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May 23, 2005

VIA HAND DELIVERY

Docket Clerk
Docket Office, Room 2001
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Re: *Rulemaking to implement the provisions of Public Utilities Code § 761.3 enacted by Chapter 19 of the 2001-02 Second Extraordinary Legislative Session.*

Dear Docket Clerk:

Enclosed for filing with the Commission are the original and six copies of each of the following documents:

COMMENTS IN RESPONSE TO RULING OF ADMINISTRATIVE LAW JUDGE REGARDING A COMMON LOGBOOK FORMAT ISSUED MAY 12, 2005

Please stamp one copy "Received" and give it to the messenger delivering this package for return to our office. Please file-stamp a second copy and return it to us in the postage paid, self-addressed stamped envelope provided for your convenience.

Please telephone me if you have any questions. Thank you for your assistance in this matter.

Very truly yours,

Davis Wright Tremaine LLP

Christopher A. Hilén

cc: Commissioner Assigned: Michael R. Peevey - (via hand delivery & e-mail)
Administrative Law Judge Burton Mattson - (via hand delivery & e-mail)
Administrative Law Judge John E Thorson - (via hand delivery & e-mail)

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Rulemaking to implement the provisions of Public)
Utilities Code § 761.3 enacted by Chapter 19 of)
the 2001-02 Second Extraordinary Legislative)
Session.)
_____)

Rulemaking 02-11-039
(Filed November 21, 2002)

**COMMENTS IN RESPONSE TO RULING OF ADMINISTRATIVE LAW JUDGE
REGARDING A COMMON LOGBOOK FORMAT ISSUED MAY 12, 2005**

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On behalf of LA PALOMA
GENERATING COMPANY, LLC

May 23, 2005

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Rulemaking to implement the provisions of Public)
Utilities Code § 761.3 enacted by Chapter 19 of)
the 2001-02 Second Extraordinary Legislative)
Session.)
_____)

Rulemaking 02-11-039
(Filed November 21, 2002)

**COMMENTS IN RESPONSE TO RULING OF ADMINISTRATIVE LAW JUDGE
REGARDING A COMMON LOGBOOK FORMAT ISSUED MAY 12, 2005**

Pursuant to the Ruling of the Presiding Administrative Law Judge issued on May 12, 2005 (the “ALJ Ruling”), Respondent La Paloma Generating Company, LLC (“La Paloma”) respectfully submits these comments on the issues raised by the ALJ Ruling regarding adoption of a standard logbook format for thermal powerplants.

The ALJ Ruling set aside submission of this proceeding and invited parties to file comments and reply comments on two issues:

- (1) Whether or not to modify Ordering Paragraph 4 of Decision 04-05-017 to remove the requirement that respondent Generating Asset Owners (“GAOs”) file an application seeking adoption of a common logbook format; and
- (2) The “Report on Behalf of Certain Generation Owners in California, Regarding the CPUC Common Format for Thermal Power Plant Logbooks, issued by independent consultant Power Catalyst, LLC (the “Power Catalyst Report”).¹

The Power Catalyst Report, which was served by the Western Power Trading Forum on the Commission on May 5, 2005 and on the service list for this proceeding on May 10, 2005, addresses common logbook format issues for the Commission’s further consideration.

La Paloma supports modification of Ordering Paragraph 4 of D.04-05-017 to remove the requirement that respondent GAOs file an application requesting adoption of a common logbook

¹ ALJ Ruling, at 3 (May 12, 2005).

format. The removal of this requirement is supported by the Power Catalyst Report, which confirms the judgment of the GAOs, and all but a single party to this proceeding, that requiring GAOs to adopt and implement a single standard logbook format is inadvisable for a number of reasons:

(1) A single standard logbook format is currently impossible, because of the great variety of logbook systems developed and used by GAOs, which range from handwritten logs² to fully computerized logbooks;³

(2) Developing a standardized logbook format for GAOs would be prohibitively expensive, in both money and personnel time, because it would require every GAO to purchase and implement the same multi-million dollar software system for logbooks and train their personnel in the use of the new logbooks system;

(3) Even if a single standard logbook format could be implemented by every GAO, notwithstanding the time and tremendous cost required to do so, it is doubtful that a single format would enable every GAO to create and maintain logbooks that effectively provide all of the information the Commission's Logbook Standards require, because of the wide variety of equipment, systems, processes and management employed at thermal powerplants throughout California; and

(4) a single standard logbook format would provide little or no incremental benefit to the Commission over the existing logbooks of GAOs, given that GAOs currently maintain extensive logging systems that provide all of the information needed by the Commission to perform its market monitoring and regulatory functions.⁴

² Power Catalyst Report at page 4.

³ Power Catalyst Report at page 5.

⁴ Power Catalyst Report at page 8.

La Paloma also endorses the recommendation of the Power Catalyst Report against the establishment by the Commission of its own database to which GAOs would submit periodic information updates, due to the software and security issues that creation and use of such a database would engender.⁵

La Paloma takes issue with only a single point in the Power Catalyst Report, namely the reference to steps being taken by GAOs to enable their systems to "produce reports for submission to the Commission in a common standardized format."⁶ It is not clear what reports this statement refers to. It is important to note that the Electricity Generating Facilities Logbook Standards for Thermal Powerplants and D.04-05-017, which adopted those standards, do not mandate the filing of any report related to facility logbooks, other than the preparation and periodic updating of a compliance document that is not filed with the Commission but must be made available to Commission staff upon request.⁷

The subject of periodic reports to the Commission related to logbooks was raised by the moderator and discussed briefly at the logbook workshop held on April 6, 2005, however, there was no discussion of what the content of such a report might be or when any such report would be filed. La Paloma is not aware that CPSD has proposed the filing of any periodic reports regarding facilities logbooks. Nor is La Paloma aware of any reports relating to logbooks that are currently being filed with the Commission by GAOs.

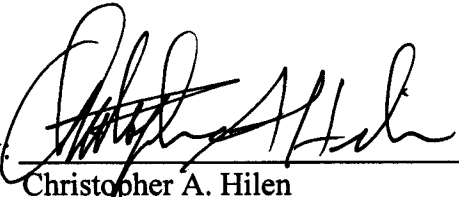
⁵ Power Catalyst Report at page 7-8.

⁶ Power Catalyst Report at page 8.

⁷ D.04-05-017, at 32-33.

La Paloma appreciates the opportunity to comment on these issues.

Respectfully submitted,

By:  _____

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On behalf of LA PALOMA GENERATING
COMPANY, LLC

Date: May 23, 2005

CERTIFICATE OF SERVICE

I, Christina Karo, certify:

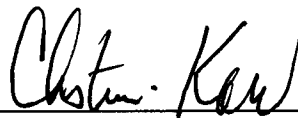
I am employed in the City and County of San Francisco, California, am over eighteen years of age and am not a party to the within entitled cause. My business address is One Embarcadero Center, Suite 600, San Francisco, California 94111-3834.

On May 23, 2005, I caused the following to be served:

**COMMENTS IN RESPONSE TO RULING OF ADMINISTRATIVE LAW JUDGE
REGARDING A COMMON LOGBOOK FORMAT ISSUED MAY 12, 2005**

Enclosed in a sealed envelope, by first class mail on the parties listed as "Appearance" and "State Service" on the attached service list who have not provided an electronic mail address, and via electronic mail to all parties on the service list who have provided the Commission with an electronic mail address.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on the date above at San Francisco, California.



Christina Karo

Service List R. 02-11-039

CALIFORNIA PUBLIC UTILITIES COMMISSION

Service Lists

Proceeding: R0211039 - PUC - SDG&E, EDISON

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