

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

<b>Entergy Nuclear Operations, Inc.</b>	)	
<b>Entergy Nuclear Indian Point 2, LLC, and</b>	)	
<b>Entergy Nuclear Indian Point 3, LLC</b>	)	
	)	
<b>v.</b>	)	<b>Docket No. EL05-46-000</b>
	)	
<b>Consolidated Edison Company of New York,</b>	)	

**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 Procedure<sup>1</sup> and the Commission’s December 22, 2004 Notice of Complaint, 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:

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<sup>1</sup> 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 transmission system reliability, and administering competitive wholesale electricity markets in the state of New York. Pursuant to these responsibilities, the NYISO is also charged with conducting the monthly financial settlements for Transmission Services, and all purchases and sales of Energy and Ancillary Services and Installed Capacity in the NYISO-administered markets. Specific to the issues raised in the complaint in this proceeding, at the direction of the Commission, the NYISO implemented revisions to its Market Administration and Control Area Services Tariff (“Services Tariff”) in March 2003 that address the delivery of station power and allow merchant generators in New York to self-supply station power by netting station power against gross output over monthly periods.<sup>2</sup>

The complaint in this proceeding alleges that Consolidated Edison Company of New York, Inc. (“Consolidated Edison”) is unlawfully charging Entergy Nuclear Operations, Inc., Entergy Nuclear Indian Point 2, LLC, and Entergy Nuclear Indian Point 3, LLC (jointly, “Entergy”) local distribution charges for the delivery of station power to Entergy generating facilities that are connected to Consolidated Edison’s system.

The Commission’s resolution of the issues in this complaint may directly affect how the NYISO should conduct financial settlements for the transmission and delivery of station power under its Services Tariff for all New York merchant generators.

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.

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<sup>2</sup> 101 FERC ¶ 61,230 (2002)(Order on Compliance Filing).

### III. Conclusion

For the foregoing reasons, the NYISO respectfully requests that the Commission grant its motion to intervene in this proceeding.

Respectfully submitted,

NEW YORK INDEPENDENT  
SYSTEM OPERATOR, INC.

/s/ Gerald R. Deaver

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January 21, 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. EL05-46-000 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 Albany, NY this 21st day of January, 2005.

/s/ Gerald R. Deaver  
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