

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

Cabazon Wind Partners, LLC

Docket Nos. EL04-137-002  
EL04-137-000  
EL04-137-001

v.

Southern California Edison Company

ORDER GRANTING MOTION FOR DISMISSAL OF COMPLAINT AND  
DISMISSING REQUEST FOR REHEARING

(Issued March 28, 2007)

1. By this order, the Commission grants the motion for dismissal of complaint filed by Cabazon Wind Partners, LLC (Cabazon). Because we grant Cabazon's motion for dismissal, we also dismiss as moot the petition for rehearing by Southern California Edison Company (SCE).

**I. Background**

2. The background of this case is described in detail in *Opinion No. 490*.<sup>1</sup> Briefly, under SCE's Wholesale Distribution Access Tariff, SCE and Cabazon executed an interconnection facilities agreement (Agreement).<sup>2</sup> The Agreement provides that SCE

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<sup>1</sup> *Cabazon Wind Partners, LLC v. Southern California Edison Co.*, Opinion No. 490, 117 FERC ¶ 62,212, at P 3-12 (2006) (*Opinion No. 490*).

<sup>2</sup> The Commission accepted the original Agreement. See *Southern California Edison Co.*, Docket No. ER02-1764-000 (July 5, 2002) (unpublished letter order). The Commission also accepted the amended Agreement. See *Southern California Edison Co.*, Docket No. ER03-228-000 (January 24, 2003) (unpublished letter order).

will construct upgrades necessary to interconnect Cabazon's 42.6 megawatt (MW) wind generation facilities (Wind Project) to SCE's wholesale distribution system. SCE upgraded certain lines, classified the upgrades as distribution system facilities, and directly assigned the upgrade costs to Cabazon.

3. Cabazon paid SCE for the upgrades, but filed a complaint claiming that it is entitled to transmission credits or reimbursement for the upgrade costs. Cabazon claimed that SCE incorrectly classified the upgraded facilities as non-integrated facilities rather than recognizing them as transmission network upgrades.<sup>3</sup>

4. The Commission set for hearing the issue of whether the upgrades to the distribution system facility should be reclassified under the Agreement as network upgrades.<sup>4</sup>

5. Cabazon sought rehearing of the *Hearing Order* because it did not set for hearing the two cost issues: whether SCE considered less costly alternatives; and whether the costs actually incurred were just and reasonable.

6. The Initial Decision found that these were not network upgrades. In *Opinion No. 490*, the Commission agreed.<sup>5</sup> However, the Commission granted Cabazon's request for rehearing and directed that an additional evidentiary hearing be held on the cost issue.

7. In the interim, SCE made a filing to reflect the actual costs of the interconnection facilities and distribution system facilities installed (True-Up filing).<sup>6</sup> Under the True-Up filing, SCE refunded \$112,807.56 to Cabazon to reflect the fact that the overall cost to interconnect the Wind Project was less than SCE had originally estimated.

## **II. Cabazon's Motion for Dismissal**

8. Cabazon has now filed a motion for dismissal of the complaint as to the remaining issues and a "statement of satisfaction." Cabazon requests the Commission to terminate

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<sup>3</sup> *Opinion No. 490*, 117 FERC ¶ 62,212 at P 5.

<sup>4</sup> *Cabazon Wind Partners, LLC v. Southern California Edison Co.*, 109 FERC ¶ 61,203 (2004) (*Hearing Order*).

<sup>5</sup> *Opinion No. 490*, 117 FERC ¶ 62,212 at P 14-16.

<sup>6</sup> The True-Up filing was accepted by the Commission. *Southern California Edison Co.*, Docket No. ER06-658-000 (March 24, 2006) (unpublished letter order).

this docket and all its subdockets because its issues have been resolved. It no longer wishes to pursue its complaint on the cost issue because it is satisfied by SCE's True-Up filing. Therefore, Cabazon states that its request for rehearing granted in *Opinion No. 490* and SCE's request for rehearing of that portion of the opinion are now moot. It further states that SCE informed Cabazon that it would not object to the dismissal of its rehearing request if the Commission finds that the portion of the *Opinion No. 490* setting the cost issue for hearing has been rendered moot by Cabazon's motion.

9. Commission Trial Staff filed an answer to Cabazon's motion for dismissal. Trial Staff agrees that a hearing is no longer necessary. It also states that Cabazon's motion and "statement of satisfaction" satisfy the Commission's regulations on complaint procedures.<sup>7</sup> Accordingly, Trial Staff supports Cabazon's motion.

### **III. Commission Determination**

10. We find that the cost issue that was set for hearing in *Opinion 490* has been resolved by the parties. Therefore, we approve the motion for dismissal filed by Cabazon. Further, because we grant the motion for dismissal of the complaint, we also dismiss as moot the request for rehearing filed by SCE. We terminate all proceedings related to Docket No. EL04-137.

#### The Commission orders:

(A) The motion for dismissal filed by Cabazon is hereby granted, as discussed in the body of this order.

(B) The request for rehearing of *Opinion No. 490* filed by SCE is dismissed as moot, as discussed in the body of this order.

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<sup>7</sup> Trial Staff Answer at 3, citing 18 C.F.R. § 385.206(j) (2006).

(C) All proceedings related to Docket No. EL04-137-000 are hereby terminated.

By the Commission.

( S E A L )

Philis J. Posey,  
Acting Secretary.