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II. Statement Of Issues

1. The NYISO should be permitted to intervene in the above captioned proceeding, pursuant to Rules 212 and 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. §§ 385.212 and 385.214, because it has a direct and substantial interest in the matters being addressed.

III. Motion To Intervene

The NYISO is the independent body responsible for providing open-access transmission service, maintaining reliability, and administering competitive wholesale electricity, ancillary services and capacity markets in New York State. This proceeding concerns a complaint under Section 206 of the Federal Power Act filed by the New York Power Authority (“NYPA”) alleging that Consolidated Edison Company of New York, Inc. violated the Federal Power Act by illegally charging NYPA a wholesale transmission rate for deliveries to NYPA’s customers in Long Island that exceeded the lawful tariff rate for the period of November 18, 1999 through December 31, 2004.

The NYISO administers the NYISO OATT which describes the rates, terms, and conditions governing wholesale transmission service in the New York Control Area. The NYISO OATT describes the treatment of certain Existing Transmission Agreements. The NYISO therefore, has a direct and substantial interest in these proceedings. This interest cannot be adequately represented by any other party. The NYISO, therefore, should be permitted to intervene herein.

IV. Conclusion

The NYISO respectfully requests that the Commission (a) grant its motion to intervene in this proceeding, (b) permit it to participate for all purposes, and (c) not consolidate the NYISO's interests with those of any other entity or entities.

Respectfully submitted

/s/ Robert E. Fernandez
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General Counsel and Secretary
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Dated: March 2, 2006

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each party designated on the official service list compiled by the Secretary in Docket No. EL06-52 in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.2010 (2005).

Dated at Washington, D.C., this 2nd day of March 2006.

/s/John C. Cutting

John C. Cutting

Senior Regulatory Affairs Specialist

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