

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

California Independent System
Operator Corporation
Docket Nos. ER03-1090-000
and ER03-1090-001

September 16, 2003

Swidler Berlin Shereff Friedman, LLP
3000 K Street, NW
Suite 300
Washington, D.C. 20007

Attention: David B. Rubin, Esquire
Counsel for California Independent System
Operator Corporation

Reference: Participating Generator Agreement

Dear Mr. Rubin:

On July 18, 2003, as amended on July 31, 2003, you submitted for filing, on behalf of the California Independent System Operator Corporation (CA ISO), a non-conforming Participating Generator Agreement (PGA) between the CA ISO and Energia Azteca X, S. de R.L. de C.V. (EAX). The instant PGA between CA ISO and EAX relates to the operation of combustion turbine C and associated generating facilities of the Ciclo Combinado Mexicali power plant located in Mexico. Waiver of the Commission's notice requirements pursuant to section 35.11 of the Commission's rules and regulations (18 C.F.R. § 35.11) is granted and the PGA, as amended, is accepted for filing effective July 15, 2003, as requested.

This filing, as amended, was noticed on July 22, 2003, and August 5, 2003, respectively, with comments, protests, or motions to intervene due on or before August 21, 2003. No protests or adverse comments were filed. Notices of intervention and unopposed timely filed motions to intervene are granted pursuant to the operation of Rule 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.214). Any opposed or untimely filed motion to intervene is governed by the provision of Rule 214.

This acceptance for filing shall not be construed as constituting approval of the referenced filing or of any rate, charge, classification, or any rule, regulation or practice affecting such rate or service provided for in the filed documents; nor shall such

acceptance be deemed as recognition of any claimed contractual right or obligation associated therewith; and such acceptance is without prejudice to any findings or orders which have been or any which may hereafter be made by the Commission in any proceeding now or pending or hereafter instituted by or against California Independent System Operator Corporation.

This action is taken pursuant to authority delegated to the Director, Division of Tariffs and Market Development - West, under 18 C.F.R. § 375.307. This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

Sincerely,

Jamie Simler, Director
Division of Tariffs and Market
Development – West

cc: All Parties