

UNITED STATES OF AMERICA 97 FERC ¶ 61,061
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
William L. Massey, Linda Breathitt,
and Nora Mead Brownell.

San Diego Gas & Electric Company,
Complainant,

v.

Docket No. EL00-95-012

Sellers of Energy and Ancillary Service Into
Markets Operated by the California
Independent System Operator Corporation and the
California Power Exchange,
Respondents.

ORDER CLARIFYING PRIOR ORDER

(Issued October 18, 2001)

The purpose of this order is to correct a misstatement in our order issued on September 7, 2001, in the captioned proceeding.¹ We hereby clarify the September 7 Order, as discussed below.

The September 7 Order addressed cost justification filings for rates in excess of the proxy market clearing price for wholesale sales in the California and Western Systems Coordinating Council Markets in June 2001. In so doing, the September 7 Order stated, in part: "No operating reserve deficiencies occurred between June 1 and June 19, 2001. Therefore, spot market transactions during that period were not subject to

¹San Diego Gas & Electric Co. v. Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator Corporation and the California Power Exchange, 96 FERC ¶ 61,254 (2001), reh'g pending (September 7 Order). We will address the requests for rehearing of the September 7 Order at a later date.

refund, and no cost justifications were required for those transactions."² Those two statements were incorrect in light of the Commission's order issued on July 25, 2001.³ In pertinent part, the July 25 Order directed that the Commission's June 19 price mitigation,⁴ as modified by the July 25 Order, will apply to, among other things, all non-reserve deficiency hours that occurred from June 1 through June 20, 2001.⁵ Thus, all spot market transactions that occurred from June 1 through June 20, 2001 are subject to refund, and refunds for those hours will be determined in the evidentiary hearing before Administrative Law Judge Bruce L. Birchman.⁶

By the Commission.

(S E A L)

Linwood A. Watson, Jr.,
Acting Secretary.

²Id. at 62,002.

³San Diego Gas & Electric Co. v. Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator Corporation and the California Power Exchange, 96 FERC ¶ 61,120 (2001) at 61,517, reh'g pending (July 25 Order).

⁴See San Diego Gas & Electric Co. v. Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator Corporation and the California Power Exchange, 95 FERC ¶ 61,418 (2001), reh'g pending (June 19 Order).

⁵The July 25 order (at 61,517) also directed that the price mitigation will also apply to non-reserve deficiency hours of May 29 - May 31, 2001, although those days were not part of the cost justification filings addressed in the September 7 Order.

⁶See July 25 Order, 96 FERC at 61,516-20.