

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

Central Hudson Gas & Electric Corporation)	Docket No. ER97-1523-011,
Consolidated Edison Company of New York, Inc.)	OA97-470-010, and
LIPA)	ER97-4234-008
New York State Electric & Gas Corporation)	
Niagara Mohawk Power Corporation)	
Orange and Rockland Utilities, Inc.)	
Rochester Gas and Electric Corporation)	
Power Authority of the State of New York)	
New York Power Pool)	

**MOTION OF
NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.
FOR LEAVE TO INTERVENE OUT OF TIME**

Pursuant to Rule 214 of the Commission’s Rules of Practice and Procedure, 18 C.F.R. § 385.214 (1998), New York Independent System Operator, Inc. (“NYISO”) moves to intervene in this proceeding. In support of this motion, the NYISO represents as follows:

1. The NYISO is the independent body which was conditionally established by the Commission in its June 30, 1998 Order, *Central Hudson Gas & Electric Corp. et. al.*, 83 FERC ¶ 61,352 (1998), *order on reh’g*, 87 FERC ¶ 61,135 (1999). In its January 27, 1999 Order, *Central Hudson Gas & Electric Corp.*, 86 FERC ¶ 61,062, *order on reh’g*, 88 FERC ¶ 61,138 (1999), the

Commission conditionally accepted, with modifications, the proposed New York ISO Tariff and the NYISO's proposed market rules.

2. The names, titles and addresses of the persons who should be included on the official service list in this proceeding, and to whom communications concerning this motion should be addressed, are:

William J. Museler
President
New York Independent System Operator, Inc.
c/o New York Power Pool
3890 Carman Road
Schenectady, NY 12303

Arnold H. Quint
Ted J. Murphy
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1900 K Street, N.W.
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3. On August 3, 1999, the Member Systems of the New York Power Pool ("Member Systems") submitted unexecuted amendments to 38 existing transmission agreements. By order issued September 30, 1999, in *Central Hudson Gas & Electric Corp., et al.*, 88 FERC ¶ 61,306 (1999), the Commission accepted the revised transmission agreements for filing, and suspended them to become effective upon the effective date of the NYISO OATT, subject to refund.

4. As the proposed recipient of operational control over the Member Systems' designated transmission facilities, the NYISO has an interest in this proceeding which no other participant can adequately protect. The NYISO is particularly interested in establishing a uniform set of rules dealing with ancillary services, marginal losses, and scheduling. Consequently, the NYISO's intervention is in the public interest, and should be permitted by the Commission.

5. Good cause exists for the NYISO's late intervention. The NYISO's focus to date has been to take all of the steps needed for it to commence operations. In this proceeding, the Member Systems had taken the lead and it did not appear necessary for the NYISO to participate as a separate entity. The Commission's September 30, 1999 Order, however, requires the NYISO to become an active participant in this proceeding. That order accepted the revised transmission agreements for filing, permitted them to become effective, made them subject to refund, and required a hearing. As a result of the Commission's September 30, 1999 Order, the need for participation by the NYISO has become clear. No procedural schedule has been established. Participation by the NYISO at this time will not delay the proceeding.

WHEREFORE, New York Independent System Operator, Inc. respectfully requests that the Commission grant its motion to intervene out of time.

Respectfully Submitted,

NEW YORK INDEPENDENT SYSTEM
OPERATOR, INC.

By: _____
Counsel

Arnold H. Quint
Ted J. Murphy
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1900 K Street, N.W.
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October 7, 1999

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has this day been served upon each person designated on the service list in this proceeding.

Dated at Washington, D.C., this 7th day of October, 1999.

Arnold H. Quint