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FILE NO: 55430.000043

April 30, 2004

By Hand

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

**Re: Proposed Interim Scheduling Procedures for External Transactions at
the Shoreham Proxy Generator Bus and Request for Waiver of Sixty Day
Notice Period of the New York Independent System Operator, Inc.
Docket No. ER04-_____**

Dear Ms. Salas:

Pursuant to Section 205 of the Federal Power Act, the New York Independent System Operator, Inc. ("NYISO"), hereby submits proposed revisions to its Market Administration and Control Area Services Tariff ("Services Tariff") and conforming revisions to its Open Access Transmission Tariff ("OATT"). The proposed revisions establish interim scheduling procedures for External Transactions¹ (both Imports and Exports) at the Shoreham Proxy Generator Bus ("Shoreham Bus") that will enable the NYISO to support the scheduling of External Transactions between the New York Control Area ("NYCA") and the Cross-Sound Cable ("CSC"), a merchant transmission facility that is operated by ISO-New England, Inc. ("ISO-NE"). The Long Island Power Authority ("LIPA") is, at present, the sole holder of long-term firm Advance Reservations over the Cross-Sound Cable. The enhanced scheduling capability proposed in the attached tariff provisions will enable LIPA to release all or a portion of its CSC capacity to third-parties and permit both LIPA and third-parties to move power between New England and New York.

¹ Capitalized terms not specifically defined herein shall have the meaning set forth in the NYISO's Services Tariff, as amended by the enclosed proposed revisions to the Services Tariff.

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In prior pleadings before the Federal Energy Regulatory Commission ("Commission"), the use of CSC capacity released by LIPA by third-parties has been referred to as "secondary service." The interim procedures proposed in the attached tariff revisions will be replaced with more flexible "long-term" scheduling procedures once the NYISO completes necessary software upgrades. In the meantime, the interim procedures proposed by the NYISO will substantially improve on existing practice by opening the CSC up for use by parties other than LIPA. This will facilitate efficient inter-regional trading between New England and New York, strengthening the integration of the two markets. The NYISO notes that the active assistance of both LIPA² and ISO-NE were critical to the development of these procedures.

I. Documents Submitted

The NYISO submits the following documents:

1. this filing letter;
2. clean versions of the revised Services Tariff sheets (Attachment I);
3. blacklined versions of the revised Services Tariff sheets (Attachment II);
4. clean versions of the revised OATT sheets (Attachment III);
5. blacklined versions of the revised OATT sheets (Attachment IV); and
6. a form of *Federal Register* notice (Attachment V).

² For example, LIPA has "pre-approved" the scheduling of secondary service transactions involving the CSC and the Shoreham Bus. Under Section 5.2(D) of the NYISO's OATT, all transactions into and out of Long Island must be pre-approved by LIPA before they may be scheduled by the NYISO. The Commission accepted this arrangement because it was needed to preserve the tax-exempt status of LIPA's bonds, and to make LIPA's participation in the NYISO possible.



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II. Copies of Correspondence

Copies of correspondence concerning this filing should be served on:

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III. Stakeholder Review

A motion authorizing the NYISO to file the attached tariff revisions was approved by the NYISO's Management Committee without dissent and with only two abstentions. The attached tariff revisions therefore have the stakeholder approvals that are required under the NYISO's tariffs and organic agreements. Based on the Management Committee vote, the NYISO believes that New York Market Participants support the attached tariff revisions.

IV. Requested Effective Date

The NYISO respectfully requests that the Commission waive its notice regulations³ so that the proposed interim scheduling procedures may take effect on the earliest feasible date between June 22 and July 6, 2004. The NYISO is working diligently to prepare the interim procedures for implementation but cannot yet say when they will be ready with any greater certainty. There is good cause to waive the regulations because the interim procedures' greatest benefits will occur during the peak summer demand season. New York's summer capability period begins in May and the summer is in full swing by late June. Granting the NYISO's request will ensure that the interim procedures are in place for as much of the summer as possible.

³ 18 C.F.R. § 35.13 (2004).

