

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

**California Independent System  
Operator Corporation**

**Docket Nos. ER00-2019-006  
ER01-819-002  
ER03-608-000**

**ORDER CONFIRMING RULINGS**

**(Issued October 9, 2003)**

1. By order issued on September 30, 2003, the undersigned Presiding Administrative Law Judge (ALJ) set Oral Argument for this proceeding on October 7, 2003, to discuss several pending motions and related matters.
2. After careful consideration of the arguments of the respective parties through their motions, responsive pleadings, and at Oral Argument, this Order confirms the following bench rulings:
3. On October 1, 2003, the Northern California Power Agency (NCPA) filed a Motion for Approval of Witness Substitution. This unopposed Motion requests approval of a substitution of witness Mr. David Dockham for witness Mr. Donald W. Rushton in order to conserve limited staff resources. Due to the convenience to the NCPA and the unopposed nature of the NCPA's proposed changes, the NCPA's Motion is hereby granted.
4. The Cogeneration Association of California, the Energy Producers and Users Coalition, the California Independent System Operator, and Southern California Edison Company (SCE) submitted a Motion to Adopt a Joint Stipulation. The joint stipulation pertains to issues related to the definition of Gross Load as that definition pertains to retail customer load served by generation that is located on the customer's site or provides service to the customer's site through arrangements as authorized by Section 218 of the California Public Utilities Code. The new definition, to be reflected on ISO Tariff Sheet No. 319, is:

Gross Load: For the purposes of calculating the transmission Access Charge, Gross Load is all Energy (adjusted for distribution losses) delivered for the supply of Loads directly connected to the transmission facilities or Distribution System of a UDC or MSS, and all Energy provided by a Scheduling Coordinator for the supply of Loads not directly connected to the transmission facilities or Distribution System of a UDC or MSS. Gross Load shall exclude Load with respect to which the Wheeling Access Charge is payable and the portion of the

Load of an individual retail customer of a UDC, MSS, or Scheduling Coordinator that is served by a Generating Unit that: (a) is located on the customer's site or provides service to the customer's site through arrangements as authorized by Section 218 of the California Public Utilities Code; and (b) secures Standby Service from a Participating TO under terms approved by a Local Regulatory Authority or FERC, as applicable, or can be curtailed concurrently with an outage of the Generating Unit serving the Load. Gross Load forecasts consistent with filed TRR will be provided by each Participating TO to the ISO.

The Joint Stipulation is unopposed. The undersigned Presiding ALJ hereby approves and adopts the Joint Stipulation.

5. Several parties filed Motions to Strike Testimony in these proceedings. The Commission's standard for the striking of testimony is stated as follows in footnote 1 to its Order in *Power Mining, Inc.*, 45 FERC ¶61,311 (1988):

“Motions to strike are not favored, and objectionable material will not be struck unless the matters sought to be omitted from the record has no possible relationship to the controversy, may confuse the issues, or otherwise prejudice a party.”

After considering and adopting appropriate measures to prevent prejudice to any party, the undersigned Presiding ALJ hereby denies the following Motions to Strike Testimony: SCE's and Pacific Gas & Electric Company's Motion to Strike Portions of San Diego Gas & Electric's Cross-Answering Testimony, filed September 25, 2003; the State Water Contractors' and the Metropolitan Water District of Southern California's Motion to Strike Portions of SCE's Cross-Answering Testimony and Motion for Expedited Consideration, filed September 30, 2003; and the California Department of Water Resources, State Water Project's Motion to Strike and Request for Expedited Consideration, filed October 6, 2003.

**SO ORDERED.**

**Bobbie J. McCartney**  
**Presiding Administrative Law Judge**