

February 24, 2005

BY HAND

The Honorable Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Re: Compliance Filing in Docket No. ER04-943-000

Dear Ms. Salas:

On June 21, 2004, the New York Independent System Operator, Inc. ("NYISO") and the New York Transmission Owners¹ (collectively, the "Joint Filing Parties") submitted, pursuant to Section 205 of the Federal Power Act, proposed revisions to the NYISO Open Access Transmission Tariff ("OATT") which would eliminate the Transmission Service Charges that the NYISO currently imposes on Exports to the New England Control Area ("June 21 Filing"). The New England Power Pool ("NEPOOL") submitted a reciprocal tariff revision filing on September 30, 2004, in Docket No. ER05-3-000 that would similarly eliminate Transmission Service Charges imposed on exports to the New York Control Area. In its June 21 Filing, the NYISO requested that its proposed tariff revisions become effective on the same date the Commission permitted the NEPOOL tariff revisions to become effective.

On November 3, 2004, the Commission issued an order in Docket No. ER05-3-000², *et. al.*, ("November 3 Order") that, among other things, accepted as filed both the NYISO and NEPOOL tariff revisions for eliminating export charges. Because the NEPOOL provisions were effective December 1, 2004, the NYISO hereby submits this compliance filing, which inserts an effective date of December 1, 2004, for the NYISO tariff provisions that were approved in the November 3 Order.

¹ Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc. ("Con Edison"), LIPA, New York Power Authority ("NYPA"), New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation ("Niagara Mohawk"), a National Grid Company, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation.

² 109 FERC ¶ 61,147 (2004).

I. Documents Submitted

The NYISO submits the following documents:

1. This filing letter;
2. Clean OATT sheets reflecting the revisions discussed herein (“Attachment I”);
3. Redlined OATT sheets reflecting the revisions discussed herein (“Attachment II”); and
4. A form of *Federal Register* Notice (“Attachment III”).

II. Copies of Correspondence

Copies of correspondence concerning this filing should be served on:

Robert E. Fernandez, General Counsel and Secretary
Gerald R. Deaver, Senior Attorney
Elaine D. Robinson, Director, Regulatory Affairs
New York Independent System Operator, Inc.
290 Washington Ave. Extension
Albany, NY 12203
Tel: (518) 356-7607
Fax: (518) 356-8825
rfernandez@nyiso.com
gdeaver@nyiso.com
erobinson@nyiso.com

III. Service List

Copies of this filing are being served on all parties designated on the official service list maintained by the Secretary of the Commission in this proceeding. The NYISO will electronically serve a copy of this filing on the official representative of each of its customers, on each participant in its stakeholder committees, on the New York Public Service Commission and on the New Jersey Board of Public Utilities. The NYISO will serve the Pennsylvania Public Utility Commission with a hard copy of this filing, as requested by that agency.

IV. Background to the Filing

In their June 21 Filing, the Joint Filing Parties requested that the proposed NYISO tariff revisions for eliminating export charges become effective on the same date on which the New England transmission owners and ISO New England, Inc., or its

successor, eliminate similar charges on exports to the New York Control Area. Consequently, the tariff sheets submitted with the June 21 Filing did not reflect a proposed effective date, pending an expected NEPOOL filing. Subsequently, NEPOOL made such a parallel filing on September 30, 2004, in Docket No. ER05-3-000. The NEPOOL filing proposed an effective date of December 1, 2004. Both filings were accepted by the Commission's November 3 Order.

Consequently, by this compliance filing, the NYISO conforms the effective date of its previously approved tariff provisions for eliminating export charges to New England's accepted effective date of December 1, 2004.

V. Effective Date

As per the Commission's November 3 Order, the NYISO requests an effective date of December 1, 2004, for these amended tariff sheets.


VI. Federal Register Notice

A form of *Federal Register* Notice is provided herewith. A diskette of the Notice is also provided in Microsoft Word format.

VII. Conclusion

The NYISO respectfully requests that the Commission issue an order accepting the amended tariff sheets filed herein with an effective date of December 1, 2004.

Respectfully submitted,


Counsel for
New York Independent System Operator, Inc.

Robert E. Fernandez, General Counsel and Secretary
Gerald R. Deaver, Senior Attorney
New York Independent System Operator, Inc.
290 Washington Avenue Extension
Albany, NY 12203

cc: Daniel L. Larcamp
Anna Cochrane
Connie N. Caldwell
Michael A. Bardee

Attachments

ATTACHMENT I

Grandfathered Agreements are described in Attachment K.

7B.1 Transmission Service Charge - General Applicability

The TSC charge is applied to all Actual Energy Withdrawals from the NYS Power System under Part II or Part III of this Tariff, except for withdrawals by a Transmission Owner to provide bundled retail service or scheduled withdrawals associated with grandfathered transactions as specified in Attachments K and L. The TSC charge also is applied to Transactions to destinations outside the NYCA (Export or Wheel-Through Transactions), except as provided for in Section 7B.1(iv) of this Tariff.