No Market Participant will be prejudiced by the requested effective date because the proposed interim procedures: (a) were developed in consultation with New York Market Participants, and they have known for some time that the NYISO would seek to make interim CSC scheduling procedures effective prior to the 2004 summer peak; (b) will make it possible for *all* Market Participants in good standing to schedule transactions between New York and New England using the CSC; and (c) may enable LIPA to recoup some portion of the cost of its long-term firm Advance Reservation over the CSC by reselling CSC capacity that LIPA is not using.

The Commission has previously accepted requests for “flexible” effective dates in tariff filings seeking to introduce substantial market rule revisions and software changes.⁴ In those proceedings, the filing party proposed that the flexible effective date would not occur until: (i) the Commission issued an order accepting the tariff revisions; (ii) at least two weeks after the filing party notified the Commission and stakeholders of the actual implementation date; and (iii) after final notice of the proposed effective date was posted on the filing party’s website for at least forty-eight hours. The NYISO is willing to make the same commitments in this proceeding.

V. Service

The NYISO respectfully requests a waiver of the requirements of 18 C.F.R. § 385.2010. The NYISO has electronically served a copy of this filing on the official representative of each of its customers, on each participant in its stakeholder committees, on ISO-NE, on the New York Public Service Commission, and on the electric utility regulatory agencies of New Jersey and Pennsylvania. In addition, the complete filing has been posted on the NYISO’s website at www.nyiso.com. The NYISO will make a paper copy available to any interested party that requests one.

There is good cause to grant this request for waiver due to the number of interested parties that must be served. Preparing and serving paper copies of this filing would be needlessly time-consuming and expensive. The NYISO has now requested a waiver of the Commission’s paper service requirements, and used electronic service methods, several times. There have been no complaints from Market Participants and it is the NYISO’s understanding that many of its Market Participants prefer electronic service.

⁴ See *New York Independent System Operator, Inc.*, 106 FERC ¶ 61,111 at PP 5, 10 (2004); *New England Power Pool and ISO New England Inc.*, 100 FERC ¶ 61,287 (2002).

VI. Background

The CSC is a direct current underwater merchant transmission cable that interconnects Shoreham, New York, to a point of interconnection in the ISO-NE control area near New Haven, Connecticut. The CSC is owned by Cross-Sound Cable, LLC and operated by ISO-NE. Transmission service over the CSC is governed by Schedule 18 of the New England Power Pool ("NEPOOL") OATT. All long-term firm Advance Reservations on the CSC are presently held by LIPA.

The CSC commenced operations on September 1, 2003 pursuant to the most recent "Emergency Order" issued by the Secretary of Energy.⁵ Since the Emergency Order was issued, the NYISO has regularly accepted day-ahead and Real-Time CSC schedules from LIPA. As explained above, the NYISO's software currently lacks the ability to support "secondary service," *i.e.*, transactions by other parties that have been assigned transmission rights by LIPA, over the CSC. The NYISO's present inability to accept External Transactions at the Shoreham Bus from entities other than LIPA does not prevent the CSC from enhancing reliability in New England and New York. However, it does reduce the market benefits that the CSC might provide to LIPA and other Market Participants.

A Proxy Generator Bus is a Generator bus located outside the NYCA that is used by the NYISO to represent a typical bus in an adjacent Control Area for which Locational Based Marginal Prices ("LBMPs") are calculated. A Proxy Generator Bus ordinarily represents and accounts for the entire intertie capability between the NYISO and a neighboring Control Area. The Shoreham Bus is different. From a software perspective, it is a pricing point within the NYISO's software that represents a single interconnection between the NYISO and ISO-NE. The capabilities of the Shoreham Bus are limited when compared to the NYISO's other Proxy Generator Busses. The NYISO is developing major software upgrades that will enable Proxy Generator Busses that represent an interconnection between the NYCA and an external controllable line to provide an equivalent range of capabilities to the Proxy Generator Busses that link New York and neighboring control areas (the "long-term solution"). When these improvements are in place, customers desiring service over the CSC are expected to have the full range of scheduling options currently offered at Proxy Generator Busses in the NYISO markets. Unfortunately, a great deal of complex technical work must be done before the long-term

