

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

Electronic Service of Documents

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Docket No. RM01-11-000

**COMMENTS OF  
NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.**

Pursuant to the Notice of Inquiry (“NOI”) issued September 27, 2001 in the above-captioned proceeding, the New York Independent System Operator, Inc. (“NYISO”) submits these initial comments. The NYISO is the independent body responsible for providing open access transmission service, maintaining reliability, and administering competitive wholesale electricity markets in New York State.

Communications regarding this proceeding should be addressed to:

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**Executive Summary**

The NYISO supports the Commission’s initiative to issue its documents via e-mail. EService would certainly reduce the current delay between the issuance of a document and its receipt via regular mail. EService would be particularly helpful if it precedes posting on CIPS or RIMS. Edistribution also has the potential to improve the distribution of documents between parties to a proceeding. The NYISO’s primary concern in this initiative is to ensure that all parties, especially those who receive documents through conventional mail distribution, are afforded adequate time to review and respond to documents.

Implementation of a limited pilot program to test the effectiveness of the technology and the human response to the service should provide valuable input on this issue.

## **Response to Commission Questions**

### **1. eService of Commission Issuances**

**Question 1 (a)** Would adopting eService of Commission issuances via e-mail be easier for recipients of the documents than receiving paper service? What problems might this introduce? How might such problems be mitigated or eliminated?

#### **Answer 1 (a)**

The NYISO supports the Commission's initiative to issue its documents via e-mail. EService would be especially beneficial in reducing the delays that now occur between the time a document is issued and the time it is received via regular mail or posting on CIPS or, very frequently, RIMS.

To help ensure that eService is effective and equitable to all parties, the ISO proposes that the following safeguards be built into the Commission's final decision:

1. Ensure that documents are transmitted in a form and format that are immune from corruption by the e-mail process and by outside parties;
2. Ensure that documents are available in a format that allows recipients to easily manipulate the file's content for their own use, even if they are not initially delivered in that format;
3. Ensure that the standard time interval for responding to Commission documents does not disadvantage parties that may not be capable of receiving documents via eService.

Finally, while the NYISO supports the concept of eService, the Commission should ensure that its benefits in speedier delivery and reduced document publication and delivery

costs outweigh any incremental costs that may be necessary to staff and maintain an eService infrastructure and backup system.

**Question 1 (b)** Would recipients of eService of Commission issuances want to receive an eService e-mail as soon as the Commission issues a document? Would grouping items into a relatively few e-mails sent every two or three hours throughout the day or even grouping all items into a single e-mail at the end of the day be preferable?

**Answer 1 (b)**

As a potential user of eService, the NYISO would prefer same hour distribution simply for the convenience of immediate document availability. However, unless the eService infrastructure is highly efficient and reliable, the NYISO believes that same hour distribution may be costly and difficult to maintain. For example, the Commission staff will need to deal with the undeliverable e-mails and network congestion that could result from each eService delivery. In the alternative, grouping documents into packages for regularly scheduled distribution (i.e., every 2-3 hours) would provide reasonably rapid distribution of single documents while avoiding hourly congestion management. Similar gains could be had, however, if the Commission were simply to shorten the time it now takes to post documents in CIPS, and especially, RIMS.

See response to Q.1.c. for potential difficulties in forwarding groups of documents.

**Question 1 (c)** Currently Commission issuances are available through the Commission's website in ASCII,<sup>1</sup> Wordperfect format, and TIF (tagged image file format, a graphical format). Would these or other formats, such as PDF, be preferable for eService? Would a link to the document on the Commission's website be preferable (though its integrity would be guaranteed only for a specific time period)? Describe how the size of the document might influence this decision.

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<sup>1</sup> ASCII refers to the American Standard Code for Information Interchange, a code for character representation.

**Answer 1 (c)**

Although forwarding documents in Word or Word Perfect formats would allow eService recipients to manipulate files for their own use, the documents would be vulnerable to corruption prior to their receipt. In order to minimize the threat of corruption by outside sources, all documents posted to the NYISO web site, for instance, are converted to PDF format. The Commission may want to do the same. Documents should remain available on the Commission website, however, in Word or WordPerfect format.

Including a link to a document in the eService e-mail may not be incrementally useful. The NYISO finds documents easily on the Commission's website without a directed link and computer idiosyncrasies may actually render links unproductive in moving to another website. As long as the time period between when a document is issued or received by the FERC and ultimately posted to RIMS (and occasionally CIPS) remains several days or more, providing a link to the document via eService also would not afford the user with faster or easier access to the document.

**Question 1 (d)** Under what circumstances would it be feasible for the Commission to use eService as the default method of service with the option to receive paper service only upon request?

**Answer 1 (d)**

If the posting of a Commission document on CIPS and RIMS can be simultaneously coordinated with its issuance via eService such that no party has "advance" notification before another, the NYISO believes eService could be used as a default method of service. The NYISO suggests that the FERC carefully examine the requirements of any disclosure regulations to ensure that no party is potentially deprived of its right to open and equal access to Commission issuances through the use of eService.

## **2. eDistribution**

**Question 2 (a)** How is eDistribution a more desirable mechanism for distribution than retrieving copies of documents from the Commission Issuance Posting System and the Records Information Management System on the Commission's website?

