

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

Central Hudson Gas & Electric Corp., et al.,)	Docket No. EL04-113-000
)	
Complainants,)	
)	
v.)	
)	
New York Independent System Operator, Inc.,)	
)	
Respondent.)	
New York Independent System Operator, Inc.)	Docket No. EL04-115-000
)	and ER04-983-000
)	
New York Independent System Operator, Inc.)	Docket No. EL04-110-000
)	
)	(not consolidated)

**MOTION OF NEW YORK INDEPENDENT SYSTEM OPERATOR, INC. FOR
EXTENSION OF TIME TO SUBMIT COMMENTS ON FILINGS AND
REQUEST FOR EXPEDITED ACTION**

The New York Independent System Operator, Inc. (“NYISO”), by counsel, respectfully requests that the Commission grant extensions of time for parties to respond to: (i) the complaint currently pending in Docket No. EL04-113-000 (“Complaint”); and (ii) the NYISO’s July 2, 2004 filing in Docket Nos. EL04-115-000 and ER04-983-000 (“TCC Remedy Filing”).

Extending the answer and comment periods is appropriate because the NYISO and affected stakeholders have developed a settlement in principle that has the potential to comprehensively resolve all issues and claims. Granting the request would allow all parties to focus their attention on finalizing a formal settlement proposal for submission to the Commission.

In addition, the NYISO respectfully asks that the Commission take immediate action since responses to the TCC Remedy Filing and the Complaint are currently due on July 12 and July 14, 2004 respectively.

I. Communications

Communications regarding this motion should be addressed to:

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II. Background

On June 24, 2000, certain New York State transmission owning utilities filed the Complaint. It sought various forms of relief in response to a recently discovered database transcription error that affected a series of NYISO-administered Transmission Congestion Contract ("TCC") auctions. In the TCC Remedy Filing, the NYISO requested that the Commission convene a settlement conference or, failing that, authorize the NYISO to implement a comprehensive package of remedies, that would address the complex effects of the database transcription error.

In the meantime, the NYISO and its stakeholders have engaged in intense discussions aimed at resolving all of the issues associated with the two filings. Yesterday, the discussions yielded the outline of a settlement in principle between the NYISO and affected stakeholders. Earlier today, the parties moved closer to a final settlement in principle. The NYISO is already

at work converting it into a formal Offer of Settlement that would be accepted by the stakeholders, approved by the NYISO's Board, and filed with the Commission, early next week. It is anticipated that the completed offer of settlement will be a comprehensive agreement that will resolve all issues for both the current period and for historic periods. If the NYISO files a complete offer of settlement next week it will simultaneously make a separate filing addressing the disposition of the Complaint and the TCC Remedy Filing.

The NYISO is authorized to state that all parties participating in the settlement negotiations, including all the Transmission Owners that filed the Complaint, support this Motion.

III. Motion for Extension of Time and Request for Expedited Action

In order for the parties to continue working towards developing a formal settlement proposal, the NYISO respectfully requests that the Commission extend: (i) the answer period for the Complaint until July 19, 2004; and (ii) the comment period for the TCC Remedy Filing until July 15, 2004.¹ The requested extensions will allow all stakeholders to focus on finalizing a formal settlement agreement. They will also allow sufficient time for the Commission to issue an order by July 22 on the Complaint and/or the TCC Remedy Filing in the event that the settlement offer is not accepted. With or without a settlement, the Commission must issue an order by that date if the NYISO is to hold a TCC Reconfiguration Auction for August that reflects Commission guidance.²

¹ In the TCC Remedy Filing, the NYISO indicated that if it were to file a request for leave to answer protests of that filing it would do so no more than two business days later, *i.e.*, July 14. Similarly, if the deadline for comments and protests in response to that filing is moved to July 15, the NYISO would respond to them no more than two business days later, *i.e.*, July 19.

² In the TCC Remedy Filing, the NYISO asked that the Commission issue an order no later than July 19. In the time since that filing the NYISO has identified special steps it can take that
(continued...)

Because the current answer and comment deadlines are so close at hand, the NYISO respectfully requests that the Commission take expedited action and grant the requested extensions immediately. The sooner the Commission acts, the sooner that the parties will be able to focus exclusively on further settlement discussions, and the greater the chance of a successful settlement.

In order to facilitate expedited Commission action, the NYISO is electronically serving a copy of this filing on the official representative of each of its customers, on each participant in its stakeholder committees, and on the New York State Public Service Commission.

IV. Conclusion

Wherefore, the NYISO respectfully requests that the Commission grant the Motion in an expeditious manner.

Respectfully submitted,

NEW YORK INDEPENDENT
SYSTEM OPERATOR, INC.

/s/ Michael E. Haddad_____

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Of Counsel
July 9, 2004

will make it possible to conduct a complete Reconfiguration Auction for August even if the Commission does not act until July 22.

cc: Daniel L. Larcamp, Director Office of Markets, Tariffs and Rates, Room 8A-01,
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Alice M. Fernandez, Director Office of Markets, Tariffs and Rates -- East
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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically served the foregoing motion upon the official representative of each of the NYISO's customers, on each participant in the NYISO's stakeholder committees, and on the New York State Public Service Commission.

Dated at Washington, DC this 9th day of July, 2004.

By: s/ Michael E. Haddad
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