⁵ See Department of Energy Order No. 202-03-2 (August 28, 2003) <http://www.energy.gov/engine/content.do?PUBLIC_ID=14068&BT_CODE=PR_PRESSRELEASES&TT_CODE=PRESSRELEASE>; see also *Cross Sound Cable Co., LLC*, 106 FERC ¶ 61,116 at P 4 (2004) (noting that Department of Energy issued Emergency Order).

solution will be ready. The NYISO's current estimate is that it will not be possible to implement the long-term solution until June 2005.

The interim scheduling procedures will make service over the CSC possible for all Market Participants while the NYISO develops its long-term solution. While the proposed interim procedures are less elegant and permit a more limited scope of services than the long-term solution is expected to, they still represent a major step forward, especially in light of the NYISO's competing priorities, *e.g.*, the introduction of its new Real-Time Scheduling software and related enhancements.⁶ The interim procedures will be terminated when the Commission permits the long-term procedures to become effective.

VII. Overview of the Proposed Interim Scheduling Procedures

Under the interim procedures, customers that wish to schedule transactions across the CSC must first secure an Advance Reservation in accordance with the CSC release procedures that are set forth in Schedule 18 of the NEPOOL OATT.⁷ They must then ask the NYISO to schedule an Export or Import at the Shoreham Bus. The NYISO will normally support import and exports up to the physical operating limit of the CSC (approximately 330 MW). Counterflows will not be relied upon as a basis for releasing additional capacity. If the CSC is not able to support all proposed transactions, detailed rules (explained below) will govern the NYISO's determination of which External Transactions to schedule at the Shoreham Bus.

All transactions that can physically flow, and that satisfy the NYISO's reservation and scheduling rules, will be aggregated into a single net hourly schedule (in each of the Day-Ahead and real-time markets),⁸ that will be positive if the transactions collectively amount to a net import to New York from New England, or negative if the prevailing flow is in the opposite direction. The net schedule will be submitted into the NYISO's Day-Ahead and Real-Time Markets, as appropriate, and treated as if it were a single import or export transaction. The NYISO will price the net schedule at a level designed to ensure that it will flow under most system conditions. All customers whose individual schedules are incorporated into the net

⁶ See *New York Independent System Operator, Inc.*, 106 FERC ¶ 61,111 at P 10 (2004).

⁷ In addition to ISO-NE's transmission reservation rules, customers wishing to schedule transactions across the CSC must also satisfy any applicable ISO-NE transaction scheduling rules.

⁸ Due to the limited capabilities of the interim solution, transactions submitted in the Day-Ahead Market ("DAM") will not automatically become real-time commitments. Instead, it will be necessary to submit the same transaction in both the DAM and real-time markets to achieve this result.

schedule will be “price-takers,” *i.e.*, they will pay, or be paid, the market-clearing price for energy at the Shoreham Bus.

“Net scheduling” is a necessary simplification given the limitations of the interim scheduling software. The NYISO will not be able to implement a more sophisticated approach until its more robust long-term scheduling software is in place.

Because the CSC relies on a physical rights regime, and because the NYISO does not have the time necessary to implement extensive changes to its software in order to implement the interim solution, the interim solution employs scheduling and transaction curtailment procedures that are more like the ones included in Order No. 888 than the purely economic analysis that is normally used to schedule transactions in New York. Below, the NYISO proposes detailed tariff rules that will determine the order in which transactions will not be scheduled or will be curtailed, in whole or in part, when conditions on the New York Transmission System⁹ necessitate reductions. The NYISO expects that the long-term solution will implement locational based marginal pricing (“LBMP”) based scheduling and congestion relief, rather than relying on a physical reservation scheduling and congestion model.

