

141 FERC ¶ 61,083  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;  
Philip D. Moeller, John R. Norris,  
Cheryl A. LaFleur, and Tony T. Clark.

Shell Energy North America (US), L.P.

Docket No. EL12-88-000

v.

California Independent System Operator Corporation

ORDER DISMISSING COMPLAINT

(Issued October 31, 2012)

1. On July 25, 2012, Shell Energy North America (US), L.P. (Shell Energy) filed a complaint against the California Independent System Operator Corporation (CAISO) pursuant to section 206 of the Federal Power Act (FPA)<sup>1</sup> and Rule 206 of the Commission's Rules of Practice and Procedure.<sup>2</sup> Shell Energy requests the Commission determine that a penalty of \$1,042.78 imposed upon it by CAISO related to the reporting of meter data is unjust and unreasonable, direct CAISO to modify its tariff concerning the reporting of meter data, and open an investigation into the CAISO settlement process. As discussed below, based on the pleadings and facts presented in this proceeding, we find that Shell Energy: (1) now accepts and does not challenge the penalty imposed upon it; (2) has failed to adequately support its request for modifications of CAISO's tariff; and (3) has failed to adequately support its request for an investigation into the CAISO settlement process. We, therefore, dismiss the complaint without prejudice.

**I. Background**

2. Shell Energy states that it is a power marketer, which acts as a scheduling coordinator under section 4.5.3 of CAISO's tariff. It explains that as scheduling

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<sup>1</sup> 16 U.S.C. § 824e (2006).

<sup>2</sup> 18 C.F.R. § 385.206 (2012).

coordinator, Shell Energy provides settlement quality meter data<sup>3</sup> to CAISO for each customer's meter for each trading hour in investor-owned utility (IOU) service areas, based on the meter data presented to it by the IOUs or third-party providers pursuant to their responsibility as meter data management agents under rules adopted by the California Public Utilities Commission (CPUC).<sup>4</sup>

3. According to Shell Energy, it has a customer with fifteen meters in the service area of Southern California Edison Company (SoCal Edison), an IOU. SoCal Edison serves as the meter data management agent for the applicable customer service accounts of Shell Energy. Shell Energy explains that in California, "meter data management agent" refers to an entity that collects meter reads from the metering equipment at an end-use retail customer's site, and validates and distributes the metered usage data.<sup>5</sup>

4. Shell Energy claimed that SoCal Edison failed to provide it with timely data for one of its customer's meters for the September 3, 2011 trading day. Shell Energy therefore submitted an estimate of the missing meter data to CAISO. Shell Energy states that only after the CAISO tariff reporting deadline did SoCal Edison provide it with "complete and accurate" data for the meter for which Shell Energy had provided estimated data. The actual meter data for the customer proved to be 144 MWh less than the amount first reported by Shell Energy to CAISO.<sup>6</sup>

5. Shell Energy states that on June 18, 2012, CAISO sent a letter notifying it that tariff section 37.5.2 required a sanction of a \$1,042.78 penalty against it for the inaccurate meter data reported for the September 3, 2011 trading day.<sup>7</sup>

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<sup>3</sup> The CAISO tariff defines "Settlement Quality Meter Data" as meter data gathered, edited, validated, and stored in a settlement-ready format, for settlement and auditing purposes. CAISO, eTariff, Fifth Replacement Electric Tariff, OATT, app. A, Master Definition Supplement.

<sup>4</sup> Shell Energy Complaint at 3-4.

<sup>5</sup> See, e.g., the definition of meter data management agent in SoCal Edison's tariff. Rev. Cal. PUC Sheet 44282-E, Rule 1, Definitions, Sheet 7.

<sup>6</sup> Shell Energy Complaint at 4.

<sup>7</sup> *Id.* at 4-5; Ex. A.

## II. Shell Energy Complaint

6. In its complaint, Shell Energy requests three actions by the Commission. First, it asks the Commission to dismiss the penalty, or in the alternative, impose the penalty on SoCal Edison as the responsible entity. However, as discussed below, in a subsequent pleading, Shell Energy states it no longer contests the penalty.

