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RAYMOND B. WUSLICH
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May 30, 2008

VIA ELECTRONIC FILING

Honorable Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

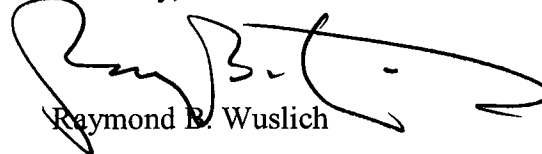
Re: Corrected Filing: Motion to Intervene and Comments of The California Wind Energy Association and the Large-Scale Solar Association on the California Independent System Operator's Petition for Waiver of Tariff Provisions

Dear Ms. Bose:

Enclosed for filing with the Commission is a corrected *Motion to Intervene and Comments of The California Wind Energy Association and the Large-Scale Solar Association on the California Independent System Operator's Petition for Waiver of Tariff Provisions* (in clean and strikethrough format) to show the deletion of "Cleantech America, Inc." from the list of Large-Scale Solar Association members.

Please do not hesitate to contact me if you have any questions concerning this matter.

Sincerely,



Raymond B. Wuslich

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

Interconnection Queuing Practices)

Docket No. ER08-960-000

**MOTION TO INTERVENE AND COMMENTS OF
THE CALIFORNIA WIND ENERGY ASSOCIATION
AND THE LARGE-SCALE SOLAR ASSOCIATION
ON THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR'S
PETITION FOR WAIVER OF TARIFF PROVISIONS**

The California Wind Energy Association (“CalWEA”) and the Large-Scale Solar Association (“LSSA” and, together with CalWEA, the “Wind and Solar Parties”) hereby submit the following motion to intervene and comments in response to the California Independent System Operator Corporation’s (“CAISO”) “Petition for Waiver of Tariff Provisions to Accommodate Transition to Reformed Large Generator Interconnection Procedures and Motion to Shorten Comment Period” filed with the Commission on May 15, 2008, in the captioned proceeding (“Waiver Petition”).

I. Description of Intervenors

CalWEA is a non-profit corporation supported by over 20 members of the wind energy industry, including turbine manufacturers, project developers and owners, support contractors, and others. CalWEA actively represents the interests of its members in various proceedings before regulatory agencies and the CAISO.

The LSSA companies include Abengoa Solar, Inc., Ausra, Inc., Brightsource Energy, Inc., and Solel, Inc. All of these companies are actively involved in developing solar generation projects for the California market and the State’s Renewables Portfolio Standard (“RPS”) program.

II. Contact Information

In addition to the undersigned counsel for the Wind and Solar Parties, persons who should be placed on the Commission's official service list in the captioned proceeding include the following:

Nancy Rader
Executive Director
California Wind Energy Association
2560 Ninth Street, Suite 213A
Berkeley CA 94710
(510) 845-5077
www.calwea.org

Shannon Eddy, Executive Director
Large-Scale Solar Association
2501 Portola Way
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(916)731-8371
shannon@consciousventuresgroup.com

III. Motion to Intervene

Each of the members of the Wind and Solar Parties is engaged in, or represents the interests of, entities engaged in the development, construction, and/or production of renewable energy generation projects within the CAISO footprint. As such, each of the Wind and Solar Parties and their members may be directly affected by the outcome of this proceeding. The interests of the Wind and Solar Parties and their members are not adequately represented by any other party. Accordingly, granting the Wind and Solar Parties' timely motion to intervene in this proceeding is in the public interest.

IV. Background

The Wind and Solar Parties and their members participated in the Commission's December 11, 2007, technical conference in Docket No. AD02-8-000 on interconnection queuing practices and, along with numerous other parties, including the CAISO, filed initial and reply comments. The Wind and Solar Parties provided detailed recommendations for resolving the substantial, crippling delays that have emerged in the CAISO's generation interconnection

queue and that threaten timely development and operation of generation needed for both reliability and attainment of California's RPS goals.

On March 20, 2008, the Commission issued an order on the conference in which it expressed concerns about the delays in processing interconnection queues and provided certain guidance to assist regional transmission organizations and independent system operators in improving their queuing practices.¹ The Commission observed that queue backlogs not only deprive generation developers of business certainty, they also undermine other important public goals such as state RPS programs.² While expressing optimism that transmission planning reforms contemplated by Order No. 890 will address some of the causes of queue delays,³ the Commission also stated that "we cannot wait until those efforts are completed to address the queue management problem."⁴

In response to the Commission's initiative to achieve queuing practices reforms, the CAISO convened a stakeholder process in which the active participants have included the Wind and Solar Parties, the California Public Utilities Commission ("CPUC"), California's investor-owned utilities, and numerous other interested participants. As the CAISO recites in the Waiver Petition, it envisions an approach that will clear the current queue and improve queue management on a going-forward basis. This approach would necessitate a temporary suspension of studies on all but certain projects in one of three priority categories, to be followed by tariff reforms to be applied to the remainder of the CAISO's current interconnection requests (the

¹ *Interconnection Queuing Practices*, 122 FERC ¶ 61,252 (2008) ("Queuing Practices Order").