Subject to the foregoing, the TSC applies to all Actual Energy Withdrawals regardless of whether the withdrawals occur in conjunction with a Bilateral Transaction or through the purchase of Energy from an LBMP Market. The TSC is payable under this Section regardless of whether the withdrawal is scheduled under Part II or Part III of this Tariff. Customers buying Energy from a Transmission Owner as part of a bundled retail rate will pay a portion of the Transmission Owner's transmission revenue requirement as part of their retail rates. Sales to these customers will be included in the billing units used to calculate each Transmission Owner's TSC under this Tariff in accordance with Attachment H.

Issued by: William J. Museler, President
Issued on: February 24, 2005

Effective: December 1, 2004

Filed to comply with order of the Federal Energy Regulatory Commission, Docket No. ER05-3-000, issued November 3, 2004, 109 FERC ¶ 61,147 (2004).

regardless of whether such withdrawals are associated with Transmission Service under Part II or Part III of this Tariff or purchases from an LBMP Market, whether the withdrawals are scheduled or unscheduled, and regardless of whether the withdrawals were made on the Load's behalf by the LSE or by another Transmission Customer.

- (iv) **Payable by Eligible Customers Scheduling Export or Wheel-Through Transactions:** Eligible Customers scheduling Transactions to destinations outside the NYCA (Export or Wheel-Through Transactions) are subject to a TSC as calculated in Attachment H. The TSC charge shall be eliminated on all Exports and Wheel-Through Transactions scheduled with the ISO to destinations within the New England Control Area; provided that the following conditions shall continue to be met: (1) a Commission approved tariff provision is in effect that provides for unconditional reciprocal elimination of charges on Exports and Wheel-Through Transactions from the New England Control Area to the New York Control Area; (2) no change in the provisions in this Tariff related to Local Furnishing Bonds and Other Tax Exempt Financing shall be

required for the reciprocal elimination of charges on Export and Wheel-Through Transactions to the New York Control Area; and (3) the New York Transmission Owners have the ability to fully recover the revenues related to the charges on Export and Wheel-Through Transactions that are eliminated. The ISO and the New York Transmission Owners, jointly or separately, shall have the right to make a Section 205 filing with the Commission to reimpose the charge on Exports and Wheel-Through Transactions if at any time any of the foregoing conditions is no longer satisfied. The ISO will perform the requisite calculation and inform the Transmission Customer of the applicable Transmission Owner(s) of the TSC charge. The TSC will be payable by the Transmission Customer directly to the Transmission Owner(s).

7B.2 Transmission Usage Charge (TUC)

- (i) **Payable to the ISO:** Transmission Usage Charges include Congestion Rents and charges for Marginal Losses. They are payable directly to the ISO. Attachment J explains the calculation of the TUC.

(iv) **Payable by Transmission Owners Serving Bundled Retail Customers:**

Transmission Owners scheduling Transmission Service or purchases from the LBMP Market to serve of bundled retail customers shall pay the ISO Ancillary Services charges as described in Schedules 1 to 6 based on Actual Energy Withdrawals.

7B.4 NYPA Transmission Adjustment Charge (NTAC)

(i) **Payable to the ISO:** NTAC charges are calculated in Attachment H. All NTAC charges are payable to the ISO.

(ii) **Payable by LSEs Serving Non-Retail Access Load in NYCA:** LSEs serving Load in the NYCA that is not part of a retail access program, such as municipal electric systems, shall pay an NTAC to the ISO. The NTAC will be based on all Actual Energy Withdrawals of Energy by the Load on whose behalf the LSE acts as scheduling agent, regardless of whether the transmission service was rendered on the Load's behalf by the LSE or by another Transmission Customer.

(iii) **Payable by Eligible Customers Scheduling Export or Wheel-Through Transactions:** Eligible Customers scheduling Export or Wheel-Through Transactions shall pay an NTAC based on their Transaction schedules.

The NTAC charge shall not apply to Exports and Wheel-Through

New York Independent System Operator, Inc.
FERC Electric Tariff
Original Volume No. 1

First Revised Sheet No. 78A
Superseding Original Sheet No. 78A

Transactions scheduled with the ISO to destinations within the New
England Control Area provided that the conditions listed in Section
7B.1(iv) of this Tariff are satisfied.

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ATTACHMENT H

ANNUAL TRANSMISSION REVENUE REQUIREMENT FOR POINT-TO-POINT TRANSMISSION SERVICE AND NETWORK INTEGRATION TRANSMISSION SERVICE

I. TSC

1.0 Applicability of the Transmission Service Charge to Wholesale Customers

Each month, each wholesale Transmission Customer shall pay to the appropriate Transmission Owner the applicable Wholesale Transmission Service Charge (“Wholesale TSC”) calculated in accordance with Section 2.2 of this Attachment for the first two months of LBMP implementation and in accordance with Section 2.1 of this Attachment thereafter. The TSC shall apply to Transmission Service:

- (a) from one or more Interconnection Points between the NYCA and another Control Area to one or more Interconnection Points between the NYCA and another Control Area (“Wheels Through”);*
- (b) from the NYCA to one or more Interconnection Points between the NYCA and another Control Area, including transmission to deliver Energy purchased from the LBMP Market and delivered to such a Control Area Interconnection Point (“Exports”);* or

* The TSC shall not apply to Wheels Through or Exports scheduled with the ISO to destinations within the New England Control Area provided that the conditions listed in Section 7B.1(iv) of this Tariff are satisfied.

