

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

New York Independent System Operator, Inc.            )

Docket No. OA08-13-\_\_

**JOINT REQUEST FOR A 180-DAY EXTENSION  
OF TIME TO FULLY COMPLY WITH  
ORDER NO. 890'S COST ALLOCATION AND RECOVERY REQUIREMENTS  
WITH RESPECT TO REGULATED RELIABILITY PROJECTS,  
AND REQUEST FOR EXPEDITED ACTION OF  
THE NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.  
AND THE NEW YORK TRANSMISSION OWNERS**

In accordance with Rule 2008 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.2008 (2007), the New York Independent System Operator, Inc. ("NYISO") and the New York Transmission Owners ("NYTOs")<sup>1</sup> (together, the "NY Parties") respectfully request a 180 day extension of time to come into complete compliance with Order No. 890's transmission cost allocation requirements with respect to regulated transmission solutions to reliability needs.<sup>2</sup> The additional time is needed primarily to work with the New York Public Service Commission ("NYPSC") to resolve outstanding issues associated with cost allocation and cost recovery for generation and demand response Regulated Reliability Projects.<sup>3</sup> Resolution of these state-jurisdictional issues is crucial because transmission, demand response, and generation projects are considered on an equal footing to meet reliability needs identified in

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<sup>1</sup> For purposes of this joint request, the NYTOs are Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Orange and Rockland Utilities, Inc. and Rochester Gas and Electric Corporation, the Long Island Lighting Company d/b/a LIPA, and the New York Power Authority. LIPA and NYPA have indicated they are voluntarily participating in the development of the NYISO planning process consistent with Order No. 890 and support the need for the requested extension despite their non-jurisdictional status.

<sup>2</sup> *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, 72 FR 12266 (March 15, 2007), FERC Stats. & Regs. ¶ 31,241 (2007) (Order No. 890), *reh'g pending*.

<sup>3</sup> Regulated Reliability Projects are defined as those backstop or alternate regulated projects deemed necessary under the NYISO's Comprehensive Reliability Planning Process ("CRPP") to meet the reliability needs of the New York State Bulk Power Transmission Facilities that are not being met by market projects.

the CRPP under Attachment Y of the NYISO's Open Access Transmission Tariff ("OATT"). Because the NYISO is already successfully conducting a reliability planning process and does not expect additional resources to be needed on the New York State Bulk Power System until 2012 or thereafter, the additional time requested to complete the final aspects of cost recovery and cost allocation for reliability solutions will not affect the reliability of the system.

The NYISO will make a compliance filing by the December 7, 2007 deadline that will address the cost recovery and cost allocation requirements with respect to regulated Economic Projects,<sup>4</sup> as well as all of Order No. 890's other eight transmission planning principles.<sup>5</sup>

The requested extension would give the NYISO until June 4, 2008 to make an additional compliance filing regarding cost allocation and cost recovery for Regulated Reliability Projects. The NY Parties are authorized to inform the Commission that the NYPSC supports their request for a partial extension of the December 7 deadline. The NYISO is not aware of any party that would oppose this request.

The NY Parties understand the importance that the Commission places on timely compliance with Order No. 890, and they have worked diligently to both develop enhancements to existing NYISO planning procedures and to build stakeholder support for them. As described in more detail below, the NY Parties have made substantial strides over the past several months. Nevertheless, the NY Parties are requesting additional time to: (i) allow the NYPSC to finalize cost allocation and recovery procedures for Regulated Reliability Projects that are subject to its jurisdiction (namely, generation and demand side projects); (ii) allow the NYPSC to complete discussions with NYPA and LIPA (together, the "State Authorities") regarding the relationship

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<sup>4</sup> Economic Projects are those projects that are anticipated to reduce current and future projected congestion on the New York State Bulk Power Transmission Facilities.

<sup>5</sup> The NYTOs note that they reserve the right to challenge aspects of the December 7 filing with which they disagree.

between the NYPSC, LIPA, and NYPA on cost recovery issues associated with generation and demand response projects; and (iii) allow the NYISO, the NYTOs, and stakeholders to resolve remaining issues related to cost allocation and cost recovery procedures for Regulated Reliability Projects and make any conforming revisions to the cost allocation and recovery processes in the tariff, including provisions for the allocation of costs of regulated transmission solutions.

