmission Line (“Sunrise”)¹ and CAISO witnesses were cross-examined on this issue.² Based on Mr. Johnson’s letter, however, the Replacement Project no longer appears to be a viable alternative. Given that the current state of the record includes testimony and analysis of the Replacement Project as a specific alternative to Sunrise, it is necessary for the record be updated to reflect the change in the status of the project. Indeed, absent updating the record to reflect this change in the status of the project, the Commission could incorrectly assume that the Replacement Project is still being developed.

On October 29, 2007, counsel to SBRP sent an e-mail to Administrative Law Judge (“ALJ”) Weissman and the parties in this proceeding stating that SBRP had withdrawn its Application for Certification (“AFC”) at the California Energy Commission for Replacement Project and that “this development is not relevant to the Sunrise proceeding.”³ The October 26 e-mail does not reference the October 19 letter from Mr. Johnson to the CAISO nor mention the specific issues addressed in his letter. While the withdrawal of the AFC is related to the issues addressed in the October 19 letter - both are evidence that the Replacement Project is no longer going forward - absent the granting of the instant motion, information regarding the changed status of the Replacement Project will not be part of the record and, as a result, parties will not be able to address it in their briefs.

With respect “relevancy,” the change in status is directly relevant to issues raised in this proceeding. As discussed above, the Replacement Project was evaluated as a *specific alternative*

¹ See e.g., CAISO/Orans, Ex. I-5 at 83;

² See e.g., CAISO/Perez, Tr. at 1797; CAISO/Sparks, Tr. at 1878.

³ The e-mail was accompanied by a Notice of Ex Parte Communication regarding the e-mail communication with ALJ Weissman.

to *Sunrise*. Thus, the change in the Replacement Project's status is relevant to issues being addressed by the Commission in Phase 1. Moreover, contrary to the assertion made in SBRP's e-mail, the status of the Replacement Project is a different and distinct issue from generic in-area generation. The Replacement Project was, until recently, actually being developed, had an AFC on file, and had secured a place in the CAISO queue. In contrast, unknown, generic generation is significantly more speculative.

Because the October 19 letter constitutes a material change in fact that occurred after the evidentiary hearings concluded, the CAISO respectfully requests that the Commission reopen the record and receive the letter as an additional exhibit in this proceeding.⁴

Respectfully submitted,

/s/ Jeffrey P. Gray

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Dated: October 29, 2007

⁴ The CAISO proposes the letter be marked as Exhibit I-8.

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_____)	

**DECLARATION OF JUDY NICKEL BROWN IN SUPPORT OF
MOTION OF THE CALIFORNIA INDEPENDENT SYSTEM
OPERATOR CORPORATION TO REOPEN THE RECORD
FOR RECEIPT OF ADDITIONAL EXHIBIT**

I, Judy Nickel Brown, declare:

1. I am a Project Manager for the California Independent System Operator Corporation (“CAISO”) assigned to work on issues related to the South Bay Replacement Project (the “Replacement Project”). The Replacement Project was being developed by the South Bay Replacement Project, LLC (“SBRP”).
2. I make this declaration in support of the motion of the CAISO to reopen the record in Application 06-08-010 for receipt of an additional exhibit.
3. On October 19, 2007, I received a letter, attached hereto at Appendix A, from Kevin R. Johnson of SBRP. In the letter, Mr. Johnson states that SBRP has not been able to secure site control for the Replacement Project and, as a result, has elected not to proceed with execution of a Large Generator Interconnection Agreement (“LGIA”) or the filing of an unexecuted LGIA. The letter also acknowledges that the decision not to pursue the LGIA will result in the Replacement Project being removed from CAISO’s

interconnection queue. In addition, the letter provides that SBRP will not be committing any additional development resources to the Replacement Project.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 2 day of October 2007, in Folsom, California.


Judy Nickel Brown

Appendix A



South Bay Replacement Project, LLC
1735 Technology Drive Suite 820
San Jose, CA 95110
408-572-1300 main
408-392-9757 fax

October 19, 2007

Judy Nickel Brown
Project Manager
California Independent System Operator
151 Blue Ravine Road
Folsom, CA 95630

Subject: South Bay Replacement Project

Dear Ms. Brown:

We refer to your email message dated October 11, 2007, a copy of which is attached to this letter.

