

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:
New York Independent System Operator, Inc.
Docket No. ER09-273-000

Issued: 12/23/08

Mollie Lampi
Assistant General Counsel
New York Independent System Operator, Inc.
10 Krey Boulevard
Rensselaer, NY 12144

Reference: Unforced Capacity Tariff Revisions

Dear Ms. Lampi:

Pursuant to the authority delegated to the Director, Division of Tariffs and Market Development - East, under 18 C.F.R. § 375.307, your submittal filed in the above referenced docket is accepted for filing effective February 1, 2009, as requested.¹

On November 12, 2008, you filed on behalf of New York Independent System Operator, Inc. (NYISO) tariff revisions to replace the current method of calculating the amount of unforced capacity that limited control run of river hydro resources may supply in the New York control area with a method that relies on historic performance during high load hours.

Notice of the filing was published in the Federal Register with comments, protests or interventions due on or before December 3, 2008. Dynegy Power Marketing, Inc., Dynegy Northeast Generation, Inc., Sithe/Independence Power Partners, L.P., Mirant Energy Trading, LLC, Mirant New York, LLC, Mirant Bowline, LLC, Independent Power Producers of New York, Inc., Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Power Authority, New York Power Authority, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation filed timely motions to intervene. AES Eastern

¹ Third Revised Sheet No. 135B.01 and First Revised Sheet No. 135B.02 under NYISO, FERC Electric Tariff, Original Volume No. 2.

Energy, L.P., file a timely motion to intervene and comments in support of the filing. No protests or adverse comments were filed. Notices of intervention and unopposed timely filed motions to intervene are granted pursuant to the operation of Rule 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.214). Any opposed or untimely filed motion to intervene is governed by the provisions of Rule 214.

This acceptance for filing shall not be construed as constituting approval of any service, rate, charge, classification, or any rule, regulation, 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 acceptance 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 your company.

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,

Larry D. Gasteiger, Director
Division of Tariffs and Market
Development - East

cc: All Parties