### **Answer 2 (a)**

EDistribution may be valuable for several reasons. Simply receiving documents as produced or in e-mail packets every 2-3 hours could speed access. If it provides the Commission with a faster delivery mode for third party filings and Commission orders, than is currently achievable through posting of such documents on RIMS and, occasionally, CIPS, parties will have earlier access to necessary documents.

In addition, eDistribution would obviate the need to scan and download documents from the daily lists of documents posted to the website. The NYISO would prefer detaching e-mail files and renaming them for use in our database rather than using RIMS or CIPS because it is faster and more reliable. RIMS is frequently down for maintenance or unable to provide a requested file due to "Object Invokation Error." This is especially prevalent during the afternoon hours when RIMS often appears to be overloaded with download requests.

**Question 2 (b)** Would eDistribution reduce the number of parties filing motions to intervene simply to remain aware of developments in a proceeding? To what extent is filing motions for this reason a common practice (provide percentage of interventions submitted for this purpose if known)? What other benefits might accrue from eDistribution?

### **Answer 2 (b)**

The NYISO understands that interventions, for the purpose of staying current on proceeding filings and orders, may be a more common practice for small organizations without the personnel to monitor RIMS and CIPS on a daily basis. Such interventions result in the Commission having to create and send hard copies of documents to parties that again may not have the staff to review or the facilities to store these documents. Electronic

distribution would permit all parties to scan the documents distributed either visually or via software and then determine whether the document merits retention, or deletion.

**Question 2 (c)** What features would such a mechanism need to maximize its utility?

**Answer 2 (c)**

EDistribution could be a valuable tool in its speed and user friendliness. Either as a companion to eDistribution or simply to improve current document accessibility, however, the NYISO respectfully suggests that the Commission consider developing a companion database to RIMS that would provide the docket number, the name of the filing party and a description of docket issues. The docket description should be sufficiently detailed to allow users to assess their need to formally intervene versus simply monitor the case. EDistribution users could utilize this database as a guide to determine in which dockets to register their e-mail address. Non-eDistribution users could also scan the database in order to focus their RIMS or CIPS searches to relevant dockets rather than conduct daily searches of the daily issuance lists.

**Question 2 (d)** Would it be beneficial if the Commission were to e-mail the URLs/internet-links (e.g., in RIMS-on-the-Web) of other documents besides Commission issuances through the eDistribution mechanism? What specific benefits would accrue? What features would such a service have?

**Answer 2 (d)**

EDistribution of all documents in a proceeding would provide benefits similar to those discussed above for distribution of Commission-generated documents. Such additional responsibilities should augment and not detract from the Commissions ability to provide a reliable and timely eDistribution system for its own issuances. Naming conventions would need to be established to enable users to identify and classify non-Commission generated documents arriving by e-mail.

A potential legal question is whether the Commission is obligated to provide eDistribution treatment for all documents filed in a docket once it provides such treatment for any one document in that docket

**Question 2 (e)** What, if any, private enterprises are providing a service like eDistribution? Please describe them if any exist.

**Answer 2 (e)**

The NYISO is aware of news clippings/research organizations that will sort expansive materials, scan those that appear relevant to the client and provide copies.

**Question 2 (f)** FERC may institute a pilot program for eDistribution prior to finalizing rules on the eService of Commission Issuances. FERC is considering the imposition of a cost-recovering fee for this service. How would this affect your usage of such a service?

**Answer 2 (f)**

The NYISO would participate initially to discover whether the benefits that we expect from eDistribution materialize. If such benefits appeared worth the fee, the NYISO would consider longer-term arrangements.

### **3. eService Between Parties**

**Question 3 (a)** What has been the experience of parties providing electronic service to one another?

**Answer 3 (a)**

Administrative proceedings before the New York Public Service Commission provide the opportunity for parties to agree to use electronic service of documents. NYISO counsel understands that the parties found e-mail document service and distribution to have worked very well.

**Question 3 (b)** Is it easy for parties to identify others who are interested in electronic service? Would designating those parties on the Service List who have expressed a

willingness to participate in electronic service expedite the party's efforts to arrange electronic service?

**Answer 3 (b)**

Absent such a designation on a Service List, it would be difficult to discover others agreeable to electronic service.

**Question 3 (c)** In what ways could the Commission encourage the more widespread adoption of e-service between parties? For example, should the Commission be a central repository for e-mail addresses of parties who wish to serve or be served electronically?

**Answer 3 (c)**

The NYISO doubts that a central repository of e-mail addresses is efficient. Parties change representatives, representatives change e-mail servers and the potential for stale addresses is significant. Parties wishing to avail themselves of e-mail distribution among parties should designate as much in their interventions and such an interest should be indicated by the FERC in the Service List, with the appropriate e-mail address included.

**Question 3 (d)** What improvements could be made to the online service list at [fercdocket.ferc.fed.us/pa/pa.htm](http://fercdocket.ferc.fed.us/pa/pa.htm)?

**Answer 3 (d)**

See response above.

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 the above-captioned proceedings in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure 18 C.F.R. § 2010 (2000).

Dated at Washington, D.C. this 2<sup>nd</sup> day of November, 2001.

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