

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION  
Devon Power LLC )  
Middletown Power LLC )  
Montville Power LLC ) Docket No. ER03-563-030  
Norwalk Power LLC, and )  
NRG Power Marketing Inc. )  
MOTION TO INTERVENE OF  
NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.**

Pursuant to Rules 212 and 214 of the Commission's Rules of Practice and Procedure,<sup>1</sup> and the Commission's Notice of Filing of March 4, 2004, the New York Independent System

Operator, Inc. ("NYISO") hereby moves to intervene in the above-captioned proceeding concerning ISO New England Inc.'s ("ISO-NE") compliance filing of a proposed locational

Installed Capacity ("Locational ICAP") market.

**I. Copies of Correspondence**

Communications regarding this proceeding should be addressed to:

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<sup>1</sup> 18 C.F.R. § 385.212 and .214 (2002).

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**II. Motion To Intervene**

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. ISO-NE's filing proposes a Locational ICAP market that reflects numerous

components that are similar in concept to the NYISO's current ICAP market, including, among

other things, locational requirements, an ICAP demand curve, auction mechanics, and resource

requirements. Moreover, pursuant to their collective efforts to reduce the number of seams

between the regional wholesale electricity markets in the Northeast, the NYISO, ISO-NE and

PJM Interconnection, L.L.C. (“PJM”) (also, collectively, “ISO/RTOs”) undertook an effort in 2001 to investigate the feasibility of developing a regional resource adequacy market with their market participants that would reflect common capacity resource products, requirements, and market rules. These efforts to enhance the commonality of resource adequacy provisions among the ISO/RTOs’ respective control areas and markets are continuing. The NYISO, therefore, has a direct and substantial interest in this proceeding. This interest cannot be adequately represented by any other party, and the NYISO will accept the current record and will not otherwise delay the proceeding. The NYISO, therefore, should be permitted to intervene herein.

### **III. Conclusion**

The NYISO respectfully asks the Commission to grant its motion to intervene in this proceeding.

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Respectfully submitted,  
NEW YORK INDEPENDENT  
SYSTEM OPERATOR, INC.

*/s/ Gerald R. Deaver*

Robert E. Fernandez

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March 22, 2004

### **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. ER03-452-000, in accordance with the requirements of Rule 2010 of the Commission’s Rules of Practice and

Procedure, 18 C.F.R. § 385.2010 (2002).

Dated at Washington, DC this 22nd day of March, 2004.

*/s/ Catherine A. Karimi* \_\_\_\_\_

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