

November 15, 2006

Magalie Roman Salas  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

Re: Notification of Timing of Implementation of Software Fix and Identification of Specific  
Tariff Waiver Period; Docket No. ER07-33-000.

Dear Secretary Salas:

On October 6, 2006 the New York Independent System Operator, Inc. ("NYISO") submitted a Request for Temporary Tariff Waiver in Docket No. ER07-33-000 ("Request"). Section I of the Request described an extremely unlikely set of circumstances that could result in the over-mitigation of New York City generators that had been set Out-of-Merit ("OOM") and then returned to in-merit status by the NYISO's operators. On page six of its request the NYISO committed to:

[D]esign and implement a software fix for the identified issue. The new software will ensure that the OOM flag is deleted for subsequent hours after all OOM constraints on a generator's operating parameters are removed by the NYISO operators. The NYISO is targeting this fix for implementation in 2007. A more specific date will be provided to the Commission once the NYISO has fully assessed its priority relative to other high priority commitments that have tariff implications or are the subject of Commission orders. When the fix is deployed, the NYISO's OOM mitigation software will be fully tariff compliant.

The NYISO has completed the initial coding of a software fix that will bring its mitigation of New York City OOM generators into tariff compliance and has begun quality assurance testing of the new software. The NYISO plans to deploy the software fix in January of 2007 unless unexpected difficulties or adverse system conditions prevent deployment. For these reasons, the NYISO hereby limits its request for a temporary tariff waiver to the period beginning October 11, 2006 and ending January 31, 2007.

Please contact the undersigned if you have any questions regarding this letter.

Respectfully submitted,

/s/ Alex M. Schnell

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## **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing letter upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Rensselaer, New York this 15<sup>th</sup> day of November 2006.

/s/ Alex M. Schnell

Alex M. Schnell

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