

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

Neptune Regional Transmission System, LLC)	
)	
Complainant,)	
)	
v.)	Docket No. EL05-48-000
)	
PJM Interconnection, L.L.C.)	
)	
Respondent.)	

**MOTION TO INTERVENE OF THE
NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.**

Pursuant to Rules 212 and 214 of the Commission's Rules of Practice and Procedure¹ and the Commission's December 23, 2004 Notice of Filing, the New York Independent System Operator, Inc. ("NYISO") hereby moves to intervene in this proceeding.

I. Copies of Correspondence

Communications regarding this proceeding should be addressed to:

Robert E. Fernandez, General Counsel and Secretary
Elaine Robinson, Director of Regulatory Affairs
Mollie Lampi, Assistant General Counsel
New York Independent System Operator, Inc.
290 Washington Avenue Extension
Albany, NY 12203
Tel: (518) 356-7661
Fax: (518) 356-4702
rfernandez@nyiso.com
erobinson@nyiso.com

Arnold H. Quint
Ted Murphy
Michael E. Haddad
Hunton & Williams, LLP
1900 K Street, N.W.
Washington, DC 20006
Tel: (202) 955-1500
Fax: (202) 778-2201
aquint@hunton.com
tmurphy@hunton.com

¹ 18 C.F.R. § 385.212 and 214 (2004).

II. Motion To Intervene

The NYISO is the independent body responsible for providing open-access transmission service, maintaining reliability, and administering competitive wholesale electricity markets in the state of New York. The NYISO is also charged with various functions relating to electric system planning. For example, the NYISO administers the standard interconnection procedures established by the Commission's Order No. 2003 for projects proposing to interconnect to the New York bulk power system. The NYISO also performs studies to determine the proper allocation of the costs of system upgrades pursuant to Attachment S of its Open Access Transmission Tariff ("OATT"). The NYISO has also recently assumed responsibility for long-term planning to meet reliability needs on the New York transmission system.

The complaint in this proceeding challenges the justness and reasonableness of PJM's interpretation of a provision in the Commission's Standard Large Generator Interconnection Procedures ("LGIP"). Neptune seeks this Commission's ruling on PJM's discretion under those rules to require re-studies and argues that a developer may not be required to undergo re-studies because of generator retirements.² Neptune further argues that the baseline for system studies should include all facilities that have previously executed System Impact Study Agreements.³ The Commission's resolution of these issues may affect the NYISO's planning activities.

The NYISO incorporated the LGIP into the NYISO OATT as Attachment X, which contains the same language that is at issue in the present proceeding.⁴ Thus, the Commission's interpretation of the scope of this language will directly impact the NYISO's implementation of

² Complaint and Request for Fast Track Processing of Neptune Regional Transmission System, LLC, at 3.

³ Id. at 42.

⁴ NYISO OATT, Attachment X, section 7.6.

its interconnection and planning responsibilities. In addition, the appropriate treatment of generator retirements, both for reliability planning and for system upgrade cost allocation purposes, is an issue that affects the NYISO, its customers, and New York project developers.

The NYISO therefore has a direct and substantial interest in this proceeding. This interest cannot be adequately represented by any other party, and the NYISO should therefore be permitted to intervene herein.

III. Conclusion

The NYISO respectfully asks that the Commission grant its motion to intervene in this proceeding.

Respectfully submitted,

NEW YORK INDEPENDENT
SYSTEM OPERATOR, INC.

/s/ Elizabeth A. Grisaru

Elizabeth A. Grisaru
Counsel for
New York Independent System Operator, Inc.

Arnold H. Quint, Esq.
Ted J. Murphy, Esq.
Hunton & Williams LLP
1900 K Street, NW
Washington, DC 20006-1109

January 6, 2005

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each party designated on the official service list compiled by the Secretary in Docket No. EL05-48-000 in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.2010 (2004).

Dated at Washington, DC this 6th day of January, 2005.

/s/ Catherine A. Karimi
Catherine A. Karimi
Senior Professional Assistant
Hunton & Williams LLP
1900 K Street, NW
Washington, DC 20006-1109