The NYISO is in the process of finalizing an agreement with a subcontractor to develop certain software and communications interfaces necessary to implement the interim procedures on the highly expedited schedule proposed herein. The subcontractor will also help the NYISO to implement the interim procedures by facilitating the aggregation of External Transactions that Market Participants propose to schedule at the Shoreham Bus (“CSC transactions”) into a single net schedule for submission into the NYISO’s Market Information System (“MIS”) software. The subcontractor is not, and will not become, a Market Participant.¹⁰ It will perform its duties as the NYISO’s agent, and will follow non-discretionary protocols developed by the NYISO to perform its designated tasks, the majority of which will be entirely automated. The cost of retaining the subcontractor will not be borne by market participants generally, rather the costs of retaining the subcontractor through June 1, 2005 will be paid by LIPA. All of the subcontractor’s activities will be governed by the terms of the NYISO tariffs, will be subject to strict confidentiality rules protecting market information, and will be subject to ongoing and rigorous NYISO oversight.

⁹ In addition, the ISO-NE tariff includes curtailment rules that will apply when ISO-NE initiates curtailments across the CSC.

¹⁰ All of these characteristics will distinguish the NYISO’s agent from “Scheduling Coordinators” in the California ISO market design.

VIII. Description of Proposed Tariff Revisions

The NYISO is proposing to revise Article 2 of the Services Tariff, and Article 1 of the OATT, to include new or modified defined terms related to the scheduling of Shoreham Bus transactions. The new terms are: (i) "Advance Reservation" (Services Tariff § 2.1.2); (ii) "Cross-Sound Cable" (Services Tariff § 2.32e); (iii) "External Transactions" (OATT § 1.11i, Services Tariff § 2.55); and (iv) "Shoreham Proxy Generator Bus" (OATT § 1.41c, Services Tariff § 2.172a).

The proposed interim scheduling procedures will be set forth in a new Attachment M to the Services Tariff. The NYISO is proposing to add a number of cross-references to Attachment M throughout its OATT and Services Tariff to clearly identify where Attachment M supercedes ordinary tariff procedures. Proposed Section 1.0 reinforces Attachment M's supremacy by specifying that its terms will override any inconsistent tariff provisions that might otherwise apply to a CSC transaction.

Proposed Section 2.1 of Attachment M addresses the fact that the CSC is not a NYCA transmission facility and is not operated by the NYISO, although it also notes that the NYISO is responsible for determining the CSC's transfer capability when system conditions in New York require that CSC transactions be limited to protect reliability.¹¹

Section 2.2 explains that Customers wishing to schedule an External Transaction over the CSC must hold a corresponding Advance Reservation on the CSC node of the NEPOOL Regional Transmission Group OASIS. This requirement protects the rights of entities holding reservations over the CSC and should streamline the hourly checkout process between the NYISO and ISO-NE. Section 2.2 also states that if a Customer attempts to schedule a transaction with the NYISO based on a false or overstated claim that the customer holds an Advanced Reservation in New England that is, in fact, held by a different Customer, the NYISO may contact Commission enforcement staff regarding a possible violation of the Commission's Market Behavior Rules.¹²

Section 2.3 restricts the kinds of CSC transactions that customers will be allowed to schedule to those that the NYISO's interim scheduling software can support, *i.e.*, "Exports," and "Imports" with minimum run-times of one hour or less. In addition, Decremental Bids and Sink

¹¹ See *Cross-Sound Cable Company, LLC*, 106 FERC ¶ 61,116 at P 28 (2004).

¹² See Services Tariff, Att. M at § 2.2. See also *Order Amending Market-Based Rate Tariffs and Authorizations*, 105 FERC ¶ 61,218 at Appendix A, § 3 (2003) (Market Behavior Rule stating that sellers must not report false or misleading information to, *inter alia*, Commission-approved ISOs).

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Price Cap Bids are prohibited in Section 3.2 of Attachment M due to the same software limitations. The NYISO expects that these types of transactions will be possible under the long-term CSC solution.