7. Second, Shell Energy requests that the Commission direct CAISO to make certain amendments to its tariff. One amendment Shell Energy requests is that CAISO define “complete and accurate” meter data within the meaning of tariff section 37.5.2.1. It contends the term has different meanings to different market participants. According to Shell Energy, this leads to differences between actual metered deliveries and reported meter data. It asserts that these differences, in turn, lead to accumulations of uninstructed imbalance energy, the cost of which is spread to scheduling coordinators and their customers.<sup>8</sup> It contends that by allowing market participants to create their own definition of “complete and accurate” meter data, CAISO allows market participants to submit and rely upon reported meter data, whether or not such data reflect actual consumption.<sup>9</sup>

8. Shell Energy also requests that the Commission direct CAISO to amend its tariff to require meter data management agents, including IOUs, to adhere to the deadlines for providing complete and accurate settlement quality meter data to CAISO.<sup>10</sup>

9. Additionally, Shell Energy requests that the Commission direct CAISO to amend its tariff to provide that if a scheduling coordinator’s failure to provide complete and accurate meter data within the established time limits is due to the failure of another market participant, including an IOU, to provide the data within the time limits, then CAISO would impose any penalty on the market participant responsible for the failure to provide the accurate or timely meter data.<sup>11</sup>

10. Further, Shell Energy requests that the Commission direct CAISO to amend its tariff to align the obligation of a market participant to provide complete and accurate meter data with the corresponding CPUC rules for the production and correction of meter data by an IOU as a meter data management agent. It states that the CPUC requires that

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<sup>8</sup> *Id.* at 1, 9.

<sup>9</sup> *Id.* at 9.

<sup>10</sup> *Id.* at 5.

<sup>11</sup> *Id.*

ninety-nine percent of all usage data be available within five days of the scheduled meter reading date, with meter data management agents responsible for the other one percent as well. Furthermore, according to Shell Energy, CPUC rules allow an IOU to adjust a bill to a customer within three years, based on the correction of a meter data error.<sup>12</sup>

11. Third, Shell Energy requests that the Commission institute an investigation into the integrity of the settlement process administered by CAISO. It alleges that CAISO's failure to define "complete and accurate" meter data has led to the breakdown of the integrity of meter data reporting, and a consequent cost-shifting among scheduling coordinators with respect to uninstructed imbalance energy. It asks the Commission to allow market participants to comment on how they define this tariff requirement, and to require CAISO to report on the cost-shifting resulting from the different definitions used by market participants. Shell Energy states that the objective of the investigation should be for CAISO to adopt a clear definition of "complete and accurate" to which all market participants adhere.<sup>13</sup>

12. Shell Energy states that it appealed the penalty to the Commission in accordance with CAISO tariff section 37.8.10, which allows market participants to obtain immediate review of a CAISO sanction by direct appeal to the Commission, and section 11.29.8.3.1, which provides for disputes regarding CAISO recalculation settlement statements.<sup>14</sup>

### **III. Notice, Interventions, Comments, and Protest**

13. Notice of Shell Energy's complaint was published in the *Federal Register* on August 1, 2012, 77 Fed. Reg. 45,596 (2012), with interventions, protests, and Respondent CAISO's answer due on or before August 14, 2012.

14. Alliance for Retail Energy Markets (AREM), California Department of Water Resources State Water Project, Calpine Corporation, Cogeneration Association of California and Energy Producers and Users Coalition, Exelon Corporation, Modesto Irrigation District, and Pacific Gas and Electric Company filed timely motions to intervene. The Cities of Anaheim, Azusa, Banning, Colton, Pasadena, and Riverside, California (Six Cities) filed a motion to intervene out-of-time. The CPUC filed a timely notice of intervention. Finally, SoCal Edison filed a motion to dismiss Shell Energy's complaint, and in the alternative, a timely motion to intervene and a protest.

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<sup>12</sup> *Id.* at 6.

<sup>13</sup> *Id.* at 9-10.

<sup>14</sup> *Id.* at 5.

