

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

4/13/04

To: Central Hudson Gas & Electric Corporation Docket No. ER97-1523-080
OA97-470-072
ER97-4234-070
ER97-1523-081
OA97-470-073
ER97-4234-071

RE: Acceptance of Refund Calculation Data Compliance Filings and Directing Refund Payment

Pursuant to authority delegated to the Director, Division of Tariffs and Market Development – East, under 18 C.F.R. 375.307, the refund calculation data compliance filings by New York Independent System Operator, Inc. (NYISO) and Niagara Mohawk, in the above referenced dockets, are accepted for filing. NYISO is directed to provide Sithe Independence Power Partners, L.P. with a refund to consist of a principal amount of \$5,008,410.20, plus interest calculated according to 18 C.F.R. § 35.19a(a)(2), within the next two NYISO billing cycles following the date of this order, and to file a report of that refund with the Commission no later than 30 days after the date the refund is completed.

Notice of the refund calculation data compliance filings were published in the Federal Register with interventions, comments, or protests due on or before January 13, 2004. Under 18 C.F.R. 385.210, interventions are timely if made within the time prescribed by the Secretary. Under 18 C.F.R. 385.214, the filing of a timely motion to intervene makes the movant a party to the proceeding, if no answer in opposition is filed within fifteen days. The filing of a timely notice of intervention makes a State Commission a party to the proceeding. No adverse comments or protests were received.

This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, contract, or practice affecting such rate or service provided for in the filed documents; nor shall such action be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such action is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against any of the applicant(s).

This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

Sincerely,

Alice M. Fernandez, Director
Division of Tariffs and Market
Development - East