

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Sudeen G. Kelly, Marc Spitzer,
Philip D. Moeller, and Jon Wellinghoff.

California Independent System Operator

Docket No. ER06-1360-001

ORDER PROVIDING CLARIFICATION

(Issued November 13, 2006)

1. In an order issued on October 10, 2006,¹ the Commission accepted several revisions to the Transmission Control Agreement (TCA), entered among the California Independent System Operator (CAISO) and Participating Transmission Owners (PTO), that were proposed by the CAISO to provide for the addition of Trans Bay Cable LLC (Trans Bay) as a PTO. The CAISO requested that Original Sheet No. 72D (Trans Bay's signature page), Original Sheet No. 103D of Appendix A (Transmission Entitlements for Trans Bay Cable LLC), and Original Sheet No. 238 of Appendix F (Notices for Trans Bay Cable LLC) become effective upon further notice provided by the CAISO after October 10, 2006. The CAISO requested that the other revisions to the TCA become "effective on October 10, 2006 (*i.e.*, sixty days after submittal of the filing)."

2. The October 10 Order found good cause to grant the CAISO's request for waiver for revisions to Trans Bay's signature page and pages in Appendices A and F (Original Sheet Nos. 72D, 103D, and 238), to become effective upon future notice provided by the CAISO after October 10, 2006. The October 10 Order accepted the remaining revisions effective October 11, 2006, explaining that absent waiver, this was the earliest date that the CAISO's proposed revisions could be made effective (*i.e.*, after 60 days' notice).² The October 10 Order also stated that the CAISO's proposed revisions to the TCA were accepted for filing, *effective as requested*.³

3. On October 13, 2006, the CAISO filed a request for clarification, asking that the Commission clarify the intended effective date for the latter revisions. The CAISO states that it would ordinarily interpret the statement "effective as requested" to mean that the effective date is October 10, 2006. However, the CAISO points out that this

¹ *Cal. Indep. Sys. Operator Corp.*, 117 FERC ¶ 61,029 (2006) (October 10 Order).

² October 10 Order, 117 FERC ¶ 61,029 at P 17-18.

³ *Id.* at P 1, Ordering Paragraph (A) (emphasis added).

interpretation conflicts with the Commission's determination that the latter revisions would "become effective October 11, 2006." The CAISO states that, if the correct effective date is October 11, 2006, it will re-file the affected tariff sheets with the correct effective date, as the tariff sheets currently on file with the Commission list the effective date as October 10, 2006.

4. We clarify that the effective date of the revisions (with the exception of Trans Bay's signature page and the related pages in Appendices A and F (Original Sheet Nos. 72D, 103D, and 238)), is October 11, 2006. The CAISO's proposed effective date of October 10, 2006 for these revisions falls one day short. Absent waiver, public utilities must provide the Commission at least 60 days prior notice before any proposed rate, term, or condition is to become effective.⁴ Therefore, the earliest date that proposed rates, terms, or conditions may become effective, absent waiver, is the 61st day after filing, *i.e.*, the day *after* the 60-day prior notice period has expired. Thus, given that the CAISO did not request waiver of the 60-day prior notice requirement, for its August 11, 2006 filing, the earliest permissible effective date is October 11, 2006.⁵

The Commission orders:

The Commission hereby clarifies that the effective date of the accepted revisions in the October 10 Order (with the exception of Trans Bay's signature page and pages in Appendices A and F (Original Sheet Nos. 72D, 103D, and 238)), is October 11, 2006.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.

⁴ 16 U.S.C. § 824d(d) (2000); 18 C.F.R. § 35.3 (2006).

⁵ See *Utah Power & Light Co.*, 30 FERC ¶ 61,015 at 61,024 n.9 (1985).