15. AReM filed comments in support of Shell Energy's complaint. It states that the complaint closely mirrors protests that AReM previously made to the Commission in Docket Nos. ER11-2574-000 and ER11-2819-000.<sup>15</sup> According to AReM, in those dockets it expressed concerns about the justness and reasonableness of the CAISO tariff provisions that require submission of "complete and accurate" meter data and impose penalties on scheduling coordinators if the reporting requirements are not met. AReM states that the Commission dismissed its protests.<sup>16</sup>

16. AReM contends the crux of the problem is that while the CPUC regulates the meter data management agents' meter reading accuracy and performance, the CAISO tariff imposes penalties on scheduling coordinators who have no ability to manage the service level of those meter data management agents. AReM agrees with Shell Energy that the tariff fails to define "complete and accurate" meter data, making compliance with the tariff problematic and enforcement potentially inconsistent. It asks the Commission to determine the current outcomes under the tariff unjust and unreasonable and to adopt Shell Energy's requested remedies.<sup>17</sup>

17. SoCal Edison requests that the Commission summarily dismiss Shell Energy's complaint on the ground that the complaint fails to meet the minimum requirements under Rules 203 and 206 of the Commission's Rules of Practice and Procedure.<sup>18</sup> Specifically, it claims Shell Energy's complaint does not satisfy Rule 203's requirement that a pleading contain all relevant facts, the position taken by the participant, and the basis in fact and law for such position, and it does not satisfy Rule 206's requirement that the complainant clearly identify and explain how the action or inaction allegedly violates applicable statutory standards or regulatory requirements.<sup>19</sup> Furthermore, according to SoCal Edison, with respect to its role as a meter data management agent, it did not provide a FERC-jurisdictional service to Shell Energy to the extent Shell Energy is

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<sup>15</sup> See *Cal. Indep. Sys. Operator Corp.*, 134 FERC ¶ 61,140, at PP 36-38 (2011), and *Cal. Indep. Sys. Operator Corp.*, 135 FERC ¶ 61,159, at PP 15-18 (2011).

<sup>16</sup> AReM Comments at 4-5.

<sup>17</sup> *Id.* at 5.

<sup>18</sup> 18 C.F.R. §§ 385.203 and 385.206.

<sup>19</sup> SoCal Edison Protest at 4.

complaining about actions taken, or not taken, by it; instead, it provided the meter data management agent service pursuant to its retail tariff, approved by the CPUC.<sup>20</sup>

18. To the extent that the Commission decides not to dismiss the complaint, SoCal Edison moves to intervene in the proceeding and protests the complaint. It makes four points. First, SoCal Edison agrees that Shell Energy is responsible under the CAISO tariff for providing settlement quality meter data to CAISO, and that the entity serving as a meter data management agent under the CPUC rules is not participating in the CAISO market and does not have the same obligations as a scheduling coordinator.<sup>21</sup>

19. Second, SoCal Edison disputes Shell Energy's claim that it only provided it with complete and accurate meter data after the tariff deadline for submission of the data to CAISO. SoCal Edison states that it provided Shell Energy with complete and accurate data four calendar days before the deadline established in the CAISO tariff. Third, SoCal Edison opposes Shell Energy's proposed revision of the CAISO tariff, allowing penalties for market participants who act as meter data management agents and fail to provide timely complete and accurate meter data to scheduling coordinators. It claims that this proposal would treat meter data management agents discriminatorily by creating two classes, depending on whether or not they are market participants, and is an improper attempt to impose a CAISO tariff obligation on meter data management agents, who provide service under a CPUC tariff.<sup>22</sup>

20. Finally, SoCal Edison disputes Shell Energy's assertion that IOUs are the default meter data management agents in California. It states that under CPUC-approved rules any energy service provider may elect an entity other than an IOU to serve as its meter data management agent, and may even own and read its own meters for scheduling purposes. It claims under SoCal Edison's tariff, any party meeting CPUC qualifications may serve as a meter data management agent. It concludes that Shell Energy should not try to use the CAISO tariff to dictate the terms and conditions of service between a meter data management agent and its customers.<sup>23</sup>

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<sup>20</sup> *Id.* at 3-4.

