

**UNITED STATES OF AMERICA 100 FERC ¶ 63,017
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 DENYING CARE MOTION

(Issued August 16, 2002)

1. This morning CARE filed a motion which requested that two seats be assigned for CARE at the hearing. CARE was informally advised this morning by my staff that only one seat has been allocated to CARE, given the available resources and the needs of all participants and the public. CARE was further advised that it could file a pleading today which entered the appearance of another representative for CARE and set forth the days of the hearing on which that representative, in lieu of CARE's president will attend the hearing. This is necessary to comply with security procedures applicable to the participating counsel and witnesses. CARE then withdrew its motion and advised me by email of its withdrawal and that nothing further was being pursued. Notwithstanding this representation, CARE has filed a further motion which list 23 representatives that it intends to have appear during the week of hearings at unspecified times and on unspecified days when its President, Mr. Boyd, is said to be unable to attend. For security reasons and as previously advised, this is unacceptable, contrary to the governing procedures applicable to the hearing and Commission regulations, and the motion is denied.
2. In the circumstances, CARE's behavior in this instance which threatens to flaunt Commission regulations and violates agreed upon procedures as well as its filing of

multiple pleadings for reconsideration of relief that is clearly outside the scope of the hearing is unacceptable and an abuse of the Commission's process. If this behavior persists, sanctions will be imposed.

Bruce L. Birchman
Presiding Administrative Law Judge