

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

Issued: March 19, 2004

To: New York Independent System Operator      Docket No. ER03-766-002

Reference: Report on the Operation of the Scarcity Pricing Provisions

Pursuant to authority delegated to the Director, OMTR/Division of Tariff and Market Development - East, under 18 C.F.R. 375.307, your submittal in the above referenced docket, reporting on the operation of the Scarcity Pricing Provisions from June 23, 2003 through November 30, 2003, is accepted for informational purposes.

Notice of the filing was published in the Federal Register with comments, protests, or interventions due on or before January 20, 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. No comments or protests were filed.

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 Fernandez, Director  
OMTR/Division of Tariff and Market  
Development – East