<sup>21</sup> *Id.* at 6.

<sup>22</sup> *Id.* at 8-9.

<sup>23</sup> *Id.* at 9-10.

#### IV. CAISO's Answer

21. In its answer, CAISO points out that meter data management agents perform a retail function subject to the authority of the CPUC. It notes that while it has a scheduling coordinator agreement with SoCal Edison, the agreement does not address SoCal Edison's role as a meter data management agent. It asserts that the functions performed by meter data management agents are outside the scope of the CAISO tariff and any FERC-approved agreements relating to CAISO. Furthermore, according to CAISO, requiring certain meter data management agents to bear penalties under the CAISO tariff because they are scheduling coordinators, while other meter data management agents are not, and would therefore not be subject to penalties, would constitute undue discrimination.<sup>24</sup>

22. CAISO further contends that Shell Energy has no basis for suggesting that some market participants are not subject to penalties under sections 37.5.1 and 35.11 of the tariff. It states that the tariff is clear that all scheduling coordinators are subject to the meter data submission rules.<sup>25</sup>

23. Second, CAISO asserts that Shell Energy misapprehends what constitutes meter data. It states that its tariff defines meter data as usage data either collected by a metering device or derived by the use of approved load profiles. According to CAISO, turning meter data into settlement quality meter data largely involves applying validation, editing, and estimation procedures, as well as distribution loss factors, approved by a local regulatory authority (in this case, the CPUC). It states that the CPUC has established procedures for these activities, and has approved distribution loss factor methodologies for application to revenue quality meter data (raw meter data).<sup>26</sup> Furthermore, CAISO claims that meter data must be self-reported by scheduling coordinators, and that it does not have the staff to read individual retail meters or to confirm that an entity has accurately implemented an approved load profile methodology.<sup>27</sup>

24. Third, CAISO asserts that the existing meter data submission deadlines in its tariff reflect important policy considerations and that it should not be required to amend the

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<sup>24</sup> CAISO Answer at 7-8.

<sup>25</sup> *Id.* at 9.

<sup>26</sup> *Id.* at 10-11.

<sup>27</sup> *Id.* at 11.

deadlines to align them with the obligations of meter data management agents under CPUC rules. CAISO states that its stakeholders and the Commission have recognized that earlier settlements create less credit risk and greater financial certainty for wholesale market participants. CAISO further states that the meter data penalties at issue here are the means by which it compels the submission of actual meter data that allow settlement reconciliation to happen.<sup>28</sup>

25. CAISO asserts that the Commission has twice considered and rejected the claims that Shell Energy makes in the complaint, in orders addressing similar concerns raised by AReM about meter data submission penalties.<sup>29</sup>

26. CAISO further explains that it recently extended its meter data reporting deadline from forty-three calendar days to forty-eight business days after the trading day, allowing two retail billing cycles to pass before a scheduling coordinator must submit settlement quality meter data to the ISO. It states that the Commission accepted its rationale for the change, which, while providing for the submission of meter data for settlements, still allows a reasonable time for scheduling coordinators to gather and submit the data without penalty. CAISO further notes that it now imposes a modest sanction of \$1,000 for untimely meter data submission and treats its sanctions as confidential, so scheduling coordinators do not suffer any reputational harm.<sup>30</sup>

27. CAISO suggests that one control that Shell Energy and other energy service providers could theoretically use would be to negotiate for the ability to pass through CAISO penalties to their meter data management agents. They have the ability to choose their meter data management agents, and need not rely on IOUs for the service. CAISO further states that if Shell Energy is correct in claiming that CPUC rules do not allow such an arrangement with an IOU, then that claim only bolsters CAISO's position that it is the CPUC, and not the Commission, that should address Shell Energy's concerns.<sup>31</sup>

28. Fourth, CAISO states the complaint presents no argument to support the claim that there is any ambiguity about the words "complete and accurate," and Shell Energy does

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<sup>28</sup> *Id.* at 12-13.

<sup>29</sup> *Id.* at 13 (citing *Cal. Indep. Sys. Operator Corp.*, 134 FERC ¶ 61,140, at P 41 (2011), and *Cal. Indep. Sys. Operator Corp.*, 135 FERC ¶ 61,159, at P 25 (2011)).

