



System Operator, Inc. and New York Transmission Owners (“Deliverability Plan”), which the Commission conditionally approved in an order issued in March 2008.<sup>4</sup> The Deliverability Plan outlines a framework for implementing a second level of interconnection service with a deliverability component in the New York Control Area.

In the January 15 Order, the Commission conditionally accepted the August 5 Filing subject to further clarifications and modifications. The most significant clarification ordered by the Commission involves the treatment of External Resources. Specifically, the January 15 Order conditions acceptance of the tariff provisions governing treatment of External Resources in the NYISO’s Installed Capacity markets upon the NYISO’s submission of an additional compliance filing. The Commission holds that the Deliverability Tariff Filing lacks sufficient detail for the Commission to be able to judge the proposed treatment of External Resources, and directs the NYISO to submit a compliance filing within 30 days “clarify[ing] how the revised tariff sheets addressing deliverability tests for internal and external resources meet the ‘independent entity variation standard’ for revising the terms of the *pro forma* Large Generator Interconnection Agreement and *pro forma* Large Generator Interconnection Procedures to accommodate regional needs.”<sup>5</sup>

The Commission also directed tariff sheet modifications within 30 days to: (1) clarify the definition of Energy Resource Interconnection Service (“ERIS”);<sup>6</sup> (2) differentiate the requirements for customers seeking Capacity Resource Interconnection Service (“CRIS”) from the requirements for customers taking ERIS;<sup>7</sup> (3) clarify that the annual application of

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<sup>4</sup> *New York Independent System Operator, Inc., New York Transmission Owners, et al.*, 122 FERC ¶ 61,267 (2008).

<sup>5</sup> January 15 Order at P 78.

<sup>6</sup> *Id.* at P 34.

<sup>7</sup> *Id.* at P 40.

deliverability to External Resources does not impact established Unforced Deliverability Rights;<sup>8</sup> and (4) clarify that a Developer may seek CRIS at any time pre- or post-construction or operations.<sup>9</sup> Compliance with these directed clarifications will require that the NYISO make modifications to numerous interrelated tariff sheets in Attachments S and X and Z of the NYISO Open Access Transmission Tariff, as well as the NYISO's Market Administration and Control Area Services Tariff.

## **II. Motion for Extension of Time**

The Joint Filing Parties respectfully request an additional 45 days, until April 3, 2009, to submit the revised tariff sheets and clarification in compliance with the January 15 Order. The Joint Filing Parties submit that there is good cause to grant the requested extension as discussed below.

The Joint Filing Parties are working to develop the required clarification of the treatment of External Resources, and to make the directed tariff sheet modifications. Although the Joint Filing Parties have been diligently working on the proposed clarification and tariff sheet modifications, complex issues raised by the comments of the Energy East<sup>10</sup> and others must be addressed in order to provide a compliance filing that will satisfy the Commission's directives. The development of this compliance filing, particularly on the issue of treatment of External Resources, is a substantial undertaking, requiring a significant amount of discussion among the Joint Filing Parties and other stakeholders.

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<sup>8</sup> *Id.* at P 82.

<sup>9</sup> *Id.* at P 85.

<sup>10</sup> Energy East includes the New York State Electric & Gas Corporation and the Rochester Gas and Electric Corporation.

The January 15 Order also granted the NYISO 120 days to resolve open issues surrounding the modeling of emergency assistance and make an appropriate compliance filing.<sup>11</sup> The Joint Filing Parties believe that it would be beneficial to address the issue of emergency assistance as soon as possible, and together with the other issues related to the treatment of External Resources, including the issues raised in the comments of Energy East.<sup>12</sup> Resolution of these issues by July 1, 2009, would avoid further delay of pending Class Year Deliverability Studies, and would allow the application of deliverability to the capacity import limits set for the 2009-2010 Winter Capability Period. Granting the extension requested herein, to April 3, would allow the Joint Filing Parties to address the additional issue of emergency assistance together with these other issues, in that April 3, 2009 compliance filing.

The additional time will permit the Joint Filing Parties and other stakeholders to work further on the complex issues that must be addressed in the compliance filing. Accordingly, the Joint Filing Parties submit that good cause exists for the Commission to extend the time necessary to complete this work, and respectfully requests that the Commission grant an additional 45 days to submit the compliance filing on all the issues discussed above.

### **III. Conclusion**

For the reasons set forth herein, the New York Independent System Operator, Inc. and the New York Transmission Owners, respectfully request that the Commission grant an additional 45 days from the current deadline, until April 3, 2009, to submit the compliance filing as described herein.

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<sup>11</sup> *Id.* at P 99.

<sup>12</sup> *Id.* at P 72.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in these proceedings in accordance with the requirements of Rule 2010 of the Rules of Practice and Procedure, 18 C.F.R. §385.2010.

Dated at Washington, D.C., this 11<sup>th</sup> day of February, 2009.

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