In support of the joint request, the NY Parties are submitting a work plan and timetable that describes how they will use the requested extension to collaborate with the NYPSC, NYPA, LIPA, and other stakeholders to resolve the remaining issues (Attachment A). The NY Parties intend to fulfill their remaining compliance filing obligations with respect to cost allocation and cost recovery for Regulated Reliability Projects in the June 4 filing. Should the outstanding issues remain unresolved by the end of the 180-day extension period, the NYISO will submit a compliance filing on June 4 that it believes will be in full compliance with Order No. 890's requirements.

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## **II. BACKGROUND**

### **A. Overview of the NYISO's Existing Planning Process**

Attachment Y to the NYISO's OATT implemented the NYISO's Comprehensive Reliability Planning Process ("CRPP"). On December 28, 2004, the Commission accepted Attachment Y, with certain conditions.<sup>7</sup> In particular, the December 28 Order "applaud[ed] the NYISO and interested parties for devising a workable, efficient process to facilitate transmission planning and expansion."<sup>8</sup>

Attachment Y establishes an open and transparent process to identify transmission upgrades, generation additions, and demand side resources that may be needed for reliability reasons. The NYISO is the only Independent System Operator or Regional Transmission Organization that has a planning process that fully considers all three alternative resources on an equal footing. Moreover, Attachment Y was praised by the Commission because of its balanced

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<sup>6</sup> Waiver of the Commission's regulations (18 C.F.R. § 385.203) is requested to the extent necessary to permit the inclusion on the service list of all of the parties listed on Attachment B.

<sup>7</sup> *New York Independent System Operator, Inc.*, 109 FERC ¶ 61,372 (2004) ("December 28 Order").

<sup>8</sup> *Id.* at P 19.

consideration of market-based and regulated solutions and as “a substantial improvement over planning processes that have traditionally depended largely or even solely on transmission owner developed regulated solutions.”<sup>9</sup> Transmission, generation, and demand response solutions are not only solicited as market-based responses, but may be submitted as regulated backstop solutions by the responsible NYTOs or as alternative regulated solutions by another NYTO or a developer. This comprehensive and inclusive process helps ensure that the New York State Transmission System is, and remains, secure and reliable, and that any interested party is permitted to come forward with solutions to address identified reliability needs in the New York Control Area. The unique all-source nature of the NYISO’s CRPP, however, gives rise to the state-jurisdictional issues that are the subject of this extension request.

Attachment Y does not currently include a comprehensive planning process for Economic Projects to address congestion on the transmission system. Accordingly, much of the efforts of the NY Parties and other stakeholders, described below, have been focused on developing an economic planning process to complement the existing CRPP. The NYISO’s December 7 compliance filing will include an enhanced planning process that addresses Economic Projects, including the cost recovery and cost allocation issues associated with them.

Attachment Y currently recognizes that transmission, generation, and demand response Regulated Reliability Projects fall under different jurisdictional regimes -- *i.e.*, transmission projects are Commission-jurisdictional, while generation and demand side resource projects are within the jurisdiction of the NYPSC.<sup>10</sup> Given the integrated, “all source” nature of the Attachment Y planning process, it is necessary to address and resolve both the Commission and

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<sup>9</sup> *Id.* at P 33.

<sup>10</sup> *See* Attachment Y at §§ 11.0(c) and (d).

NYPSC cost allocation and recovery rules before implementing either with respect to Regulated Reliability Projects. These issues are addressed in Section III, below.

**B. The NY Parties and Stakeholders Have Made Significant Progress in Developing Enhancements to the NYISO's Planning Process Since the Issuance of Order No. 890**

Since the Commission issued Order No. 890, the NY Parties and other NYISO stakeholders have worked diligently to enhance the NYISO's existing planning process consistent with Order No. 890's nine planning principles. The NYISO will submit a compliance filing on December 7 that will demonstrate full compliance with eight of these principles. Further, the filing will include a proposal on cost allocation and cost recovery for Economic Projects. Substantial progress has also been made towards full compliance with Order No. 890's cost allocation requirements.

Starting in March 2007, the NY Parties worked with stakeholders on developing a planning strawman proposal through the NYISO's Electric System Planning Working Group ("ESPWG") and Transmission Planning Advisory Subcommittee ("TPAS"), the stakeholder groups charged, among other things, with evaluating potential enhancements to the NYISO's planning process.

