

111 FERC ¶61,218  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;  
Nora Mead Brownell, Joseph T. Kelliher,  
and Suedeem G. Kelly.

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

v.

Docket No. EL03-54-001

California Independent System Operator Corporation

ORDER DENYING RECONSIDERATION

(Issued May 11, 2005)

1. On March 30, 2005, the Commission, pursuant to delegated authority, issued an order denying a request for rehearing by Southern California Edison Company (SoCal Edison) of an order allowing the California Independent System Operator Corporation (ISO) to recover charges from SoCal Edison.<sup>1</sup> On April 8, 2005, SoCal Edison filed a motion seeking an extension of time to comply with the prior orders pending appeal. On April 20, 2005, the extension of time was granted.

2. On April 27, 2005, the Cities of Anaheim, Azusa, Banning, Colton, and Riverside, California, and City of Vernon, California (California Cities) filed a motion for reconsideration of the notice granting the extension of time. The California Cities argue that the support SoCal Edison gave was “purely economic,”<sup>2</sup> and does not justify what they view as a stay under Commission precedent.

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<sup>1</sup> *Cities of Anaheim v. California Independent System Operator Corporation*, 107 FERC ¶ 61,070 (2004), *reh’g denied*, 110 FERC ¶ 61,387 (2005).

<sup>2</sup> California Cities Motion at 3.

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**Discussion**

3. We will deny the motion for reconsideration. Section 13.4.4 of the ISO's Open Access Transmission Tariff provides for an automatic stay of implementation of an award from an arbitration proceeding "pending an appeal" of an arbitration proceeding (as this proceeding is), and section 13.4.5 states that Commission orders "shall be subject to judicial review pursuant to the [Federal Power Act]." We have interpreted these provisions as meaning that, assuming an appeal of the Commission's orders is filed, a stay is automatically in effect (unless dissolved or shortened) until after the court rules on appeal.<sup>3</sup> Accordingly, we will deny the motion for reconsideration.

The Commission orders:

California Cities' motion for reconsideration is hereby denied.

By the Commission.

( S E A L )

Linda Mitry,  
Deputy Secretary.

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<sup>3</sup> See *California Independent System Operator Corporation*, 111 FERC ¶ 61,078 at P 25 (2005).