

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

Municipal Electric Utilities))	
Association of New York))	
)	
Petitioner,)	
)	
v.)	Case No. 99-1398
)	(Consolidated with
Federal Energy Regulatory))	Case No. 99-1400)
Commission,)	
)	
Respondent.)	

**MOTION OF THE MEMBER SYSTEMS OF THE
NEW YORK POWER POOL FOR LEAVE TO INTERVENE**

Pursuant to Rules 15(d) and 27 of the Federal Rules of Appellate Procedure and Rule 15 of the Rules of this Court, the Member Systems of the New York Power Pool ("Member Systems") move for leave to intervene in the above-captioned proceeding. In support hereof, the Member Systems state as follows:

I.

The Member Systems comprise the New York Power Pool ("NYPP"), a power pool of eight electric systems in the State of New York.¹ Since its formation in 1966, the NYPP has been operating as one of

¹ The Member Systems include Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., LIPA, New York Power Authority, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation.

the "tightest", or most closely controlled pools in the United States.

II.

In its petition for review, the Petitioners in the above proceeding seek review of the following orders issued by the Federal Energy Regulatory Commission ("FERC" or "Commission"):

- (1) Central Hudson Gas & Electric Corp., et al., "Order Conditionally Accepting Tariff and Market Rules, Approving Market-Based Rates, and Establishing Hearing and Settlement Judge Procedures," in Docket Nos. ER97-1523-000, et al., 86 FERC (CCH) ¶ 61,062 (January 27, 1999); and
- (2) Central Hudson Gas & Electric Corp., et al., "Order Denying in Part and Granting in Part Rehearing and Clarification and Conditionally Accepting Compliance Filing," in Docket Nos. ER97-1523-003 and -004, et al., 88 FERC (CCH) ¶ 61,138 (July 29, 1999).

The orders under review accepted the Member Systems' proposal to establish an Independent System Operator ("ISO") in the State of New York. The Petitioners have challenged certain aspects of the Commission's decision in these proceedings. Accordingly, the Member Systems have a direct and substantial interest in the disposition of this case. No other party can adequately protect or represent the Member Systems' interest.

WHEREFORE, in view of the foregoing, the Member Systems respectfully request that they be permitted to intervene in this proceeding as parties with all the rights attendant to such status.

Respectfully submitted,

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Dated: October 27, 1999

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**CORPORATE DISCLOSURE STATEMENT OF
CENTRAL HUDSON GAS & ELECTRIC CORPORATION**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure, Central Hudson Gas & Electric Corporation ("CHGE") hereby states as follows:

CHGE is a corporation created and organized under the laws of the State of New York, with its principal office in Poughkeepsie, New York. CHGE is an electric and natural gas utility engaged in, among other things, the businesses of (1) distributing natural gas for residential, commercial and industrial use, and (2) generating, transmitting and distributing electric power to wholesale and retail customers, and transmitting electric power on behalf of third parties. CHGE's transmission and sales for resale of electric power in interstate commerce are regulated by the Federal Energy Regulatory Commission.

Other than CHGE, none of its affiliate or subsidiary companies have issued shares of debt or equity securities to the public.

Respectfully submitted,

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**CORPORATE DISCLOSURE STATEMENT OF
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure, Consolidated Edison Company of New York, Inc. ("Con Edison") submits the following disclosure statement:

Con Edison is a regulated public utility, incorporated in the State of New York, engaged in the generation, transmission, distribution and wholesale and retail sale of electric power and the retail sale of steam and gas throughout the five boroughs of New York City and in the County of Westchester. Con Edison has outstanding shares and debt securities held by the public and may issue additional securities to the public. Con Edison is a subsidiary of Consolidated Edison, Inc., which also has outstanding shares held by the public and may issue additional securities to the public.

Con Edison is also affiliated with Orange & Rockland Utilities, a subsidiary of Consolidated Edison, Inc., which also has outstanding debt securities held by the public and may issue additional securities to the public. Orange & Rockland has two subsidiaries, Pike County Light and Power and Rockland Electric Company which may issue debt securities to the public.

Con Edison has no other affiliates, parent company or subsidiaries that issue shares or debt securities to the public.

Respectfully submitted,

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Dated: October 27, 1999

electric power service on Long Island, subject to the policy direction of the Authority.

LIPA is a "Transmission Owner" for purposes of the New York Independent System Operator, Inc. ("NYISO") tariffs and agreements, and, as one of the Member Systems of the New York Power Pool, will be a participant in the NYISO. As such, any actions taken by the Court in this proceeding which change the structure of the NYISO will affect LIPA's provision of transmission service on Long Island.

LIPA's principal place of business is 333 Earle Ovington Boulevard, Uniondale, New York 11553.

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**CORPORATE DISCLOSURE STATEMENT OF
NEW YORK POWER AUTHORITY**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Circuit Rule 26.1 of the District of Columbia Circuit, the Power Authority of the State of New York, doing business as the New York Power Authority, ("NYPA") hereby files this Corporate Disclosure Statement.