Despite our best efforts to advance the development of the South Bay Replacement Project (Project) in the City of Chula Vista, we have not been able to secure site control for the Project. Consequently, we have elected not to proceed with execution of the Large Generator Interconnection Agreement (LGIA) for the Project or the filing of an unexecuted LGIA.

We understand that this will result in the removal of the Project's interconnection request from the CAISO interconnection queue request #27. Unfortunately, without site control for the Project, at this date it is apparent to us that expenditures of additional development resources on the Project are not warranted.

We acknowledge and appreciate the efforts exerted by you and your CAISO associates to facilitate the development of the Project and look forward to working with you again on other projects.

Very truly yours,

South Bay Replacement Project, LLC



Kevin R. Johnson

cc: Mayor Cheryl Cox, City of Chula Vista
Randa Coniglio, Unified Port District of San Diego
Rodney Winter, San Diego Gas and Electric
Ali Amirali, Dynegy Inc

Kevin Johnson

From: Nickel, Judy [JNickel@caiso.com]
Sent: Thursday, October 11, 2007 10:21 AM
To: Winter, Rodney; Amirali, Ali; Peters, Dennis; Green, Irina; Alexander, Patricia; Ron Fischer; Basho, Brij; Joe Otahal; Kevin Johnson; Dusi, Alan; Baranowski, John; Jenkins, John D.; Walsh, James; Lopez, Jose; Allen, Tim; Torre, William V.; Bartek, Neal; Hoyos, Anita; Harris, Samuel J.; Mayer, Robert; Riker, Craig H.; Ngo, Khoang T.; Brunton, Ron
Cc: Brown, Linda; Bainbridge, Jack R.; Anders, John
Subject: RE: So.Bay Replacement LGIA - LS Power/SDG&E Conf Call #16
Importance: High

All:

Please be aware that today's cancelled conference call was the final conference call scheduled prior to the expiration of the extended negotiation period for the South Bay LGIA. SDG&E and the ISO will prepare the final executable LGIA and tender it to the IC within fifteen (15) Business Days per Section 11.2 of the LGIP. The LGIA is to be executed within 90 Calendar Days after the issuance of the final Interconnection Facilities Study report (Tariff Section 11.2). Since negotiations have been extended well beyond the 90 Calendar Days, the IC will be expected to execute the LGIA within fifteen (15) Business Days of receipt.

11.3 Execution and Filing.

At the time that the Interconnection Customer either returns the executed LGIA or requests the filing of an unexecuted LGIA as specified below, the Interconnection Customer shall provide the applicable Participating TO(s) and ISO (A) reasonable evidence of continued Site Control or (B) posting to the applicable Participating TO(s) of \$250,000, non-refundable additional security, which shall be applied toward future construction costs. At the same time, the Interconnection Customer also shall provide reasonable evidence that one or more of the following milestones in the development of the Large Generating Facility, at the Interconnection Customer election, has been achieved: (i) the execution of a contract for the supply or transportation of fuel to the Large Generating Facility; (ii) the execution of a contract for the supply of cooling water to the Large Generating Facility; (iii) execution of a contract for the engineering for, procurement of major equipment for, or construction of, the Large Generating Facility; (iv) execution of a contract for the sale of electric energy or capacity from the Large Generating Facility; or (v) application for an air, water, or land use permit.

In the event that LS Power does not intend to execute the LGIA, it would be appreciated if notification from LS Power to withdraw the South Bay project is received as soon as possible.

Please feel free to contact me if you have any questions.

Please note that I will be out on vacation/honeymoon during the week of October 14, 2007.

