

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

In Reply Refer To:
New York Independent System Operator, Inc.
Docket No. ER07-570-002
6/21/07

Alex M. Schnell
New York Independent System Operator, Inc.
10 Krey Boulevard
Rensselaer, NY 12144

Reference: Revised Tariff Sheets

Dear Mr. Schnell:

Pursuant to the authority delegated to the Director, Division of Tariffs & Market Development – East under 18 C.F.R. § 375.307, your submittal in the above referenced docket is accepted for filing in part, effective April 25, 2007, subject to the conditions discussed below, and rejected in part.

On May 17, 2007, you filed with the Commission, on behalf of the New York Independent System Operator, Inc. (NYISO) revisions to NYISO's Market Administration and Control Area Services Tariff (Services Tariff) and Open Access Transmission Tariff (OATT)¹ in compliance with the Commission's April 17, 2007 letter order.² The filing also includes revised tariff sheets that were accepted for filing on February 5, 2007 in Docket No. ER07-432-000 or submitted for filing in Docket No. ER07-521-000 currently pending before the Commission. You indicate that these revised tariff sheets are being filed in the instant compliance filing because NYISO failed to include them in the tariff sheets accepted for filing in the April 17, 2007 letter order. The Commission's long standing policy is that compliance filings must be limited to the specific directives ordered by the Commission.³ Accordingly, the OATT errata tariff sheets in Attachment III are hereby rejected without prejudice to NYISO refiling them in another section 205 proceeding. Likewise, Services Tariff, Tenth Revised Sheet No. 355

¹ Sixth Revised Sheet No. 470 under FERC Electric Tariff, Original Volume No. 1, and Seventh Revised Sheet No. 353 under FERC Electric Tariff, Original Volume No. 2

² New York Independent System Operator, Inc., Docket Nos. ER07-570-000 and ER07-570-001, (April 17, 2007).

³ Entergy Services, Inc., 117 FERC 61,055, p 22 and fn15.

and OATT, Eighth Revised Sheet No. 472 either adds (or eliminates) language or proposes effective dates that were either accepted by Commission in another Docket or is pending in Docket No. ER07-521-000 and are therefore beyond the scope of the compliance filing. Accordingly, NYISO is to file revised tariff sheets to comply with the April 17, 2007 letter order within 30 days of the date of this order.⁴

Notice of the filing was published in the Federal Register with comments, protests and interventions due on or before June 7, 2007. No protests or adverse comments were filed.

This acceptance for filing shall not be construed as constituting approval of the referenced filing or of any rate, charge, classification or any rule, regulation or practice affecting such rate or service contained in your filing; nor shall such acceptance be deemed as recognition of any claimed contractual right or obligation associated therewith; and such acceptance is without prejudice to any findings or orders which have been or any which may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the NYISO.

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

⁴ Please file two sets of revised tariff sheets in the compliance filing. The first set should have an effective date of April 25, 2007 and should include the tariff language that was in effect on April 25, 2007, plus the compliance language (i.e., “Buses” and “and Neptune Scheduled Line”). These revised sheets should be designated Substitute Eighth Revised Sheet No. 355 and Substitute Tenth Revised Sheet No. 472. The second set should have an effective date of May 20, 2007 and should include the tariff language that was in effect on May 20, 2007, plus the compliance language. These revised sheets should be designated Ninth Revised Sheet No. 355 and Eleventh Revised Sheet No. 472. In no instance however, should the revised tariff sheets include any language that is pending in Docket No. ER07-521-000.