The NY Parties and other NYISO stakeholders also participated in the Commission's June 28-29, 2007 technical conference that was held in Pittsburgh, Pennsylvania. At the June 28-29 conference, the NYISO presented Commission Staff with a draft planning strawman proposal. Commission Staff provided guidance on several issues, including the need for the final compliance proposal to include cost recovery and cost allocation provisions for both Economic Projects and Regulated Reliability Projects.

Following the June 28-29 technical conference, ESPWG and TPAS held six joint meetings to address the planning requirements of Order 890, taking into consideration the guidance and comments received at and following the technical conference -- including the Commission Staff White Paper issued on August 2, 2007. In addition, the NYISO met individually with the NYTOs and other stakeholders, as well as the NYPSC Staff, to address these issues.

These stakeholder discussions culminated in the NYISO's posting of a revised planning proposal on its website on September 14, 2007. The revised proposal included enhancements in the form of draft revisions to the NYISO's existing planning process under Attachment Y to the NYISO OATT.<sup>11</sup> The posting included a detailed cost allocation methodology, initially proposed by the NYTOs, regarding transmission, generation, and demand response Regulated Reliability Projects on which substantial agreement had been achieved among the NYISO stakeholders. In addition, a NYTO proposal for cost recovery of reliability projects, which had not yet been vetted with other stakeholders, was included in the posting.

Following the posting of the strawman proposal, the NY Parties and other NYISO stakeholders participated in the Commission's October 15-16 technical conference held in Boston, Massachusetts. During this technical conference, the concerns regarding state cost recovery and cost allocation for non-transmission Regulated Reliability Projects were highlighted by the NYISO as well as by NYTO representatives. Since the Boston technical conference, there have been six further meetings of ESPWG and TPAS, at which the NY Parties and other stakeholders have continued to develop and refine the planning compliance proposal in accordance with Order No. 890. In addition, there have been numerous meetings and conference

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<sup>11</sup> The September 14 strawman posting is available on the NYISO's website at <[http://www.nyiso.com/public/webdocs/services/planning/FERC\\_Order\\_890\\_091707final.pdf](http://www.nyiso.com/public/webdocs/services/planning/FERC_Order_890_091707final.pdf)>

calls between and among the NYTOs, the Staff of the NYPSC, and the NYISO to address the state cost recovery and allocation issues for non-transmission Regulated Reliability Projects.

In addition, three separate proposals for economic project cost allocation and cost recovery were proposed and thoroughly debated at the joint ESPWG-TPAS meetings. These proposals offered detailed suggestions on the metrics to be used in identifying the beneficiaries of economic projects and for allocating costs among those beneficiaries, the time frames to be evaluated and methodologies used to define the economic benefits of projects, determining the level of benefits that must be reached to for a project to be eligible for presentation to the beneficiaries for their consideration, and establishing a super-majority voting mechanism for beneficiaries to use in deciding whether to proceed with economic projects. Although consensus has not been achieved on all of these issues, differences have been narrowed, and the NYISO will file a proposal that it believes most closely represents the parties' positions articulated in the ESPWG-TPAS meetings.

**III. A 180-DAY EXTENSION IS NECESSARY TO ALLOW THE NYPSC TO ADDRESS MATTERS WITHIN STATE JURISDICTION, TO ADDRESS THE CONCERNS OF THE STATE AUTHORITIES, AND TO PROVIDE THAT GENERATION AND DEMAND RESPONSE RESOURCES WILL BE TREATED COMPARABLY TO TRANSMISSION RESOURCES**

**A. A 180-Day Extension Will Allow the NYPSC to Complete its Own Proceeding to Address the Cost Recovery and Cost Allocation Issues Related to State-Jurisdictional Regulated Reliability Projects**

Order No. 890 encourages state regulators to participate in the regional planning process, and to coordinate with transmission providers in developing open and transparent rules.<sup>12</sup> To that end, the NY Parties have worked closely with the NYPSC to develop appropriate planning procedures. The NYPSC Staff actively participated in both the development and implementation

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<sup>12</sup> See e.g., Order No. 890 at PP 569, 574.



of the NYISO's existing reliability planning process and in the development of additional planning procedures to meet the requirements of Order No. 890.