Proposed Section 3.2 describes the responsibilities of customers that attempt to schedule CSC transactions (in addition to holding an Advance Reservation). First, they must obtain a "CSC User I.D.," which will be issued to all Customers that are in compliance with the NYISO's credit and collateral requirements. Because of the limitations of the interim scheduling software and the cost of obtaining additional software rights, it is necessary to restrict each Customer, and all of its Affiliates and agents, to a single CSC User I.D., so long as such a restriction will not result in a violation of any Customer's obligations under the Code of Conduct contained in the Customer's market-based rate tariff, or the Commission's Standards of Conduct for transmission providers. The NYISO anticipates eliminating the User I.D.s when it implements the long-term solution.

Section 3.2 also: (a) establishes deadlines for submitting Day-Ahead, and Real-Time CSC transactions; (b) states that customers that cause transactions to fail in the inter-Control Area checkout process will be subject to the charges for "failed transactions" imposed in Article 4 of the Services Tariff; and (c) explains that the ISO collateral and credit requirements set forth in Attachment K to the Services Tariff shall apply to CSC transactions.

Section 3.3.1 describes the manner in which the NYISO, and its agent, will create aggregated net hourly CSC schedules. It also sets forth the rules that will determine which transactions are scheduled if the CSC is over-subscribed. The NYISO does not currently use a physical transmission reservation system and has modeled its scheduling priority rules after the CSC curtailment rules set forth in Section 11 of Schedule 18 of the NEPOOL OATT, which are based on "transmission priority." Under these rules, transactions associated with firm Advance Reservations will have priority over those associated with non-firm Advance Reservations and scheduling priority within the non-firm category will be based on the duration of service scheduled, with longer-term service having priority over shorter-term service.

Section 3.3.1 provides that "Firm Advance Reservations shall be classified, and assigned a scheduling priority, based on their 'reservation classification' as that term is used in Section 11 of Schedule 18 of the NEPOOL OATT." It has come to the NYISO's attention that ISO-NE and LIPA may have differing interpretations of the usage of the term "reservation classification" in Section 11 of Schedule 18 of the NEPOOL OATT. LIPA and ISO-NE have agreed to work together, and to engage other necessary parties (including NEPOOL and Cross-Sound Cable, LLC), to resolve their differing interpretations of this Commission-accepted tariff provision. The NYISO is taking no position on the differing interpretations and is willing to abide by any

reasonable interpretation that is endorsed by all of LIPA, ISO-NE, NEPOOL and Cross-Sound Cable, LLC.

Section 3.3.2 establishes the pricing rules for CSC transactions, which were outlined above. The NYISO will price net schedules at the level necessary to ensure that they flow whenever possible, given the limited capabilities of the interim solution, and to ensure that all scheduling customers are price-takers.

Section 3.3.3 contains various rules pertaining to the rejection or in-hour curtailment of CSC transactions. Section 3.3.3.1 reiterates that proposed transactions will not be scheduled if they do not coincide with an appropriate Advance Reservation. Section 3.3.3.2 explains that if ISO-NE initiates curtailments that affect the transfer capability of the CSC, the NYISO will correspondingly curtail External Transactions at the Shoreham Proxy Generator Bus to conform to the ISO-NE-determined transfer capability. Section 3.3.3.3 explains that when service over the CSC is curtailed by the NYISO to address system conditions in New York, External Transactions at the Shoreham Bus will be limited in a corresponding manner. Section 3.3.3.3 also sets forth the hierarchy of curtailment priorities that the NYISO will apply. Transactions associated with firm Advance Reservations will always have a higher priority than those associated with non-firm Advance Reservations. Curtailment priority within the firm and non-firm categories will be based on the duration of service scheduled, with longer-term service having priority over shorter-term service. Firm transactions of equal duration will be curtailed on a *pro rata* basis. Non-firm transactions of equal duration will be curtailed based on the time that the Advance Reservation supporting each proposed schedule was submitted, with more recent transactions being curtailed first.

