

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

September 8, 2005

In Reply Refer To:  
Mirant Delta, LLC and Mirant Potrero,  
LLC  
Docket No. ER05-343-000

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Dear Ms. Bolton and Messrs. Yuffee and Bedwell:

1. On December 16, 2004, in Docket No. ER05-343-000, Mirant Delta, LLC and Mirant Potrero, LLC (collectively, Mirant) filed proposed rate schedule revisions for their Reliability Must-Run Service Agreements (RMR Agreements) with the California Independent System Operator Corporation (CAISO) for the Contra Costa Power Plant, Pittsburg Power Plant and Potrero Power Plant for 2005 (2005 RMR Agreement Filing). On January 7, 2005, in Docket No. ER05-343-001, Mirant amended its 2005 RMR Agreement Filing (Amendment) due to its settlement of the following three issues: (1) repair cost obligations; (2) annual fixed revenue requirements; and (3) variable operation and maintenance rates.
2. The CAISO, Pacific Gas and Electric Company (PG&E), the California Electricity Oversight Board (CEOB) and the California Public Utilities Commission (California Commission) filed a joint protest with respect to the 2005 RMR Agreement Filing (Joint Protest).

3. In an order issued on February 11, 2005, the Commission accepted the Amendment.<sup>1</sup> In that order, the Commission found that, notwithstanding its determination on the Amendment, the 2005 RMR Agreement Filing otherwise raised issues of material fact that could not be resolved based on the record before the Commission and were more appropriately addressed in hearing and settlement judge procedures.<sup>2</sup> Therefore, the Commission accepted the 2005 RMR Agreement Filing for filing, suspended it for a nominal period, made it effective, subject to refund, and set it for hearing and settlement judge procedures.<sup>3</sup> The Commission added that the issues resolved in the Amendment were not to be addressed in the hearing procedures.<sup>4</sup>

4. On June 20, 2005, the CAISO, PG&E, the CEOB and the California Commission filed a notice withdrawing their Joint Protest.<sup>5</sup> They stated that they had successfully resolved the concerns that had been raised in the Joint Protest. On that same date, in Docket No. ER05-1153-000, Mirant filed substitute revised sheets to reflect the parties' agreed-upon language. On August 2, 2005, the Director of the Division of Tariffs and Market Development – West, Office of Markets, Tariffs and Rates, pursuant to delegated authority, issued a letter order accepting the filing.<sup>6</sup>

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<sup>1</sup> *Mirant Delta, LLC*, 110 FERC ¶ 61,136 at P 12 (2005) (February 11 Order). The Commission also directed Mirant to file revised tariff sheets reflecting these terms within thirty days of the date of this order. *Id.* On February 18, 2005, in Docket No. ER05-343-002, Mirant submitted its compliance filing as directed. On April 8, 2005, the Director of the Division of Tariffs and Market Development – West, Office of Markets, Tariffs and Rates, pursuant to delegated authority, issued a letter order accepting the compliance filing. *Mirant Delta, LLC*, Docket No. ER05-343-002 (Apr. 8, 2005) (delegated letter order).

<sup>2</sup> February 11 Order, 110 FERC ¶ 61,136 at P 13.

<sup>3</sup> *Id.* at P 14.

<sup>4</sup> *Id.*

<sup>5</sup> Pursuant to Rule 216 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.216 (2005), the withdrawal of the Joint Protest became effective after fifteen days from the date it was filed.

<sup>6</sup> *Mirant Delta, LLC*, Docket No. ER05-1153-000 (Aug. 2, 2005) (delegated letter order).

5. On July 6, 2005, in Docket No. ER05-343-000, in light of the withdrawal of the Joint Protest, the Chief Judge terminated the settlement judge procedures in this proceeding and found that a hearing was not necessary.

6. Since there are no longer matters at issue in this proceeding, Docket No. ER05-343-000 is hereby terminated.

By direction of the Commission.

Magalie R. Salas,  
Secretary.