

**BEFORE THE
CALIFORNIA ELECTRICITY GENERATION
FACILITIES STANDARDS COMMITTEE**

California Electricity Generation Facilities Standards)
Committee – Proposed Operations Standards and Guidelines)
_____)

**SUPPLEMENTAL COMMENTS OF AES ALAMITOS, LLC,
AES HUNTINGTON BEACH, LLC,
AND AES REDONDO BEACH, LLC ON
THE PROPOSED OPERATIONS STANDARDS AND GUIDELINES FOR
GENERATORS**

**MORRISON & FOERSTER, LLP
PETER W. HANSCHEN
SETH D. HILTON**

101 Ygnacio Valley Rd., Suite 450
P.O. Box 8130
Walnut Creek, CA 94596-8130
Telephone: (925) 295-3450
Facsimile: (925) 946-9912
E-Mail: phansch@mofo.com
shilton@mofo.com

Attorneys for
AES Alamos, LLC
AES Huntington Beach, LLC
AES Redondo Beach, LLC

October 1, 2004

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AES Alamitos, LLC; AES Huntington, LLC; and AES Redondo Beach, LLC (“AES Generators”) submit the following Supplemental Comments on the proposed Operations Standards and Guidelines for Generators pursuant to the California Electric Generation Facilities Standards Committee’s September 17, 2004 Notice, and as part of an ongoing effort to work cooperatively with the Committee despite the AES Generators’ continuing jurisdictional objections.¹

The AES Generators have joined in the Joint GAO Revisions to the Proposed Operations Standards and Guidelines submitted by counsel for High Desert Power Project, LLC. At the

¹ These Comments are being submitted to the Committee pursuant to the provisions set forth at pages 42-43 of the transcript of the February 10, 2003 Prehearing Conference in R.02-11-039. In submitting these Comments and otherwise participating in this proceeding, each of the entities that comprise AES Generators expressly reserves all of their respective rights to challenge fully, in an appropriate forum, the legislation enacted in Chapter 19 of the 2001-2002 Second Extraordinary Legislative Session and the authority conferred on the California Public Utilities Commission therein, as well as any requirement that the CPUC may attempt to impose on any of the entities that comprise the AES Generators, pursuant to such authority or otherwise. The foregoing reservation includes, without limitation, a reservation of all rights to obtain relief from a federal court for violations of federal law or the U.S. Constitution. The submission of these Comments and any prior or subsequent participation in this proceeding by any of the entities that comprise the AES Generators, is purely voluntary and shall not operate as a waiver of any of the foregoing rights, or an admission that the Commission possesses authority to impose any requirement on AES Alamitos, LLC, AES Huntington Beach, LLC or AES Redondo Beach, LLC, or on their facilities or operations, including, without limitation, authority to require participation in this proceeding.

invitation of Presiding Officer Wood, Generation Asset Owners met with the Committee for two days of workshops, and expended considerable efforts both at those workshops and in discussions thereafter to develop a single, joint set of revisions. The AES Generators urge the Committee to carefully consider the results of this labor, and to adopt the revised Standards as proposed by the generating asset owners identified in the October 1, 2004 letter from High Desert Power Project's counsel.

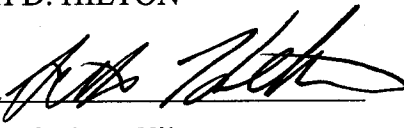
The AES Generators also have one additional comment concerning the Operations Guidelines. The Committee has always made clear, both in its initial draft of the Operations Standards and Guidelines, and during the workshops, that the Operations Guidelines were not intended to be enforceable obligations, and that "there may be equally valid ways of meeting the standard that do not follow every provision of the Guidelines." Draft Standards and Guidelines at p. 8. The AES Generators believe that the Guidelines should not be interspersed with the Operations Standards, but should be contained in a separate appendix, consistent with their role as suggestions, rather than obligations. The AES Generators request that the Committee separate the Guidelines from the Standards, consistent with the recommendation contained in the Joint Revisions.

The AES Generators thank the Committee for the opportunity to participate in the workshops and to provide these supplemental comments.