Section 4.0 clarifies that the NYISO will use customer-specific transaction flow information, rather than net schedule information, to calculate individual customer settlements. As all transactions will be bid as price-takers that are expected to receive or pay the market-clearing price at the Shoreham Bus, this provision is consistent with the previously described rule that net schedules will be priced at a NYISO-determined level and that all customers scheduling CSC transactions will be price-takers.

Section 5.1 recognizes that the ISO's third-party agent may have access to proprietary customer schedules for External Transactions at the Shoreham Bus. Any agent the NYISO employs shall be required to execute a confidentiality agreement with the NYISO and to abide by the requirements of the NYISO's Code of Conduct (Attachment F to the NYISO's OATT) and the Commission's Standards of Conduct.

Section 5.2 gives the NYISO, its Market Monitoring and Performance Unit and its Market Advisor, greater flexibility to share confidential information relating to CSC transactions

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with ISO-NE, and the New England market monitoring unit. Enhanced information-sharing capabilities will be of great value in monitoring activity over the CSC because CSC transactions will inevitably affect both ISOs, yet neither ISO will have access to all of information about Customer's use of the CSC.

Finally, Section 6.0 provides that NYISO will recover all costs associated with the retention of any agent to assist the NYISO in performing its Attachment M responsibilities directly from LIPA until June 2, 2005. In order to settle a dispute over the appropriate assignment of the cost of implementing the interim solution, LIPA has agreed to accept the direct assignment of interim procedure costs for a limited period of time, but shares the NYISO's expectation that these interim procedures will give way to the long-term procedures, by June 2005.¹³ The NYISO anticipates that costs associated with implementing the long-term procedures will not be directly assigned to LIPA, or to any particular customer, as the long-term solution is expected to be generically applicable to all external, controllable transmission facilities that interconnect to the NYCA.

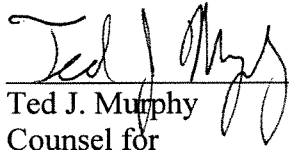
IX. Federal Register Notice

A form of *Federal Register* Notice is provided herewith. A diskette of the Notice is also provided.

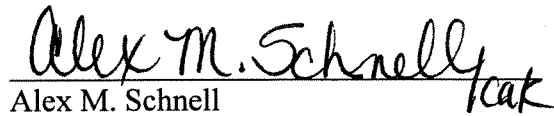
XI. Conclusion

WHEREFORE, for the foregoing reasons, the NYISO respectfully requests that the Commission approve the interim scheduling procedures proposed herein on an expedited basis, by June 21, 2004 and without modification.

Respectfully submitted,



Ted J. Murphy
Counsel for
New York Independent System Operator,
Inc.



Alex M. Schnell
New York Independent System Operator,
Inc.

¹³ The resolution of the dispute with LIPA was discussed with Market Participants at the March 2, 2004, Management Committee meeting before the motion authorizing this filing was voted on.



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cc: Daniel L. Larcamp, Director Office of Markets, Tariffs and Rates, Room 8A-01,
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Attachment V

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

New York Independent System Operator, Inc.) Docket No. ER04-_____

NOTICE OF FILING

Take notice that on April 30, 2004, the New York Independent System Operator, Inc. ("NYISO") filed proposed interim scheduling procedures for External Transactions at the Shoreham Proxy Generator Bus. The NYISO is requesting permission to make the filing effective between June 22 and July 6, 2004, subject to its satisfying certain notice requirements specified in the filing.

The NYISO has served a copy of this filing upon all parties that have executed Service Agreements under the NYISO's Open-Access Transmission Tariff or Services Tariff, ISO New England Inc., the New York State Public Service Commission and to the electric utility regulatory agencies in New Jersey and Pennsylvania.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, 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 to determine 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 motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designed on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's website at <http://www.ferc.gov>, using the eLibrary (FERRIS) link. Enter the docket number excluding the last three digits in the docket number filed to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or call toll-free at (866) 208-3676, or for TTY, contact (202) 502-8659. Protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR § 385.2001(a)(1)(iii) and the instructions on the Commission's website under the "e-filing" link. The Commission strongly encourages electronic filings.

Comment Date:

Magalie R. Salas
Secretary