² *Id.* at P 5.

³ *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, FERC Stats. & Regs. ¶ 31,241, *order on reh'g*, Order No. 890-A, FERC Stats. & Regs. ¶ 31,261 (2007).

⁴ Queuing Practices Order at P 6. The Commission called specific attention to the comments of the ISO/RTO Council, which included the CAISO, which according to the Commission stated that "prompt action is necessary to address these problems" *Id.* at P 7.

“Transition Cluster”) and then to all future interconnection requests. In particular, the CAISO requests a temporary tariff waiver to suspend interconnection study obligations for all interconnection requests in the Transition Cluster and requests deemed to fall within the timelines for the initial “Generation Interconnection Reform Process,” or “GIPR,” cluster, and also requests permission to extend the cluster window for the initial GIPR cluster beyond the 180 days currently permitted under the CAISO tariff.

V. Comments

The Commission’s December 11, 2007, technical conference and subsequent Queuing Practices Order have helped to energize efforts to promote generation interconnection queue reform in California. The Wind and Solar Parties continue to be active participants in these reform efforts, which have been spearheaded by the CAISO staff, with the helpful and constructive input of the CPUC, the transmission owners and other stakeholders. All participants are to be commended for their efforts.

Nevertheless, at this critical stage in the process, the Wind and Solar Parties are filing these comments to offer qualified support for the CAISO’s waiver petition to highlight several necessary elements concerning the timing of CAISO queue reform. These elements are essential to ensure that: (1) the goals outlined in the Commission’s Queuing Practices Order are successfully achieved; (2) the review of generation interconnection requests are completed in a timely fashion without undue delay; (3) the construction of needed new transmission facilities occurs as soon as possible; (4) generation developers can meet their contractual obligations and support California’s RPS requirements; and (5) there is a smooth transition from the current

interconnection procedures to the new paradigm envisioned by the CAISO, without undue disruption.⁵

Accordingly, the Commission should grant the waiver request with the explicit condition that the CAISO undertake an expeditious transition to the new study procedures, subject to firm deadlines. The touchstone for an expeditious transition must be to incorporate the CAISO's proposed "Transition Cluster" into the CAISO's transmission planning process ("TPP") at the earliest possible time, which should in no event be any later than the 2009 TPP (leading to the 2010 CAISO Transmission Plan in January 2010). The Transition Cluster will affect approximately 180 generation interconnection requests out of the 265 that are currently pending, which equates to about 55,000 MW of new generation. As presented in the Waiver Petition, however, the CAISO does not envision beginning Transition Cluster studies until November 2008 and, under timelines currently being considered, would not complete the studies for this large group of pending requests until 2010 at the earliest.⁶ While it is true, as the CAISO states, that the current queue backlog leads to an estimated 3.3 year study timeline under current rules,⁷ the Commission's reform objectives cannot be met by limited improvements from that worst-case scenario. The Commission — and a reliable grid that supports state RPS objectives — should demand more.

We believe the reformed interconnection process can and must do better. In our judgment, the CAISO need not await either Commission action on a future GIPR tariff filing, nor need the CAISO wait until it completes its study of the "Serial Study Group Cluster," before beginning any work on the Transition Cluster. In this regard, we believe that there are certain

⁵ Waiver Petition at p. 2.

⁶ *Id.* at p. 6.

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efficiencies in the study process that the CAISO can implement to achieve an earlier study completion date.

For example, the CAISO should get a running start on the Transition Cluster analysis instead of waiting for either Commission action on the GIPR tariff filing or completion of the Serial Study Group, as envisioned in the CAISO's Waiver Petition. To the extent needed, the CAISO should add staff or contract with consultants to help it expedite the task.⁸ In addition, though not presented in the Waiver Petition, the CAISO's GIPR plan contemplates several months of administrative matters at the conclusion of the study process, which in all likelihood can begin to be addressed much more quickly. For example, 90 days for execution of the generation interconnection agreement is longer than necessary, considering the Commission's standard form agreement and the ability of parties to move forward with an unexecuted agreement subject to Commission resolution of any disputed items. Getting a head start on the Transition Cluster analyses, while shortening the time period at the back end, would allow the CAISO to commit to the timely completion of the Transition Cluster so it can be included in the 2009 TPP.⁹ This would alleviate concerns regarding the Serial Study Group cut-off date proposed by the CAISO,¹⁰ as the Transition Cluster would not be held up by the Serial Group, and inclusion within the subsequent Transition Cluster would truly represent an improvement over the status quo, rather than being perceived as a penalty.