NYPA is a corporate municipal instrumentality and political subdivision of the State of New York. NYPA has no parent companies, subsidiaries, or affiliates that have any outstanding shares in the hands of the public.

NYPA owns transmission and generation facilities in various places throughout the State of New York, as well as certain other facilities. NYPA provides, among other things, wholesale transmission and wholesale and retail energy

services to a wide variety of customers in New York State.

NYPA is a "Transmission Owner" for purposes of the New York Independent System Operator, Inc. ("NYISO") tariffs and agreements, and, as one of the Member Systems of the New York Power Pool, will be a participant in the NYISO. As such, any actions taken by the Court in this proceeding which change the structure of the NYISO will affect NYPA's provision of transmission and energy services.

NYPA's principal place of business is 1633 Broadway, New York, New York 10019.

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**CORPORATE DISCLOSURE STATEMENT OF
NEW YORK STATE ELECTRIC & GAS CORPORATION**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Local Rule 26.1 of the United States Court of Appeals for the District of Columbia Circuit, New York State Electric & Gas Corp. ("NYSEG") submits the following disclosure statement:

NYSEG is a New York corporation, having its principal office in the Town of Dryden, County of Tompkins, State of New York, and is engaged, among other things, in the generation and distribution of electricity to ultimate customers within the State of New York. NYSEG is a subsidiary of Energy East Corporation, a publicly held corporation. NYSEG has issued preferred stock and debt securities to the public. Neither NYSEG

nor Energy East have any affiliates that have issued shares to the public.

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**CORPORATE DISCLOSURE STATEMENT OF
NIAGARA MOHAWK POWER CORPORATION**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and of the Circuit Rules of the United States Court of Appeals for the District of Columbia Circuit, Niagara Mohawk Power Corporation ("Niagara Mohawk") submits the following disclosure statement:

Niagara Mohawk is a regulated public utility incorporated in the State of New York. Niagara Mohawk is a wholly owned subsidiary of Niagara Mohawk Holdings, Inc. ("NM Holdings"). NM Holdings issues shares to the public, and NM Holdings and Niagara Mohawk both issue debt securities to the public. Except as stated herein, Niagara Mohawk has no parent companies that issue shares or debt securities to the public. Niagara Mohawk is

engaged in the generation, transmission, and wholesale and retail sale of electric power and energy.

Respectfully submitted,

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Date: October 27, 1999

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**CORPORATE DISCLOSURE STATEMENT OF
ORANGE AND ROCKLAND UTILITIES, INC.**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure, Orange and Rockland Utilities, Inc. ("Orange and Rockland") submits the following disclosure statement.

Orange and Rockland is a regulated public utility, incorporated in the State of New York, engaged in the transmission, distribution and wholesale and retail sale of electric power and the retail sale of gas in a service area covering all of Rockland County, most of Orange County and parts of Sullivan County, New York. Orange and Rockland has outstanding debt securities held by the public and may issue additional debt securities to the public. Orange and Rockland wholly owns two public utility subsidiaries, Rockland Electric Company ("RECO"), a New Jersey corporation, engaged in the transmission, distribution and retail sale of electric power in the northern parts

of Bergen and Passaic Counties and small areas in northern Sussex County, New Jersey, and Pike County Light & Power Company ("Pike"), a Pennsylvania corporation, engaged in the transmission, distribution and retail sale of electric power and the retail sale of gas in the northeastern corner of Pike County, Pennsylvania. RECO and Pike each has outstanding debt securities held by the public and may issue additional debt securities to the public.

Orange and Rockland is a subsidiary of Consolidated Edison, Inc. which has outstanding shares held by the public and may issue additional securities to the public. Orange and Rockland also is affiliated with Consolidated Edison Company of New York, Inc. which has outstanding shares and debt securities held by the public and may issue additional securities to the public.

Orange and Rockland has no other affiliates, parent company or subsidiaries that issue shares or debt securities to the public.

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**CORPORATE DISCLOSURE STATEMENT OF
ROCHESTER GAS AND ELECTRIC CORPORATION**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Rule 26.1 of the Rules of the United States Court of Appeals for the District of Columbia Circuit, Rochester Gas and Electric Corporation ("RG&E") states as follows: RG&E is a gas and electric corporation, duly organized, existing, and authorized to do business under the Transportation Corporations Law of the State of New York, with its principal office at 89 East Avenue in the City of Rochester, New York. RG&E is a wholly-owned subsidiary of RGS Energy

Group, Inc., a holding company organized and existing under the laws of the State of New York ("RGS").

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Respondent.)	

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CERTIFICATE OF SERVICE

Pursuant to Rule 25 of the Federal Rules of Appellate Procedure, I hereby certify that I have this day served, by first-class mail, postage prepaid, a copy of the Motion of the Member Systems of the New York Power Pool For Leave To Intervene upon the Solicitor of the Federal Energy Regulatory Commission and upon all parties to this proceeding.

Dated at Washington, D.C., this 27th day of October, 1999.

Joseph H. Fagan

Counsel for the Member Systems
of the New York Power Pool