As explained above, the NYISO's OATT currently provides that cost recovery for generation and demand response projects is subject to the jurisdiction of the NYPSC, while cost recovery for transmission projects is subject to the Commission's jurisdiction. The state-jurisdictional and Commission-jurisdictional cost recovery and allocation issues are inextricably integrated components of the NYISO's "all source" planning process. It is necessary for the NYPSC to develop its own cost allocation and recovery rules for demand response and generation Regulated Reliability Projects comparable to the NYISO's rules for transmission Regulated Reliability Projects. Otherwise, an uneven process would result under which the selection of generation or demand response solutions could be discouraged. It will not be possible to finalize agreement on the cost recovery and allocation of Commission-jurisdictional costs until the state-level issues are resolved and stakeholders know what cost allocation and recovery rules will apply to all resources. For the reasons stated above, the NY Parties believe that this situation in New York is unique and warrants the additional time requested.

The NYPSC is required under the New York State Administrative Procedure Act to address the cost allocation and recovery issue through a public process, which includes a notice and comment period.<sup>13</sup> The New York State Department of Public Service Staff, which serves as agency staff to the NYPSC, is developing policies on planning cost allocation and recovery issues that are consistent with and comparable to the NYISO's policies, and intends to present them to the NYPSC to begin that process in December. The NYPSC's decision on its Staff's

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<sup>13</sup> See N.Y. State Admin. Proc. Act § 202(1)(a) (McKinney 2003).

proposal is not expected until March or April of 2008. In Part IV, below, the NY Parties describe their work plan that takes into account this potential schedule.

**B. A 180-Day Extension Would Permit the NYPSC to Address the Concerns of the State Authorities and Other NYTOs Regarding Their Participation in the Order No. 890 Planning Process**

Order No. 890 also encourages the participation of unregulated transmitting utilities in the planning process.<sup>14</sup> LIPA and NYPA have been active participants in, and are essential to, the NYISO's existing planning process. Consistent with the Commission's encouragement, LIPA and NYPA have voluntarily participated in the CRPP and the development of potential modifications of this process to bring it into compliance with Order No. 890. The NY Parties believe that the continued voluntary participation of these State Authorities in the expanded planning process required under Order No. 890 is vitally important. At the same time, there are special issues associated with accommodating the needs of these entities in the planning process, and it will take time to fully and appropriately address these matters.

First, under New York State law, LIPA and NYPA are not subject to NYPSC jurisdiction with respect to cost recovery and cost allocation associated with generation and demand response projects. The cost allocation provisions that have been developed provide for cost allocation between and among appropriate NYISO load zones that could include one or more NYTOs, including LIPA and NYPA. Recognizing this complexity, LIPA, NYPA, and the NYPSC are involved in discussions on how to address the cost allocation and cost recovery issues for demand response and generation projects, as such procedures relate to LIPA and NYPA. The issues involved in this discussion require careful consideration and deliberations which could not be completed by the December 7 deadline. The NY Parties anticipate that the NYPSC, LIPA,

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<sup>14</sup> See, e.g., Order No. 890 at P 441.

and NYPA will enter into a Memorandum of Understanding or other mechanism to address the LIPA and NYPA cost recovery issues in light of their non-jurisdictional status.

Finally, the other NYTOs who are jurisdictional to both the Commission and the NYPSC, have legitimate concerns regarding the specific mechanism that is envisioned by the NYPSC Staff regarding cost recovery and cost allocation for generation and demand response Regulated Reliability Projects, and concerning how to assure that process will be comparable to the NYISO cost allocation and cost recovery process for transmission Regulated Reliability Projects.

**C. A 180-Day Extension Would Help Ensure Comparable Treatment for Demand Response and Generation Solutions**

Allowing 180 days to complete state negotiations and proceedings on cost allocation and cost recovery for demand response and generation solutions to reliability needs is critical to providing comparable treatment to these types of resources in New York's planning process. Putting these solutions on the same footing as transmission solutions is consistent with Commission policy. For example, Order No. 890 concluded that "where demand resources are capable of providing the functions assessed in a planning process, and can be relied upon on a long-term basis, they should be permitted to participate in that process on a comparable basis."<sup>15</sup> However, cost recovery and cost allocation issues associated with demand response and generation resources are generally within the jurisdiction of state agencies. Therefore, in order to ensure that these important resources are treated on an equal footing with transmission solutions, it is necessary to resolve outstanding issues regarding the treatment of demand side and generation projects by the NYPSC.

