

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

|   |   |                               |
|---|---|-------------------------------|
| <b>Astoria Gas Turbine Power LLC</b>                  | ) |                               |
|   | ) |                               |
| <b>Complainant</b>                                    | ) |                               |
|   | ) |                               |
| <b>v.</b>   | ) | <b>Docket No. EL09-57-000</b> |
|   | ) |                               |
| <b>New York Independent System<br/>Operator, Inc.</b> | ) |                               |
|   | ) |                               |
| <b>Respondent</b>                                     | ) |                               |

**MOTION FOR EXTENSION OF TIME OF THE NEW YORK INDEPENDENT  
SYSTEM OPERATOR, INC.**

Pursuant to Rules 212 and 2008 of the Commission’s Rules of Practice and Procedure, 18 C.F.R. §§ 385.212 and 385.2008 (2008), the New York Independent System Operator, Inc. (“NYISO”) respectfully submits this motion for an extension of time until December 31, 2009, to submit the compliance filing required by the Commission’s September 3, 2009 order in this proceeding (“September 3 Order”).<sup>1</sup> The NYISO requests this brief extension of time to allow further discussions with stakeholders to occur.

**I. BACKGROUND**

In the September 3 Order, the Commission denied the complaint filed in this proceeding and required the NYISO to file clarifying tariff revisions to Attachment S of the NYISO’s Open Access Transmission Tariff. Specifically, the Commission stated that Section IV.B.3.a of Attachment S, subsection (b) should be revised to: “(1) delete reference to Article X, a law that

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<sup>1</sup> *Astoria Gas Turbine Power LLC v. New York Independent System Operator, Inc.*, 128 FERC ¶ 61,221 (2009).

has been defunct for several years; (2) clarify what constitutes a ‘comparable’ permit application; (3) define the term ‘complete’; and (4) define what constitutes a state regulator’s ‘determination’ that an application is complete.”<sup>2</sup> The September 3 Order required that the NYISO meet with its stakeholders and file the revised language within 90 days of that order, *i.e.*, December 2, 2009.

## **II. MOTION FOR EXTENSION**

The NYISO respectfully requests until December 31, 2009, to submit the revised tariff sheets and clarification in compliance with the September 3 Order. The NYISO submits that there is good cause to grant the requested extension. The NYISO has presented an initial proposal to the stakeholders. The additional time will permit the NYISO to work further with stakeholders to refine this proposal prior to submitting the compliance filing. Accordingly, the NYISO submit that good cause exists for the Commission to grant this brief extension.

## **III. CONCLUSION**

WHEREFORE, for the reasons stated herein, the NYISO respectfully requests that the Commission grant an extension until December 31, 2009.

Respectfully submitted,

/s/ Karen Georgenson Gach  
Karen Georgenson Gach  
Senior Attorney  
New York Independent System Operator, Inc.

Date: November 30, 2009

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<sup>2</sup> *Id.* at P.38.

**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 this proceeding in accordance with the requirements of Rule 2010 of the Rules of Practice and Procedure, 18 C.F.R. § 385.2010 (2005).

Dated at Rensselaer, NY this 30th day of November, 2009.

By: /s/ Joy Kimberlin

Joy Kimberlin  
New York Independent System Operator, Inc.  
10 Krey Blvd  
Rensselaer, NY 12114  
(518) 356-6207