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| | |
|----------------|------|
| Fairport | 1.0% |
| Brockport | 1.0% |
| Scottsville | 1.0% |
| East Rochester | 1.0% |

6.0 TSC For Retail Access Customers (RTSC)

Customers who apply for unbundled Transmission Service in accordance with the provisions of a Transmission Owner's retail access program filed with the PSC or, in the case of LIPA, approved by the Long Island Power Authority's Board of Trustees, will be responsible for paying a retail transmission service charge as detailed in Part IV of this Tariff.

7.0 NYPA Transmission Service Charge

The NYPA TSC for service to its directly connected Loads (Reynolds Metals, GM-Massena, Town of Massena and the City of Plattsburgh) shall, at the Eligible Customer's option, be (a) \$1.30 per kilowatt-month or (b) no more than \$3.75 per MWh; not to exceed \$60.00 per MW Day applied to peak MWh scheduled any hour each day; not to exceed \$300.00 per MW-Week applied to the peak MWh scheduled any hour each week. The TSC applicable to service over the Vermont intertie^{*} and the Ontario-Hydro intertie shall be the same as (b). The TSC applicable to service over the Hydro-Quebec intertie shall be no more than \$4.62 per MWh; not to exceed \$73.85 per MW-Day applied to peak MWh scheduled each day; not to exceed

^{*} The NYPA TSC shall not apply to service over the Vermont intertie provided that the conditions listed in Section 7B.1(iv) of this Tariff are satisfied.

II. NYPA TRANSMISSION ADJUSTMENT CHARGE (“NTAC”)

1.0 Applicability of the NYPA Transmission Adjustment Charge

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- (c) to serve Load within the NYCA.

In summary the NTAC will be applied to all Energy Transactions, including internal New York State Loads and Wheels Through and Exports out of the NYCA at a uniform, non-discountable rate.

* The NTAC shall not apply to Wheels Through or Exports scheduled with the ISO to destinations within the New England Control Area provided that the conditions listed in Section 7B.1(iv) of this Tariff are satisfied.

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Subject to the foregoing, the TSC applies to all Actual Energy Withdrawals regardless of whether the withdrawals occur in conjunction with a Bilateral Transaction or through the purchase of Energy from an LBMP Market. The TSC is payable under this Section regardless of whether the withdrawal is scheduled under Part II or Part III of this Tariff. Customers buying Energy from a Transmission Owner as part of a bundled retail rate will pay a portion of the Transmission Owner's transmission revenue requirement as part of their retail rates. Sales to these customers will be included in the billing units used to calculate each Transmission Owner's TSC under this Tariff in accordance with Attachment H.

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Issued on: ~~June~~February 24, 2004~~5~~

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regardless of whether such withdrawals are associated with Transmission Service under Part II or Part III of this Tariff or purchases from an LBMP Market, whether the withdrawals are scheduled or unscheduled, and regardless of whether the withdrawals were made on the Load's behalf by the LSE or by another Transmission Customer.

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In summary the NTAC will be applied to all Energy Transactions, including internal New York State Loads and Wheels Through and Exports out of the NYCA at a uniform, non-discountable rate.

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Filed to comply with order of the Federal Energy Regulatory Commission, Docket No. ER05-3-000, issued November 3, 2004, 109 FERC ¶ 61,147 (2004).

ATTACHMENT III

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

New York Independent System Operator, Inc.) Docket Nos. ER04-943-000

NOTICE OF FILING

Take notice that on February 24, 2005, the New York Independent System Operator, Inc. ("NYISO") filed compliance revisions to its Open Access Transmission Tariff. These revisions implement provisions of a filing approved by the Federal Energy Regulatory Commission ("Commission") in these proceedings by order issued November 3, 2004. The NYISO has requested an effective date of December 1, 2004 for the revised tariff sheets.

The NYISO has served a copy of this filing on all parties designated on the official service list maintained by the Commission in this proceeding. The NYISO will electronically serve a copy of this filing on the official representative of each of its customers, on each participant in its stakeholder committees, on the New York Public Service Commission and on the New Jersey Board of Public Utilities. The NYISO will serve the Pennsylvania Public Utility Commission with a hard copy of this filing, as requested by that agency.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, D.C. There is an "eSubscription" link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.


Comment Date: 5:00 pm Eastern Time on (insert date).

Magalie R. Salas
Secretary

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person on the official service list in Docket No. ER04-943-000 in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.2010 (2004). The NYISO will electronically serve a copy of this filing on the official representative of each of its customers, on each participant in its stakeholder committees, on the New York Public Service Commission and on the New Jersey Board of Public Utilities. The NYISO will serve the Pennsylvania Public Utility Commission with a hard copy of this filing, as requested by that agency.

Dated at Washington, D.C. this 24th day of February, 2005.



Catherine A. Karimi
Sr. Professional Assistant
Hunton & Williams LLP
1900 K Street, NW, Suite 1200
Washington, DC 20006