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<sup>15</sup> Order No. 890 at P 479. *See also id.* at P 494 ("[W]e agree with commenters that customer demand resources should be considered on a comparable basis to the service provided by comparable generation resources where appropriate."). *Cf. California Independent System Operator Corp.*, 116 FERC ¶ 61,274 at P 10 (2006) (noting that demand response resources help improve reliability).

#### **D. Other Issues**

In addition to the foregoing, the proposed extension would allow the NY Parties to address two additional matters directly related to the cost recovery and cost allocation issues. First, the supplemental agreement between the NYISO and the NYTOs with respect to the CRPP, and approved by the Commission,<sup>16</sup> may require modification to include the state issues noted above. Second, the “separate rate mechanism” referenced in the supplemental agreement will also be developed during this time.<sup>17</sup>

#### **IV. THE NY PARTIES HAVE DEVELOPED A WORK PLAN UNDER WHICH THEY WOULD MAKE EFFICIENT USE OF AN EXTENSION**

The NY Parties have established a work plan to ensure that the requested 180-day extension is used efficiently and productively. The work plan is attached hereto as Attachment A.

In general, and as noted above, the NY Parties understand that the New York State Department of Public Service Staff will file a proposal with the NYPSC addressing the cost allocation and cost recovery issues associated with generation and demand response resources on or around December 7. Interested parties would comment on the NYPSC Staff proposal in February. The NY Parties envision that by March or early April 2008, the NYPSC will issue a decision on the Staff proposal.

In parallel with this NYPSC proceeding, the NYPSC and the State Authorities would continue to engage in negotiations to address cost recovery for the State Authorities from all New York customers, through an MOU or other mechanism that may be appropriate in light of their non-jurisdictional status. At the same time, the NYISO, the NYTOs, and the NYPSC

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<sup>16</sup> The supplemental agreement was included as part of the NYISO’s Attachment Y filing in 2004. The supplemental agreement was accepted, in pertinent part, by the Commission in the December 28 Order.

<sup>17</sup> See Supplemental Agreement at § 3.03.

would develop proposed tariff language and billing arrangements to address the cost allocation and cost recovery provisions for transmission, generation, and demand response solutions. The NYISO would review any proposed tariff revisions with its stakeholders in April and May. Further, the NYISO and the NYTOs would address their supplemental agreement on planning, and the NYTOs would address the “separate rate mechanism” for cost recovery that is referenced in Section 3.03 of that agreement. The work plan also envisions that the NYPSC, the NYTOs, and the State Authorities would finalize any documents related to their agreement on state-jurisdictional issues in May 2008. Finally, in any event, the NYISO commits to make a compliance filing by June 4, 2008.

#### **V. REQUEST FOR A 180-DAY EXTENSION OF TIME**

In light of the foregoing issues, the NY Parties respectfully request that the Commission grant a 180-day extension in order for them to focus on the limited cost allocation and cost recovery issues associated with Regulated Reliability Projects that will not be completed by December 7, and require the NY Parties to submit an additional compliance filing on this issue by no later than June 4, 2008. The NY Parties respectfully submit that granting an additional 180 days to come into complete compliance with respect to the cost recovery and allocation for Regulated Reliability Projects will neither delay the implementation of other planning enhancements nor harm system reliability.

As a practical matter, existing NYISO planning procedures have been working well even in advance of the implementation of the Order No. 890 enhancements. Since the reliability planning process went into effect in early 2005, additional resources have been added on a market basis sufficient to meet reliability requirements. To date, there has not been a need for the NYISO to employ a regulated backstop solution under the CRPP.

Further, granting the requested extension would not threaten system reliability. The latest draft NYISO Reliability Needs Assessment for 2008<sup>18</sup> confirms that the earliest that a “Reliability Need” will arise in New York is 2012. Moreover, under certain scenarios and/or conditions studied, the likely first year of need in New York, even assuming no new transmission is built, will be 2013.<sup>19</sup> Thus, even if the Commission were concerned that granting a 180-day extension to finalize compliance with respect to the recovery and allocation of Reliability Project costs might cause some delay, it should recognize that minor delays will not have an adverse impact on reliability given the current status of the New York State Bulk Power System.