Dated: October 1, 2004

Respectfully submitted,

MORRISON & FOERSTER, LLP
PETER W. HANSCHEN
SETH D. HILTON

By: 

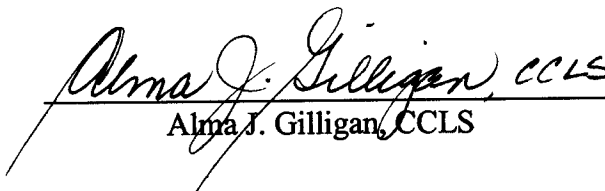
Seth D. Hilton

Attorneys for
AES Alamos, LLC
AES Huntington Beach, LLC
AES Redondo Beach, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this day I served a copy of the **SUPPLEMENTAL COMMENTS OF AES ALAMITOS, LLC, AES HUNTINGTON BEACH, LLC, AND AES REDONDO BEACH, LLC ON THE PROPOSED OPERATIONS STANDARDS AND GUIDELINES FOR GENERATORS** on all known interested parties of record in R.02-11-039 by electronic service.

Dated at Walnut Creek, California, this 1st day of October, 2004.


Alma J. Gilligan, CCLS

EMAIL SERVICE LIST**R0211039**

kbilas@reliant.com
alex.goldberg@williams.com
tim.muller@williams.com
dnorris@sppc.com
hamid.nejad@ladwp.com
lurick@sempra.com
douglass@energyattorney.com
katzb@sce.com
larry.cope@sce.com
mark.minick@sce.com
daking@sempra.com
meallen@sempra.com
kmorton@sempra.com
emaddox@seawestwindpower.com
gdixon@semprautilities.com
jkloberdanz@semprautilities.com
tom.romesberg@neg.pge.com
mdjoseph@adamsbroadwell.com
chh@cpuc.ca.gov
ek@a-klaw.com
nes@a-klaw.com
rsa@a-klaw.com
rsa@a-klaw.com
bspeckman@nexant.com
j1lc@pge.com
bcragg@gmssr.com
jkarp@whitecase.com
terry.houlihan@bingham.com
lindseyhowdowning@dwt.com
lcottle@whitecase.com
ssmyers@att.net
rtp1@pge.com
sdg6@pge.com
boilrdoc@pacbell.net
mark_j_smith@fpl.com
greg.blue@dynegy.com
phanschen@mofo.com
steve.huhman@mirant.com
jcrossen@apx.com
sberlin@mccarthyllaw.com
steven@iepa.com
blaising@braunlegal.com
kjohnson@caiso.com
ppettingill@caiso.com
abb@eslawfirm.com
abb@eslawfirm.com
dkk@eslawfirm.com
mpa@a-klaw.com
joel_newton@fpl.com

EMAIL SERVICE LIST**R0211039**

alex.goldberg@williams.com
tim.muller@williams.com
bfields@reliant.com
CJHajovsky@reliant.com
igibbs@reliant.com
kjsimonsen@ems-ca.com
pvanmidde@earthlink.net
npedersen@hanmor.com
mcmannes@aol.com
vitaly.lee@aes.com
jennifer.lehmann@aes.com
case.admin@sce.com
gloria.ing@sce.com
christine.nguyen@lw.com
linda.lebhar@lw.com
tcorr@sempra.com
mshames@ucan.org
centralfiles@semprautilities.com
jleslie@luce.com
tom.barnett@constellation.com
anja.irwin@aes.com
difellman@fellmanlaw.com
rcosta@turn.org
aln2@pge.com
jcr4@pge.com
Cem@newsdata.com
lisaweinzimer@sbcglobal.net
aclark@calpine.com
shilton@mofo.com
mrw@mrwassoc.com
bmcc@mccarthylaw.com
mclaughlin@braunlegal.com
rmccann@mcubedecon.com
cmkehrein@ems-ca.com
e-recipient@caiso.com
smith@braunlegal.com
kdw@woodruff-expert-
services.com
mlgillette@duke-energy.com
omh@cpuc.ca.gov
rst@cpuc.ca.gov
bjorkpvcc@aol.com
bwm@cpuc.ca.gov
cxw@cpuc.ca.gov
caj@cpuc.ca.gov
ccl@cpuc.ca.gov
cek@cpuc.ca.gov
dpf@cpuc.ca.gov
jet@cpuc.ca.gov

EMAIL SERVICE LIST

R0211039

kms@cpuc.ca.gov

lau@cpuc.ca.gov

maz@cpuc.ca.gov

mes@cpuc.ca.gov

rwc@cpuc.ca.gov

vsk@cpuc.ca.gov

mkahn@flk.com

rwheeler@caiso.com

jtachera@energy.state.ca.us

jklein@energy.state.ca.us

bj2@cpuc.ca.gov

azasso@water.ca.gov