

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

D.C. Energy, LLC)	
)	
Complainant)	
)	
vs.)	Docket No. EL07-67-000
)	
H.Q. Energy Services (U.S.) Inc.)	
)	
Respondent)	

**MOTION OF THE NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.
FOR LEAVE TO FILE COMMENTS ONE DAY OUT-OF-TIME**

Pursuant to Rule 214 of the Commission’s Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2006), the New York Independent System Operator, Inc. (“NYISO”) respectfully submits this Motion for Leave to File Comments One Day Out-of-Time (“Motion”).

On Monday, July 23, 2007, the NYISO electronically filed its Comments in the above-captioned docket. The Commission’s Confirmation of Receipt indicated that the Comments were received at 5:01:50 p.m.; one minute and fifty seconds after the 5:00 p.m. filing deadline. The NYISO electronically served its Comments on all persons on the Secretary’s official service list in Docket No. EL07-67-000 at 5:31 p.m. on Monday, July 23, 2007.

The NYISO’s late filing was caused by difficulties related to the transmission of the final version of the Independent Market Advisor’s Affidavit for inclusion in the NYISO’s Comments. The NYISO sincerely apologizes to the Commission and to all

parties for its inability to timely submit its Comments, but respectfully suggests that no party can reasonably claim to have been harmed by the one minute and fifty second delay, especially given that the NYISO electronically served its Comments on all parties at 5:31 p.m. on July 23, 2007. Therefore, no party will be prejudiced by the Commission's acceptance of the NYISO's Comments one day out-of-time.

Wherefore, for the foregoing reasons, the NYISO respectfully requests that the Commission accept the Comments it electronically filed in Docket No. EL07-67-000 on July 23, 2007 at 5:01:50 p.m. one day out-of-time.

Respectfully submitted,

/s/ Alex M. Schnell
Alex M. Schnell
New York Independent System Operator, Inc.

Dated: July 24, 2007

CERTIFICATE OF SERVICE

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

Dated at Rensselaer, New York this 24th day of July, 2007.

/s/ Alex M. Schnell _____

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