

107 FERC ¶ 61,211
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
Nora Mead Brownell, Joseph T. Kelliher,
and Suedeem G. Kelly.

New York Independent System Operator, Inc.

Docket No. ER03-766-003

ORDER GRANTING EXTENSION OF TIME

(Issued May 28, 2004)

1. On April 15, 2004, the New York Independent System Operator, Inc. (NYISO) filed a motion seeking an extension of time with respect to its existing scarcity pricing rules. The Commission had conditionally accepted the scarcity pricing rules, but ordered that the rules cease to be effective on June 23, 2004.¹
2. In its motion, NYISO states that the scarcity pricing rules should be allowed to remain in effect until its real-time scheduling (RTS) enhancements are implemented. NYISO states that extending the term of the scarcity pricing rules would be sound policy, because it will avoid reintroducing harmful market uncertainty and the market inefficiencies that the existing rules address, until RTS is implemented. The motion also states that, because NYISO is working diligently to implement RTS as rapidly as possible, there is no reason for concern that granting more time would perpetuate the existing rules for an unreasonable time.
3. Upon consideration, we will grant NYISO's motion to allow the scarcity pricing rules to remain in effect until RTS is implemented.
4. We further note that, on April 30, 2004, the Independent Power Producers of New York, Inc. (IPP) filed a motion to intervene out-of-time and comments. When late intervention is sought after the issuance of a dispositive order, the prejudice to other parties and burden upon the Commission of granting the late intervention may be substantial. Thus, movants bear a higher burden to demonstrate good cause for granting

¹ See New York Independent System Operator, Inc., 103 FERC ¶ 61,339 (2003).

such late intervention.² IPP did not explain why it did not intervene in a timely manner and has failed to justify our allowing it to intervene out-of-time. Accordingly, as IPP has not met the higher burden applicable in these circumstances, we will reject its motion and comments.

The Commission orders:

NYISO's motion for extension of time is hereby granted, as discussed in the body of this order.

By the Commission.

(S E A L)

Linda Mitry,
Acting Secretary.

² See, e.g., Midwest Independent Transmission System Operator, Inc., 102 FERC 61,250 at P 7 (2003).