<sup>30</sup> *Id.* at 14.

<sup>31</sup> *Id.* at 15.

not explain why the accepted, plain meaning of the words is insufficient to discern the meaning of the tariff.<sup>32</sup>

29. Systematic non-compliance with the tariff would be reflected in unaccounted for energy, according to CAISO, yet unaccounted for energy has typically been less than 0.5 percent of load by month since 2011. Furthermore, CAISO states that in all but one month from January 2011 through March 2012, unaccounted for energy has been negative, suggesting that scheduling coordinators have been over-reporting load, rather than under-reporting, as Shell Energy suggests. CAISO also points out that section 10.3.10.1 of its tariff requires scheduling coordinators to perform annual metering audits to ensure compliance with the requirements of local regulatory authorities. It asserts that the results of these audits would identify any systematic flaws in meter data reporting and the application of approved validation, estimation, and editing procedures, load profiles, and distribution loss factors. However, the audits have not identified any systematic flaws, according to CAISO.<sup>33</sup>

30. CAISO states that Shell Energy's request for a full-scale Commission investigation into the settlement process is also inappropriate because it would call for an inquiry into issues that bear no relationship on how energy service providers submit meter data. It notes that energy service providers serve less than fifteen percent of California's load, and thus the overwhelming majority of meter data is not at issue. Furthermore, according to CAISO, meter data are only one type of data used in the settlement process. Other data streams feed the settlement of congestion revenue rights, convergence bids, ancillary services, energy market awards, and aspects of the grid management charge. CAISO states, however, that Shell Energy does not suggest or provide any evidence that there are widespread errors in how it performs its settlement calculations once it inputs data into the settlements systems.<sup>34</sup>

31. Finally, CAISO states that it is prepared to consult with the CPUC and other relevant and similarly situated entities, without undermining its settlements paradigm. It contends that any change would need to address issues comprehensively, recognize the role of the CPUC in the matter, and result from a collaborative process, rather than through a litigated Commission proceeding with a single market participant.<sup>35</sup>

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<sup>32</sup> *Id.* at 16.

<sup>33</sup> *Id.* at 16-17.

<sup>34</sup> *Id.* at 17-18.

<sup>35</sup> *Id.*

**V. Shell Energy's Answer to the Motion to Dismiss**

32. On August 29, 2012, pursuant to Rule 213 of the Commission's Rules of Practice and Procedure,<sup>36</sup> Shell Energy filed a timely answer to SoCal Edison's motion to dismiss. In its answer, Shell Energy acknowledges that SoCal Edison did, in fact, provide it with a complete report of the meter data for the customer meters in question prior to the deadline in the CAISO tariff. Accordingly, Shell Energy states that it no longer seeks to assign responsibility for the penalty to SoCal Edison, nor does it continue to challenge the penalty.<sup>37</sup>

33. Shell Energy nevertheless opposes the motion to dismiss. It states that the clarification of the facts about the reporting of the meter data for its customer for the September 3, 2011 trading day does not diminish its underlying concern regarding the CAISO settlement process. It still requests that the Commission address the situation that the services provided by meter data management agents in California are subject to rules established by the CPUC, while the reporting of meter data by scheduling coordinators to CAISO is subject to the CAISO tariff and Commission jurisdiction. Shell Energy reiterates the points it made in its complaint, including the need for a clear definition of complete and accurate meter data, the need to harmonize CAISO and CPUC meter data reporting requirements, and the need to investigate the integrity of meter data reporting to CAISO and the potential for cost-shifting among scheduling coordinators. It requests that the Commission direct CAISO to work collaboratively with the CPUC to align the obligations of market participants to provide meter data on a timely basis.<sup>38</sup>

**VI. Discussion****A. Procedural Matters**

34. Pursuant to Rule 102(c)(2) of the Commission's Rules of Practice and Procedure,<sup>39</sup> CAISO, as respondent to the complaint, is a party to this proceeding. Pursuant to Rule 214,<sup>40</sup> the notice of intervention and the timely, unopposed motions to intervene serve to make the entities that filed them parties to the proceeding. Also,

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<sup>36</sup> 18 C.F.R. § 385.213.

