

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

<b>Preventing Undue Discrimination and Preference in Transmission Service</b>	)	<b>Docket Nos. RM05-17-000 and RM05-25-000</b>
	)	
	)	

**COMMENTS OF THE NEW YORK INDEPENDENT SYSTEM OPERATOR  
IN SUPPORT OF  
THE NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION'S  
REQUEST FOR AN EXTENSION OF TIME**

The New York Independent System Operator, Inc. ("NYISO") respectfully submits these comments in support of the North American Electric Reliability Corporation's ("NERC's") request for an additional extension of time to file revised reliability standards addressing available transfer capability ("ATC") and related issues ("ATC Standards.") in compliance with Order No. 890.<sup>1</sup> By granting the requested extension the Commission will make it more likely that NERC will submit ATC Standards that reasonably accommodate "financial reservation" based transmission systems, such as the NYISO's.

**I. Communications**

All communications, correspondence, and documents related to this proceeding should be directed to the following persons:

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<sup>1</sup> *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890 at P 223, (Mar. 15, 2007), FERC Stats. & Regs. ¶ 31,241 (2007), *order on reh'g*, Order No. 890-A, (Jan. 16, 2008), FERC Stats. & Regs. ¶ 31,261 (2007).

## II. Comments

As NERC has explained, it has been working diligently to complete the new ATC Standards. Nevertheless, as NERC states, a number of complex issues have not yet been finally resolved and it would be advisable for NERC to circulate another draft proposal and allow its stakeholders to comment before proceeding to a final ballot. The NYISO appreciates NERC's extensive work to date and its willingness to take more time to try to resolve the remaining questions.

As the NYISO has previously explained, both in this proceeding and in its own Order No. 890 compliance filings,<sup>2</sup> it has worked within the NERC stakeholder process to try to design ATC Standards that accommodate the differences between the NYISO's "financial reservation" system and the "physical reservation" regime contemplated under Order Nos. 888 and 890.<sup>3</sup> There are some aspects of the current version of NERC's proposed ATC Standards, however, that may not be sufficiently flexible to address the NYISO's concerns. If the ATC Standards were filed in their current form it might be necessary for the NYISO to protest and if they were accepted by the Commission the NYISO might be forced to request waivers from some of their requirements.

The NYISO understands the Commission's desire to avoid waiver requests. It hopes that the brief extension requested by NERC will allow for further good faith efforts to resolve the NYISO's issues, as well as those that have been raised by other NERC stakeholders. At a minimum, allowing extra time should result in higher quality standards and help to reduce the number of disputed issues.

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<sup>2</sup> See "Order 890 Compliance Filing" at 18, Docket No. OA08-13-000 (filed Oct. 11, 2007); "Order 890-A Compliance Filing" at 6-7, Docket No. OA08-107-000 (filed April 15, 2008).

<sup>3</sup> In particular, the NYISO has prepared two sets of written comments for the consideration of NERC and other stakeholders regarding the issues associated with its Commission-approved financial reservation system and market design.

### **III. Conclusion**

For the reasons stated above, the NYISO respectfully requests that the Commission grant NERC's request for an additional extension of time.

Respectfully,

/s/ Ted J. Murphy

Ted J. Murphy

*Counsel for*

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