Judy (Nickel) Brown
Project Manager
California ISO
(916) 608-7062

From: Winter, Rodney [mailto:RWinter@semprautilities.com]
Sent: Thursday, October 11, 2007 8:50 AM
To: Amirali, Ali; Nickel, Judy; Peters, Dennis; Green, Irina; Alexander, Patricia; Ron Fischer; Basho, Brij; Joe Otahal; Kevin Johnson; Dusi, Alan; Baranowski, John; Jenkins, John D.; Walsh, James; Lopez, Jose; Allen, Tim; Torre, William V.; Bartek, Neal; Hoyos, Anita; Harris, Samuel J.; Mayer, Robert; Riker, Craig H.; Ngo, Khoang T.; Brunton, Ron
Cc: Brown, Linda; Bainbridge, Jack R.; Lamb, Merrie J.
Subject: RE: So.Bay Replacement LGIA - LS Power/SDG&E Conf Call #16

10/18/2007

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
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**[PROPOSED] ORDER GRANTING MOTION OF THE CALIFORNIA INDEPENDENT
SYSTEM OPERATOR CORPORATION TO REOPEN THE RECORD
FOR RECEIPT OF ADDITIONAL EXHIBIT**

On October 29, 2007, California Independent System Operator Corporation (“CAISO”) filed a motion to reopen the record for the limited purpose of receiving additional documentary information concerning the South Bay Replacement Project (the “Replacement Project”). The exhibit the CAISO requests to be received is a letter dated October 19, 2007 from Kevin R. Johnson of the South Bay Replacement Project, LLC (“SBRP”) to Judy Nickel Brown of the CAISO. In the letter, Mr. Johnson states that SBRP has not been able to secure site control for the Replacement Project and, as a result, has elected not to proceed with execution of a Large Generator Interconnection Agreement (“LGIA”) or the filing of an unexecuted LGIA. The letter also acknowledges that the decision not to pursue the LGIA will result in the Replacement Project being removed from CAISO’s interconnection queue. Most importantly for the purposes of this proceeding, the letter provides that SBRP will not be committing any additional development resources to the Replacement Project. Thus, the Replacement Project is no longer moving forward.

The CAISO and other parties in this proceeding analyzed and evaluated the Replacement Project as a potential alternative to the Sunrise Powerlink Transmission Line (“Sunrise”) and the issue was addressed during cross-examination. Based on Mr. Johnson’s letter, however, the

Replacement Project no longer appears to be a viable alternative. Given that the current state of the record includes testimony and analysis of the Replacement Project as an alternative to Sunrise, it is necessary for the record be updated to reflect that the change in the status of the project. Indeed, absent updating the record to reflect this change in the status of the project, the Commission could incorrectly assume that the Replacement Project is still being developed.

Good cause having been shown, IT IS HEREBY RULED that:

1. The motion of the California Independent System Operator Corporation to reopen the record for the receipt of an additional exhibit is granted.
2. This proceeding shall be reopened for the limited purpose of receiving an additional exhibit offered by the California Independent System Operator Corporation.

Dated _____, 2007 at San Francisco, California

By: _____

CERTIFICATE OF SERVICE

I, Judy Pau, certify:

I am employed in the City and County of San Francisco, California, am over eighteen years of age and am not a party to the within entitled cause. My business address is 505 Montgomery Street, Suite 800, San Francisco, California 94111.

On October 29, 2007, I caused the following to be served:

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enclosed in a sealed envelope, by first class mail on the parties listed as “Appearance” and “State Service” on the attached service list who have not provided an electronic mail address, and via electronic mail to all parties on the service list who have provided the Commission with an electronic mail address.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on the date above at San Francisco, California.

/s/ Judy Pau
Judy Pau

cc: Commissioner Dian M. Grueneich (via US Mail and email)
Commissioner Michael R. Peevey (via US Mail and email)
Commissioner John A. Bohn (via US Mail and email)
Commissioner Timothy Alan Simon (via US Mail and email)
Commissioner Rachelle Chong (via US Mail and email)
ALJ Steven A. Weissman (via US Mail and email)
Service List A. 06-08-010 (via US Mail or email)

CALIFORNIA PUBLIC UTILITIES COMMISSION

Service Lists

Proceeding: A0608010 - SDG&E - CPCN FOR THE
Filer: SAN DIEGO GAS & ELECTRIC COMPANY (U902E)
List Name: LIST
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