<sup>37</sup> Shell Energy Answer at 2, 4.

<sup>38</sup> *Id.* at 4-8.

<sup>39</sup> 18 C.F.R. § 385.102(c)(2).

<sup>40</sup> 18 C.F.R. § 385.214.

pursuant to Rule 214(d),<sup>41</sup> we grant the motion to intervene out-of-time of the Six Cities, given their interest in this proceeding, the early stage of the proceeding, and the absence of any undue prejudice or delay.

**B. Commission Determination**

35. After considering the complaint and the responsive pleadings filed in this docket, we dismiss the complaint without prejudice. We find that the complaint is insufficient, because it does not support the requested tariff modifications or the institution of an investigation under section 206 of the FPA and our Rules of Practice and Procedure. Therefore, we do not here reach the additional arguments for dismissal raised by CAISO and SoCal Edison.

36. As noted above, Shell Energy raises three issues in its complaint: (1) the assessment of the penalty by CAISO for its untimely reporting of meter data for the September 3, 2011 trading day; (2) proposed modifications to the CAISO tariff concerning the reporting of meter data; and (3) the institution of a Commission investigation under FPA section 206 into the integrity of CAISO settlement process with respect to meter data.

37. Shell Energy's statements in its answer to SoCal Edison's motion to dismiss render the first issue moot. Shell Energy now accepts the penalty imposed by CAISO, and, thus, no further action by the Commission is required.

38. With respect to the second and third issues, we find that Shell Energy has neither met its burden under FPA section 206 nor satisfied the requirements of section 206 of our Rules of Practice and Procedure regarding complaints. Specifically, it has failed to show that the applicable provisions in CAISO's current tariff are unjust and unreasonable or that its proposed changes are just and reasonable<sup>42</sup> or that the current settlement process warrants investigation.

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<sup>41</sup> 18 C.F.R. § 385.214(d).

<sup>42</sup> See, e.g., *Western Resources, Inc. v. FERC*, 9 F.3d 1568, 1579-80 (D.C. Cir. 1993) (when acting under section 5 of the Natural Gas Act, the Commission has the burden of showing both that the presumptively just and reasonable existing rate is no longer just and reasonable, and that the proposed new rate is just and reasonable). This two-part burden applies equally to complainants under section 206 of the FPA. *Arkansas Louisiana Gas Co. v. Hall*, 453 U.S. 571, 577 n.7 (1981) (noting that the relevant sections of the FPA and Natural Gas Act are in all material respects substantially identical, and

(continued...)

39. Section 206 of the FPA requires that the complainant support any proposed tariff change with substantial evidence.<sup>43</sup> Shell Energy has provided little or no evidence in support of its proposed tariff changes. Specifically, Shell Energy asserts that market participants have different interpretations of the term “complete and accurate,” but offers no facts to substantiate the claim.<sup>44</sup> Shell Energy points to the CPUC rule requiring that ninety-nine percent of all usage data be available within five days of the scheduled meter reading date,<sup>45</sup> but fails to demonstrate why CAISO’s reporting requirement is unjust and unreasonable, or why conforming the CAISO tariff to the CPUC rule would produce a just and reasonable result. Accordingly, we find Shell Energy’s complaint has not provided a sufficient basis for us to take action under section 206 of the FPA to compel the CAISO to revise its tariff.

40. For the same reasons, we find Shell Energy’s complaint deficient under our Rules of Practice and Procedure, which require a complainant to meet certain minimum requirements. Specifically, Rule 203 requires that all pleadings contain the “relevant facts” and the “position taken by the participant . . . and the basis in fact and law for such position.”<sup>46</sup> Similarly, Rule 206 requires complainants to “[c]learly identify the action or inaction which is alleged to violate applicable statutory standards or regulatory requirements [and] [e]xplain how the action or inaction violates applicable statutory standards or regulatory requirements.”<sup>47</sup>

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that the established practice of the Court is to cite interchangeably decisions interpreting pertinent sections of the two statutes).