Finally, even if some cost recovery and allocation issues related to Regulated Reliability Projects are in dispute at the end of the 180-day period, the NYISO will submit a compliance filing on June 4 that will bring it into full compliance with Order No. 890’s cost allocation principle.

## **VI. REQUEST FOR EXPEDITED ACTION**

The NY Parties respectfully request that the Commission issue an order granting the joint request no later than December 6, 2007. Expedited action will allow the NY Parties to know whether they have additional time, and if so, how much time they will have, to come into complete compliance with the Commission’s requirements. On October 20, the NYISO notified Market Participants on a joint ESPWG-TPAS conference call that it was considering filing a joint request for an extension of time on these limited issues with the NYTOs. In addition, the NYISO informed Market Participants of its decision to make such a filing at a joint EPSWG-

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<sup>18</sup> The NYISO’s 2008 RNA was recently approved by the Operating and Management Committees and is scheduled for consideration by the NYISO’s Board of Directors in December.

<sup>19</sup> See, e.g., North American Electric Reliability Corporation’s “2007/2008 Winter Reliability Assessment” at 19, available at <http://www.nerc.com> (noting reliability enhancement caused by energization of the Neptune merchant line).

TPAS meeting on November 29. Most Market Participants support the proposal, while some will not oppose it. The NYISO is not aware of any party that would oppose this extension request. This extension request will be posted on the NYISO's website and a notice of that posting will be sent to the NYISO's Market Participants. To the extent that notice and comment time periods apply to this request, the NY Parties respectfully request a waiver of these procedures.

## **VII. CONCLUSION**

In conclusion, the New York Independent System Operator, Inc. and the New York Transmission Owners respectfully request that the Commission: (i) grant their joint request for a 180-day extension of time, *i.e.*, until June 4, 2008, to comply with Order No. 890's cost allocation and recovery requirements with respect to Regulated Reliability Projects; (ii) waive any notice and comment procedures applicable to this motion for extension of time; and (iii) act on the joint request by December 6, 2007.

Respectfully submitted,

/s/ Ted J. Murphy

Ted J. Murphy

Counsel to the New York Independent System  
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/s/ Elias G. Farrah

Elias G. Farrah

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November 30, 2007

## **ATTACHMENT A**

### ***PROJECTED TIMELINE FOR RESOLVING STATE JURISDICTIONAL ISSUES REGARDING DEMAND RESPONSE AND GENERATION REGULATED RELIABILITY PROJECTS***

- Dec. 07:** NYPSC Staff files proposal with NYPSC to address the cost allocation and cost recovery issues for Demand Response and Generation Reliability Solutions on a basis comparable to transmission solutions.
- Dec. 07:** NYPSC notice and comment period on Staff proposal.
- Jan.-March 08:** NYPSC and State Authorities negotiate, draft, and finalize a Memorandum of Understanding or other mechanism to address the State Authorities' cost allocation and cost recovery issues in light of their non-jurisdictional status.
- Jan.-March 08:** NYPSC and FERC Staff resolve any jurisdictional issues that must be addressed.
- Jan.-March 08:** NYPSC, NYTOs and NYISO develop tariff language and billing arrangements to integrate the cost allocation and cost recovery provisions for transmission, generation and demand response solutions.
- March-April 08:** NYPSC expected to issue decision on Staff proposal.
- March–April 08:** NYTOs and NYISO update supplemental agreement on planning.



**March – April 08: NYTOs develop “separate rate mechanism” for cost recovery under NYISO’s tariff.**

**April – May 08: NYISO reviews any tariff changes with stakeholders.**

**May 08: NYTOs, NYPSC, LIPA and NYPA agreement to state process, and all necessary documents are finalized.**

**June 4, 08: NYISO files its compliance filing with FERC on cost allocation and cost recovery for Regulated Reliability Projects.**

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**CERTIFICATE OF SERVICE**

I hereby certify that I have served the foregoing document on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, DC, this 30<sup>th</sup> day of November, 2007.

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