

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

**Cities of Anaheim, Azusa, Banning,
Colton, and Riverside, California and
City of Vernon, California**

vs.

**California Independent System
Operator Corporation**

Docket No. EL03-54-000

**CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION'S
OPPOSITION TO THE CALIFORNIA ELECTRICITY OVERSIGHT BOARD'S
MOTION TO INTERVENE, AND RESPONSE TO SOUTHERN CALIFORNIA EDISON
COMPANY'S MOTION TO INTERVENE**

The California Independent System Operator Corporation ("ISO") hereby objects to the California Electricity Oversight Board's Motion to Intervene, and responds to Southern California Edison Company's Motion to Intervene.

Unlike Southern California Edison Company ("SCE"), the California Electricity Oversight Board ("EOB") chose not to intervene in the underlying arbitration during the ISO Tariff mandated arbitration open period.¹ The ISO, therefore, reiterates the grounds of opposition set out in detail in its Opposition to the Motion to Intervene filed by the California Department of Water Resources / State Water Project ("DWR").²

By submitting its opposition to EOB's and DWR's Motions to Intervene, the ISO does not imply that the Federal Energy Regulatory Commission ("FERC") should grant Petitioners' (Cities of Anaheim, Azusa, Banning, Colton, Riverside, and Vernon) Petition for Review of the underlying arbitration award. No good purpose would be served by re-arguing what has been

¹ See ISO Tariff § 13.2.5. See also ISO ADR Supplemental Procedure 3.1, Right to Intervene (ISO ADR Supplemental Procedures are also published on the ISO website and supplement specific parts of ISO Tariff Section 13.).

² See California Independent System Operator Corporation's Opposition to the California Department of Water Resources / State Water Project's Motion to Intervene filed with the Federal Energy Regulatory Commission on March 31, 2003.

thoroughly considered and decided by the Arbitrator according to FERC and ISO Tariff requirements. Granting the Petition would be the same as granting automatic review of all awards determined pursuant to the relevant provisions of the FERC-approved ISO Tariff, and would render the ISO Tariff's alternative dispute resolution process meaningless. The FERC should, therefore, deny the Petition.

If the FERC chooses to grant the Petition for Review, which it should not, the ISO agrees with SCE that the proposed briefing schedule is unnecessary and unfair. SCE Motion to Intervene and Protest, at 3. During the underlying proceedings, the ISO, Petitioners, and SCE agreed to a procedure whereby all three parties fully briefed the issues in simultaneous initial and reply briefs. Additional briefing is, therefore, unnecessary. Moreover, Petitioners' proposed briefing schedule is unfair and heavily slanted in Petitioners' favor with two rounds of briefing for Petitioners and a single round of briefing for the ISO. If the FERC grants the Petition for Review, any briefing that it determines necessary should follow the schedule used previously, i.e. simultaneous initial and reply briefs from all admitted parties.

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Respectfully submitted,

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Dated: April 8, 2003

CERTIFICATE OF SERVICE

I hereby certify that I have this 8th day of April, 2003, caused a copy of the foregoing document to be sent by electronic mail and/or facsimile and first class mail to each person designated on the official service list compiled by the Secretary and on the Arbitrator through his designated representative at the American Arbitration Association.

/s/ Julie E. Grey

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