

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

California Independent System
Operator Corporation

Docket Nos. ER04-1228-000
ER04-1228-001

ORDER ON INFORMATIONAL FILING

(Issued December 6, 2004)

1. On September 15, 2004, as amended on October 8, 2004, the California Independent System Operator Corporation (CAISO) submitted an informational filing which modifies the CAISO's Transmission Access Charge to reflect changes to the transmission rates as the result of a settlement approved by the Commission in Docket No. ER03-409-000, *et al.* The Transmission Access Charge is determined through application of a formula rate and the instant informational filing reflects the application of the formula for charges for the period of August 13, 2003 to December 31, 2003. We acknowledge the receipt of this informational filing and note that the rates charged are subject to the outcome of other proceedings.

2. Notice of the CAISO's filing was issued in the *Federal Register*, 69 Fed. Reg. 59,913 (2004), with comments, protests, or interventions due on or before October 6, 2004. Southern California Edison Company (SoCalEd) and the Cogeneration Association of California and the Energy Producers and Users Coalition (CAC) filed motions to intervene and protests to the original filing. The California Electricity Oversight Board and the California Department of Water Resources each filed a notice of intervention. Notice of the CAISO's amended filing was issued in the *Federal Register*, 69 Fed. Reg. 61,822 (2004), with comments, protests, or interventions due on or before October 29, 2004. None was filed.

Discussion

3. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2003), the notices of intervention and timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding.

4. SoCalEd protested the CAISO's original filing because it claimed that the CAISO appeared to have "inadvertently omitted [Transmission Access Charge] rates for the period from October 1, 2003 through December 31, 2003." In its October 8, 2004 filing, the CAISO remedied this error. Therefore, SoCalEd's protest has been rendered moot.

5. CAC contends that the rates contained in the September 15, 2004 filing could be subject to change pending the outcome of ongoing proceedings in ER03-409-000, *et al.* CAC states that should it prevail on a pending issue in that case, which concerns how the retail transmission revenue requirement will be re-allocated among customer classes, that re-allocation may affect the revised Transmission Access Charge. To the extent that this is the case, CAC protests their acceptance by the Commission. CAC contends that the rates should be suspended and accepted subject to refund.

6. The formula rate that the CAISO utilizes to calculate the Transmission Access Charge is pending before the Commission in Docket No. ER00-2019-000, *et al.* Therefore, our acceptance of the instant informational filing is subject to the outcome of that proceeding. Regarding CAC's request that the instant rates be suspended and accepted subject to refund, we reject this request since the underlying formula is the rate on file and the instant informational filing simply reflects the current inputs under that formula rate. However, the instant charges may be subject to further modification pending the outcome of litigation in Docket No. ER03-409-000, *et al.*

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.