

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

**Portland General Electric Company
Enron Power Marketing, Inc.**

Docket No. EL02-114-000

**ORDER RULING ON MOTION OF DUKE ENERGY TRADING AND
MARKETING, L.L.C. TO STAY THE CITY OF TACOMA'S DISCOVERY
REQUEST TO THE CALIFORNIA INDEPENDENT
SYSTEM OPERATOR CORPORATION, ETC.**

(Issued November 12, 2002)

1. This Order rules on the relief requested by Duke Energy Trading and Marketing, L.L.C. (“Duke” herein) in its Emergency Motion filed on November 12, 2002, (“Emergency Motion” herein) triggered by a discovery request issued by the City of Tacoma, Washington (“Tacoma” herein) to the California Independent System Operator Corporation (“CAISO” herein).

2. In an Order issued on November 4, 2002, in this proceeding, Duke was granted a special and limited appearance to litigate its objection to a subpoena *duces tecum* issued in this proceeding by Tacoma. Duke’s current request that its special and limited appearance be expanded to allow it “respond to all further applications for discovery of its confidential and commercially sensitive data, including the instant discovery requests to the CAISO from Tacoma” is GRANTED.

3. In its Emergency Motion, Duke alleges Tacoma issued its discovery request to CAISO in violation of “both the letter and the spirit of the Commission’s Rules of Practice and Procedure” as well as the Procedural Order issued in this proceeding. Tacoma is hereby ORDERED to respond to those allegations before close of business on November 15, 2002.¹

4. After full consideration of the Emergency Motion, the undersigned hereby orders that by 5:00 p.m. EDT on November 14, 2002, the CAISO shall provide

¹ Service shall be by filing with the Office of the Secretary as well as electronic filing on the undersigned and her law clerk.

under seal to the undersigned only all information responsive to the data request served on the CAISO by Tacoma.

5. To facilitate the details of this production, the CAISO shall contact, by 3:00 p.m. EDT on November 13, 2002, either Dolores Lopez, law clerk to the undersigned, or if she is not available, Gloria Smith, Legal Technician to the undersigned. This contact is for the purpose of working out the logistics of filing *under seal* the requested information with the Office of the Secretary of the Commission. The CAISO is advised that the undersigned prefers that the information be filed in electronic format.

6. After the CAISO files this information *under seal* with the Secretary's Office, no further action shall be required of it to fulfill the data request served on it by Tacoma unless further order of the undersigned so indicates.

7. After the undersigned has had an opportunity to familiarize herself with the nature of the information contained in this submission, further proceedings on this issue will be announced by way of Order.

8. All other relief requested by Duke in its Emergency Motion not inconsistent with the contents of this Order should be considered as taken under advisement pending examination of the data in question.

IT IS SO ORDERED.

Jeffie J. Massey
Presiding Administrative Law Judge