

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

New York Independent System Operator, Inc.)	
)	
)	Docket No. EL03-26-000
v.)	
)	
Dynergy Power Marketing, Inc.)	

**MOTION OF NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.
FOR EXTENSION OF TIME TO SUBMIT REBUTTAL TO RESPONSE OF DYNEGY
POWER MARKETING, INC. TO MOTION OF THE NEW YORK INDEPENDENT
SYSTEM OPERATOR, INC. TO VACATE AWARD OF ARBITRATOR**

Pursuant to Rules 212 and 2008(a) of the Commission’s Rules of Practice and Procedure,¹ the New York Independent System Operator, Inc. (“NYISO”) respectfully requests an additional five days, until January 13, 2004, to submit its rebuttal pursuant to the Commission’s November 25, 2003 *Order Asserting Jurisdiction Over Arbitration Award and Directing Submittal of Exhibits* (“November 25 Order”) in the above-captioned proceedings.

I. Copies of Correspondence

Communications regarding this proceeding should be addressed to:

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¹18 C.F.R. §§ 385.212, 385.2008(a) (2001).

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II. Motion for Extension of Time to Submit Rebuttal

The November 25 Order directed the NYISO to file its rebuttal within 15 days of the date that Dynergy filed its substantive answer to the Motion of the New York Independent System Operator, Inc. to Vacate Award of Arbitrator. Dynergy filed its substantive answer on December 24, 2003.² Fifteen days after December 24, 2003, is January 8, 2004. The NYISO has been working on its rebuttal. The intervening Christmas and New Year's holidays, however, have unduly lessened the number of business days normally encompassed by a 15 day response period, and holiday and travel commitments among the attorneys responsible for preparing the NYISO's rebuttal necessitate the requested extension of time. The NYISO's undersigned counsel is authorized to state that counsel for Dynergy consents to the NYISO having an additional five days to complete its rebuttal.

III. Conclusion

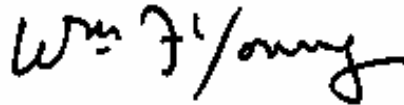
WHEREFORE, for the foregoing reasons, the New York Independent System Operator,

² *New York Independent System Operator, Inc. v. Dynergy Power Marketing, Inc.*, Response of Dynergy Power Marketing, Inc. to Motion of the New York System Independent Operator, Inc. to Vacate Award of Arbitrator, Docket No. EL03-26-000 (Dec. 24, 2003).

Inc. respectfully requests that the Commission grant its request for an extension of time, until January 13, 2004, to submit its rebuttal.

Respectfully submitted,

NEW YORK INDEPENDENT
SYSTEM OPERATOR, INC.

A handwritten signature in black ink, appearing to read "Wm F Young". The signature is written in a cursive, somewhat stylized font.

By: _____
Counsel

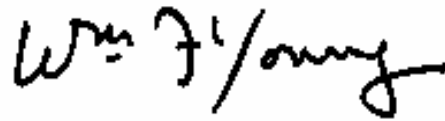
William F. Young
Susan E. Dove
Hunton & Williams LLP
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Washington, DC 20006-1109

January 7, 2004

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 Docket No. EL03-26-000, in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure 18 C.F.R. § 2010 (2001).

Dated at Washington, D.C. this 7th day of January, 2004.



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