<sup>43</sup> See, e.g., *ANR Pipeline Co. v. FERC*, 771 F.2d 507, 514-15, 520 (D.C. Cir. 1985) (requiring the Commission’s conclusion to impose a new rate under section 5 of the Natural Gas Act to be supported by substantial evidence and reached by reasoned decision making).

<sup>44</sup> Shell Energy Complaint at 7 (market participants have different interpretations of the requirement to provide complete and accurate meter data), and 9 (CAISO allows market participants to define and report complete and accurate meter data in the manner that they see fit).

<sup>45</sup> *Id.* at 6.

<sup>46</sup> 18 C.F.R. § 385.203(a)(6)-(7).

<sup>47</sup> 18 C.F.R. § 385.206(b)(1)-(2).

41. Shell Energy has not clearly identified the action or inaction which is alleged to violate applicable statutory standards or regulatory requirements, nor has Shell Energy explained how the action or inaction violates these standards and requirements. Shell Energy provides no evidence that the meaning of “complete and accurate” meter data in CAISO’s tariff has “led to a breakdown in the integrity of the grid-wide settlement process”<sup>48</sup> and needs refinement. Nor has Shell Energy quantified the financial impact or burden created for it (or other scheduling coordinators) by CAISO’s existing tariff provisions, as required by Rule 206(b)(4).<sup>49</sup> Furthermore, we recently considered CAISO’s meter data reporting requirements and penalties in three separate proceedings, and find no need to reconsider them here. In those proceedings, the Commission accepted refinements to CAISO’s meter data program, including its timing requirements and penalties.<sup>50</sup> Shell Energy’s complaint does not raise issues that cause the Commission to revisit those determinations.

42. We likewise dismiss Shell Energy’s request under section 206 of the FPA for an investigation into the integrity of the grid-wide settlement process for its failure to provide sufficient information and analysis. In the past, we have admonished complainants that mere allegations will not suffice, but rather they must make an adequate proffer of evidence, including pertinent information and analysis, to support the claims in their complaints.<sup>51</sup>

43. Here, Shell Energy has not identified a problem with the application of the current CAISO tariff provisions on reporting complete and accurate meter data to cause us to open an investigation. Specifically, Shell Energy provided no evidence of any cost-shifting among scheduling coordinators due to the implementation of the current tariff provisions, either with respect to itself or to others. As noted by CAISO, Shell Energy presents no evidence to substantiate the notion that there is a widespread lack of compliance in meter data reporting by scheduling coordinators.<sup>52</sup> Nor has it shown that a

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<sup>48</sup> Shell Energy Complaint at 9.

<sup>49</sup> 18 C.F.R. § 385.206(b)(4).

<sup>50</sup> *Cal. Indep. Sys. Operator Corp.*, 134 FERC ¶ 61,140 (2011); *Cal. Indep. Sys. Operator Corp.*, 135 FERC ¶ 61,159 (2011); *Cal. Indep. Sys. Operator Corp.*, 128 FERC ¶ 61,265 (2009).

<sup>51</sup> *Californians for Renewable Energy, Inc., (CARE) and Barbara Dunkin v. Nat’l Grid*, 137 FERC ¶ 61,113, at P 34 (2011); *Ill. Mun. Elec. Agency v. Cent. Ill. Pub. Serv. Co.*, 76 FERC ¶ 61,084, at 61,482 (1996).

<sup>52</sup> CAISO Answer at 16.

“clear” definition of “complete and accurate” is needed to solve to an outstanding problem. As is the case with Shell Energy’s proposed tariff changes, we find the complaint deficient for its lack of evidence and support for the requested action.

44. Finally, in its answer, CAISO stated it is prepared to consult with the CPUC and other relevant parties to explore potential ways to accommodate Shell Energy and similarly situated entities, without undermining CAISO’s settlements paradigm.<sup>53</sup> We encourage CAISO to do so.

The Commission orders:

Shell Energy’s complaint is hereby dismissed, without prejudice, as discussed in the body of this order.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

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<sup>53</sup> *Id.* at 18.