

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

May 14, 2002

Docket No. EL02-8-000

Hunton & Williams

Attention: Arnold H. Quint, Esq.

Attorney for the New York Independent System Operator

1900 K Street, N.W.

Washington, D.C. 20006

Dear Mr. Quint:

On November 7, 2001, you filed with the Commission, on behalf of the New York Independent System Operator (New York ISO), an answer to the complaint of Mirant Americas Energy Marketing, L.P., et al. (Mirant) in the above-noted proceeding. The answer asserts, among other things, that Mirant's complaint should be dismissed as moot because the New York ISO has been "working with PJM [Interconnection, L.L.C. (PJM)] to develop an operating procedure to satisfy PJM's [installed capability] ICAP deliverability requirements" (Answer at 3), which is the subject, in part, of Mirant's complaint. The answer further asserts that the New York ISO "expects to have the necessary procedures in place for the 2002 summer capability period as requested by Mirant." (Id. at 4)

With respect to these assertions (and related statements of fact included in your answer, as noted below), please provide the following information:

- (1) Identify when the New York ISO intends to make its filing and the earliest possible date on which it would propose that these changes be implemented.
- (2) Identify and describe all operating procedures required by the New York ISO to satisfy PJM's ICAP deliverability requirements, such that entities like Mirant could sell generating capacity located in New York to PJM and have the capacity be treated by PJM as a capacity resource.
- (3) With respect to the New York ISO's assertion that "[f]urther discussions with PJM will be required so that the New York ISO can develop the detailed procedures to meet PJM's deliverability tests" (id.), identify and

describe all such procedures and what, if any, progress has been made to date regarding the development of these procedures.

The information requested in this letter should be served on Mirant and all parties seeking intervention status in this proceeding. Please file your response within 15 days of the date of this letter. Submit seven copies of your response. Six copies of your response should be sent to:

Federal Energy Regulatory Commission
Office of the Secretary
888 First Street, N.E.
Washington, D.C. 20426

The seventh copy should be sent to:

Federal Energy Regulatory Commission
Attention: Steve Rodgers
Office of Markets Rates and Tariff, East
(MT-12) (Room 71-25)
888 First Street, N.E.
Washington, D.C. 20426

Sincerely,

Alice M. Fernandez, Director
Division of Tariffs and Rates - East
Office of Markets, Tariffs and Rates

cc: Mirant
All parties seeking intervention status