

**UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**

**San Diego Gas & Electric Company,
Complainant**

Docket No. EL00-95-045

v.

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

**Investigation of Practices of the California
Independent System Operator and the
California Power Exchange**

Docket No. EL00-98-042

ORDER CONCERNING ORAL ARGUMENT

(Issued August 12, 2002)

1. Earlier today, eight motions to strike were filed: by the ISO, California Parties, jointly by the Avista entities, tri-partly by BPA, WAPA, and Pacificorp, and by the California Generators, Powerex, NCPA, the Indicated Government Entities, and Duke. Additionally, Avista and Puget Sound Energy filed a pleading in support of BPA, et.al. which is not permitted by the trial schedule and will be ignored.

2. In general, the ISO and California Parties motions to strike address many of the same concerns and both are replete with tables referencing pages and lines of testimony sought to be stricken as well as affected portions of rebuttal and surrebuttal testimony. In this respect, Powerex's motion is similar in nature. Other motions such as Avista's motion to strike has dense grouped page and line listings of El Paso and SMUD testimony sought to be stricken. Needless to say, the nature of the multiple passages at issue is not at all clear and is something which was incumbent upon the movants. Consequently, by 3:00 P.M. on August 13, 2002, each movant seeking to strike testimony shall file a pleading which contains a brief one to two sentence description of each passage sought to be stricken and each affected passage that is referenced in the motion.

3. In large part, the motions to strike address several matters which my Order issued on August 1, 2002 suggested were beyond the pale and the propriety of mitigating various transactions, including sleeving transactions, emergency financial transactions, energy exchange transactions, and other transactions or matters which the movant argues is beyond or within the scope of the Commission's Orders. In these respects, the Participants also shall provide me by 3:00 P.M. on August 13, 2002 with a stipulation which categorizes their concerns and sets forth an agreed orderly means of addressing these disputes by reference to the stipulated issues.

Bruce L. Birchman
Presiding Administrative Law Judge