

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

New York Regional Interconnect, Inc.) Docket No. EL08-39-000

**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, 18 C.F.R. 385.212 and 385.214 (2006), and the New York Regional Interconnect, Inc.’s (NYRI) March 7, 2007 *Petition for Declaratory Order for Incentive Rate Treatment*, the New York Independent System Operator, Inc. (“NYISO”) hereby moves to intervene in the above-captioned proceeding. In support thereof, the NYISO states:

I. Communications and Correspondence

Communications regarding this proceeding should be directed to:

Robert E. Fernandez, General Counsel and Secretary
Elaine D. Robinson, Director of Regulatory Affairs
Carl F. Patka, Senior Attorney^{*/}
New York Independent System Operator, Inc.
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II. Background

The transmission project proposed by New York Regional Interconnect, Inc. (NYRI) in the above proceeding, impacts three distinct areas of the NYISO’s operating

processes. First, the project is established in the NYISO's transmission interconnection queue pursuant to Attachments S and X of the NYISO Open Access Transmission Tariff, which lay out cost responsibility and procedures for system interconnection. Second, pursuant to its responsibility as New York State's transmission system operator, the NYISO will ultimately operate the anticipated line, which, if built, would certainly affect the operation of the State's bulk power system. Third, pursuant to Attachment Y of the NYISO's Open Access Transmission Tariff the NYISO conducts the New York Comprehensive Reliability Planning Process (CRPP) that the NYISO, Transmission Owners, and Market Participants follow to meet the reliability needs of the State's Bulk Power System. The proposed NYRI facility was previously offered as an alternative regulated solution in the CRPP.

III. Motion to Intervene

The NYISO is the independent body responsible for providing open access transmission service, maintaining reliability, and administering competitive wholesale markets for electricity, capacity, and ancillary services in New York State. Pursuant to its Commission-approved tariffs, the NYISO is also responsible for operating the state's transmission lines and conducting the State's reliability planning and interconnection processes, as discussed above.

Because the introduction of a new transmission line will affect New York State's bulk power system and the NYISO's operations as well as its reliability planning process, the NYISO has a direct and substantial interest in the outcome of this proceeding that cannot be adequately represented by any other party. Therefore, it should be permitted to intervene in this proceeding.

IV. Conclusion

WHEREFORE, the New York Independent System Operator, Inc. (“NYISO”) respectfully requests that the Commission grant its motion to intervene in the above-captioned proceeding.

Respectfully submitted,

/s/ Carl F. Patka _____

NEW YORK INDEPENDENT
SYSTEM OPERATOR, INC.

By: Carl F. Patka

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Dated: March 13, 2008

CERTIFICATE OF SERVICE

I hereby certify that I have caused to be electronically served the foregoing document on the official service list compiled by the Secretary in this proceeding in accordance with 18 C.F.R. § 385.2010 (2008).

Dated at Albany, N.Y. this thirteenth day of March, 2008.

/s/ Carl F. Patka
Senior Attorney
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