

**DOCKET**  
**04-AFC-1**

DATE Aug 15 2006

RECD. Aug 15 2006

STATE OF CALIFORNIA  
**ELECTRICITY OVERSIGHT BOARD**



Arnold Schwarzenegger, Governor

August 15, 2006

VIA E-MAIL FOR ELECTRONIC FILING

The Honorable Magalie R. Salas, Secretary  
Federal Energy Regulatory Commission  
Dockets Room, Room 1A, East  
888 First Street, N.E.  
Washington, D.C. 20426

**Re: Motion to Intervene Out-of-Time**  
**Docket No. EL06-89-000**  
**Californians for Renewable Energy, Inc., Complainants**  
**v.**  
**California Independent System Operator Corporation, Respondent**

Dear Ms. Salas:

The California Electricity Oversight Board hereby e-files its Motion to Intervene Out-of-Time in Docket No. EL06-89-000.

Thank you for your attention to this matter.

Sincerely,

*/s/ Jeffrey A. Diamond*

Jeffrey A. Diamond  
Senior Staff Counsel  
California Electricity Oversight Board

cc: Official Service List of Docket No. EL06-89-000

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

<b>Californians for Renewable Energy, Inc.</b>	)	<b>Docket No. EL06-89-000</b>
<b>Complainants,</b>	)	
v.	)	
	)	
<b>California Independent System Operator</b>	)	
<b>Respondent.</b>	)	
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**MOTION TO INTERVENE OUT-OF-TIME OF THE  
CALIFORNIA ELECTRICITY OVERSIGHT BOARD**

Pursuant to Rules 212 and 214 of the Rules of Practice and Procedure, 18 C.F.R. §§ 385.212 and 385.214, of the Federal Energy Regulatory Commission (Commission) the California Electricity Oversight Board (CEOB) hereby moves to intervene out-of-time in the above-captioned proceeding.

**I. CORRESPONDENCE AND COMMUNICATION**

The principal office of the CEOB is located at 770 L Street, Suite 1250, Sacramento, California, 95814. All service of pleadings, orders, correspondence, and communications regarding this Docket should be made on the following persons:

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## **II. BACKGROUND**

The CEOB is a California state agency having statutory responsibility for the oversight of the California Independent System Operator Corporation (CAISO), the electricity and ancillary services markets administered by the CAISO, the reliability of the California electric grid, and the investigation of California's energy markets to ensure the protection of California's citizens and consumers.

On July 24, 2006, the Californians for Renewable Energy, Inc. (CARE) filed a complaint against the CAISO alleging that the CAISO provided testimony before the California Energy Commission with regard to a power plant siting application filed by the City and County of San Francisco. CARE alleges further that the CAISO testified without compliance with the CAISO's Articles of Incorporation.

Notice of the filing of CARE's complaint was issued by the Commission on July 26, 2006, with Motions to Intervene or Protest in this matter to be filed on or before 5:00 p.m. Eastern Time on August 14, 2006.

## **III. MOTION TO INTERVENE OUT-OF-TIME**

The CEOB moves to intervene and to participate as a party in the above-captioned proceeding. As a result of the CEOB's statutory responsibilities described above, the CEOB has an interest that may be affected directly by the outcome of the above-captioned proceeding. Moreover, the CEOB's participation is in the public interest of the citizens of the State of California. 18 C.F.R. §§ 385.214(b)(2)(ii) and 385.214(b)(2)(iii).

Owing to the large volume of matters requiring the CEOB's attention, its short-handed staffing, and this counsel's return on August 14, 2006 from a four week absence from the country, the CEOB was unable to prepare its motion to intervene within the time allotted under the Commission's public notice. The CEOB's motion to intervene is being

submitted only one day beyond the due date provided in the Commission's notice. The CEOB submits respectfully that granting its motion will not unduly delay the proceedings and that no other party adequately represents the CEOB's interests in this matter. 18 C.F.R. §§ 385.214(d)(1)(i) – (v), 385.214(d)(2), and 385.214(d)(3).

The filing of this motion is without prejudice to the CEOB adopting and advocating a position with respect to any issue that has been, or may be, raised by other parties in this matter, as well as such other issues that become known to the CEOB upon its further review of this matter.

#### **IV. CONCLUSION**

For the above-mentioned reasons, the CEOB respectfully moves the Commission to grant its motion to intervene out-of-time in this docket.

August 15, 2006

Respectfully submitted,

*/s/ Jeffrey A. Diamond*

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916-322-8601

Attorneys for the California Electricity Oversight Board

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document upon each person designated on the official service list compiled by the Secretary for this proceeding on August 15, 2006.

Dated at Sacramento, California, this 15th day of August 2006.

*/s/ Jeffrey A. Diamond*

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Jeffrey A. Diamond  
Legal Secretary  
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