

168 FERC ¶ 61,111  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Neil Chatterjee, Chairman;  
Cheryl A. LaFleur and Richard Glick.

San Diego Gas & Electric Company

Docket Nos. EL00-95-311

v.

Sellers of Energy and Ancillary Services Into Markets  
Operated by the California Independent System Operator  
Corporation and the California Power Exchange

Investigation of Practices of the California Independent  
System Operator and the California Power Exchange EL00-98-283

Fact-Finding Investigation Into Possible Manipulation of  
Electric and Natural Gas Prices PA02-2-108

Investigation of Anomalous Bidding Behavior and  
Practices in Western Markets IN03-10-092

ORDER GRANTING MOTION TO OPT INTO SETTLEMENT

(Issued August 23, 2019)

1. In this order, we grant a motion filed by the City of Banning, California (Banning) to opt-in out of time to the settlement between Midway Sunset Cogeneration Company

(Midway Sunset) and the California Parties<sup>1</sup> (Settlement) that was previously approved by the Commission in this proceeding.<sup>2</sup>

## **I. Banning's Motion to Opt-In**

2. In its motion, Banning requests the Commission's permission to opt into the Settlement out of time. Banning states that Midway Sunset has requested that Banning opt in to the Settlement to facilitate the completion of settlement overlay calculations in the California Refund Proceeding,<sup>3</sup> as that process pertains to the Settlement.<sup>4</sup> Banning therefore filed the instant motion. No answers were filed in response to the motion.

## **II. Commission Determination**

3. We grant Banning's motion to opt in out of time to the Settlement between Midway Sunset and the California Parties. We note that CalPX, CAISO, and the California Parties, with the input from other parties in this proceeding, are currently performing the settlement overlay calculations.<sup>5</sup> According to Banning, Midway Sunset has requested that Banning opt into the Settlement to facilitate the completion of the settlement overlay process. Accordingly, we find that allowing Banning to opt-in out of

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<sup>1</sup> For the purpose of the Settlement at issue, the California Parties included Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, the People of the State of California, *ex rel.* Attorney General, the California Department of Water Resources acting solely under the authority and powers created by Assembly Bill 1 of the First Extraordinary Session of 2001-2002, codified in Sections 80000 through 80270 of the California Water Code, the California Electricity Oversight Board, and the California Public Utilities Commission.

<sup>2</sup> *San Diego Gas & Electric Co. v. Sellers of Energy and Ancillary Serv.*, 123 FERC ¶ 61,004 (2008).

<sup>3</sup> *See San Diego Gas & Electric Co. v. Sellers of Energy and Ancillary Servs.* 164 FERC ¶ 61,019 (2018). The settlement overlay process entails a reconciliation of the market rerun calculations for the relevant time period performed by the California Independent System Operator Corporation (CAISO) and the California Power Exchange, Inc. (CalPX) with the various settlements entered into between the California Parties and suppliers in Western energy crisis-related proceedings.

<sup>4</sup> Banning Motion at 1-2.

<sup>5</sup> *See, e.g.*, Notice Concerning ISO/PX Settlement Overlay Process, Docket No. EL00-95-291 (July 31, 2019).

time will help to streamline the settlement overlay process and bring closer the resolution of this lengthy proceeding. We hereby grant Banning permission to opt-in out of time to the Settlement.<sup>6</sup>

The Commission orders:

Banning's request to opt-in out of time to the Settlement between Midway Sunset and the California Parties is hereby granted, as discussed in the body of this order.

By the Commission. Commissioner McNamee is not participating.

(S E A L )

Kimberly D. Bose,  
Secretary.

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<sup>6</sup> We note that section 8.1 of the Settlement provides that the California Parties must agree to allow untimely efforts to opt into the Settlement. *See* Joint Offer of Settlement, Docket No. EL00-95-000, Settlement and Release of Claims Agreement at § 8.1 (Dec. 21, 2007). While the California Parties have not expressly stated that they support Banning's request, they also have not filed any opposition to it. As noted above, we find granting Banning's motion is appropriate given the stage of this proceeding.