⁸ Queuing Practices Order at P 10 (reforms that can be implemented quickly without Commission approval include increasing staff to work on interconnection studies). We note in this regard that a significant portion of the current backlog appears to be centered in the Southern California Edison Company ("SCE") service area. Ruttly Declaration at Table 1 (identifying 49 pending requests in the SCE area compared to 18 in each of the PG&E and SDG&E service areas). Thus, to the extent needed, the CAISO can focus its staffing efforts on this portion of the region under its functional control.

⁹ If necessary, the CAISO should request a one-time waiver of the TPP study timelines of up to three months to accommodate this goal.

Likewise, the CAISO should begin and complete studies for the First GIPR Cluster in time for inclusion in the 2010 Transmission Planning Process (leading to the 2011 CAISO Transmission Plan in January 2011). Interconnection requests for this group would not even be processed for up to a year according to the CAISO plan, and there is no reason that Phase I Studies cannot be completed by year-end 2009 to allow this expeditious treatment.

Finally, the CAISO must ensure seamless and timely integration of interconnection study results with the TPP. In this regard, we could not agree more with the statements in the Waiver Petition that “early and efficient steps must be taken to streamline the processing of pending Interconnection Requests (‘IRs’)” and that “[t]he CAISO believes it is critical to this effort that the timely interconnection of renewable resources to planned and approved transmission lines is not, in any way, impeded.”¹¹ But, it is equally critical to ensure that interconnecting generators are timely included in the CAISO’s comprehensive TPP analysis to determine *which* new transmission lines should be approved as part of the CAISO’s comprehensive transmission planning process. To accomplish this objective, the generation interconnection study process should focus primarily on identifying the point of interconnection impacts of a proposed generation interconnection request, while leaving to the TPP the task of finalizing necessary upgrades to the transmission system beyond the point of interconnection. This would integrate interconnection study results into the TPP sooner, which would speed the process of identifying, planning and building transmission upgrades needed for new generation to interconnect to the grid, and allow that generation to contribute to reliability needs, meet contractual commitments and further state RPS objectives.

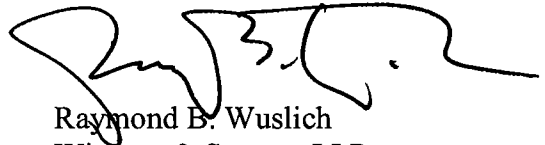
¹⁰ Waiver Petition at p. 12.

¹¹ *Id.* at p. 2.

VI. Conclusion

Wherefore, for the foregoing reasons, the Wind and Solar Parties identified above respectfully (1) move for leave to intervene individually in the captioned proceeding, and (2) submit these comments providing qualified support for the CAISO's request for a limited tariff waiver to process generation interconnection requests.

Respectfully submitted,



Raymond B. Wuslich
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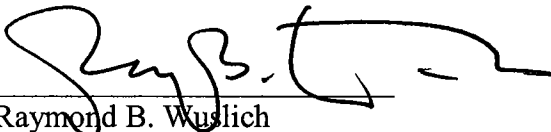
Joseph M. Karp
Winston & Strawn, LLP
101 California Street
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San Francisco, CA 94111
(415) 591-1529
jkarp@winston.com

Dated: May 29, 2008

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon each person designated on the official service list compiled by the Secretary of this proceeding.

Dated at Washington, this 30th day of May, 2008.



Raymond B. Wuslich

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Docket No. ER08-960-000

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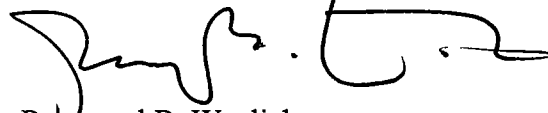
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VI. Conclusion

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Respectfully submitted,



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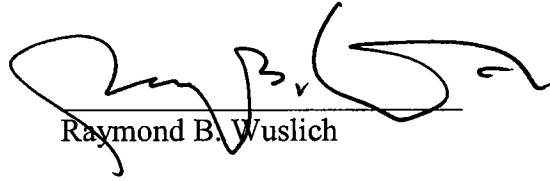
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(415) 591-1529
jkarp@winston.com

Dated: May 29, 2008

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon each person designated on the official service list compiled by the Secretary of this proceeding.

Dated at Washington, this 30th day of May, 2008.



Raymond B. Wuslich