

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

New York Independent System Operator, Inc.,) Docket No. ER04-449-017
and New York Transmission Owners)

MOTION FOR EXTENSION OF TIME
AND REQUEST FOR EXPEDITED ACTION OF
THE NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.
AND NEW YORK TRANSMISSION OWNERS

Pursuant to Rules 212 and 2008 of the Commission’s Rules of Practice and Procedure, 18 C.F.R. §§ 385.212 and 385.2008 (2008), the New York Independent System Operator, Inc. (“NYISO”) and a number of New York Transmission Owners (“NYTOs”)¹ (collectively “Joint Filing Parties”) respectfully submit this motion for a further extension of time, from April 3, 2009 until May 4, 2009, to submit a compliance filing required by the Commission’s January 15, 2009 order in these proceedings (“January 15 Order”).² The Joint Filing Parties respectfully request that the Commission grant the motion expeditiously so that the Joint Filing Parties can plan their continuing work with stakeholders. The Joint Filing Parties were previously granted an extension until April 3, 2009 to file the required tariff revisions and to more expeditiously resolve an additional related issue.³ The Joint Filing Parties have worked diligently, and have

¹ 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, Niagara Mohawk Power Corporation d/b/a National Grid, and the New York Power Authority.

² *New York Independent System Operator, Inc.*, 126 FERC ¶ 61,046 (2009) (“January 15 Order”).

³ The January 15 Order gave the NYISO until February 17, 2008 to address the issue of the determination of the deliverability of External Resources through the annual process of setting import rights, including issues raised by Energy East Corporation regarding consistent treatment of grandfathered import rights, along with other directed tariff revisions. The January 15 Order also gave the NYISO until May 15, 2009, to resolve issues regarding the coordination of the modeling of external emergency assistance in the Class Year Deliverability Studies with the annual process of setting import rights. In the prior extension request, the Joint Filing Parties indicated that they intended to address these related issues in the same compliance filing. Even with the requested further extension, the Joint Filing Parties will address the issue of the modeling of emergency assistance before the Commission directed due date of May 15, 2009. The January 15 Order also granted the Joint Filing Parties six months to submit

made significant progress on the compliance filing, but seek this further extension because they believe that the additional time will help to achieve greater consensus and reduce the number of issues that may be disputed before the Commission. The Joint Filing Parties intend to submit the compliance filing as soon as reasonably possible, but no later than the requested deadline.

I. Background

The January 15 Order addressed an August 5, 2008 filing (“August 5 Filing”) submitted to implement the Joint Filing Parties’ Consensus Deliverability Plan, which the Commission conditionally approved in an order issued in March 2008.⁴ The January 15 Order conditionally accepted tariff provisions governing the treatment of External Resources subject to, among other things, the NYISO’s submission of an additional compliance filing explaining that its proposed treatment was not discriminatory, and other modifications.

On February 11, 2009, the Joint Filing Parties requested an extension until April 3, 2009 to comply with the January 15 Order, which was granted on February 17, 2009. The Joint Filing Parties explained that the extension was necessary to address complex issues raised by the comments related to the issue of the treatment of External Resources. The Joint Filing Parties further noted that compliance with the January 15 Order’s directives would 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.

a proposed mechanism related to Load Serving Entity funding of Highway upgrades, which remains the subject of a separate compliance filing to be made in June 2009.

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

II. Motion for Extension of Time

The Joint Filing Parties respectfully request additional time, from April 3, 2009 until May 4, 2009, to submit the revised tariff sheets and required clarification in compliance with the January 15 Order. The Joint Filing Parties are working collaboratively with the other NYISO stakeholders to comply with the January 15 Order. Finalizing the compliance filing has proven to be a substantial undertaking and has required extensive discussions. While much of the necessary drafting and review is complete, some issues such as the modeling of emergency assistance have not yet fully been resolved. By granting additional time, the Commission would permit the Joint Filing Parties and other stakeholders to achieve greater consensus and reduce the number of issues disputed before the Commission.

The compliance filing will fully address the modeling of emergency assistance, as well as all issues involving the treatment of External Resources, including those raised by Energy East Corporation regarding grandfathered import rights.

The Joint Filing Parties do not anticipate that the requested extension would further delay pending Class Year Deliverability Studies or the application of the deliverability test when determining capacity import limits set for the 2009-2010 Winter Capability Period.⁵ Accordingly, the Joint Filing Parties submit that good cause exists for the Commission to extend the time allowed to complete this work and respectfully request that the Commission grant their requested extension.

III. Request for Expedited Action and Waiver

The Joint Filing Parties respectfully request that the response time be shortened or waived to the extent necessary to allow the Commission to act expeditiously on this motion, so

⁵ The Joint Filing Parties continue to assume that the Commission will act on these issues by July 1, 2009. *See* Docket No. ER04-449-017, "Motion for Extension of Time" at p. 4 (filed February 11, 2009).

that the Joint Filing Parties can efficiently plan their continuing work with stakeholders and complete the compliance filing.

IV. Conclusion

For the reasons set forth herein, the New York Independent System Operator, Inc. and New York Transmission Owners, respectfully request that the Commission grant a further extension, from April 3, 2009, until May 4, 2009, to submit the compliance filing as described herein.

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 27th day of March, 2009.

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