

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

Office of Markets, Tariffs and Rates

New York Independent System Operator, Inc.
Docket No. ER04-791-000

Issued: October 1, 2004

New York Independent System Operator, Inc.
290 Washington Avenue Extension
Albany, New York 12203

Attention: Alex M. Schnell, Esquire
Counsel for New York Independent System Operator, Inc.

Reference: Notice of Withdrawal

Ladies and Gentlemen:

1. On April 30, 2004, the New York Independent System Operator, Inc. (NYISO) filed proposed revisions to its Market Services and Control Area Administration Tariff and its Open Access Transmission Tariff to implement interim scheduling procedures for External Transactions at the Shoreham Proxy Generator Bus. The purpose of the interim procedures was to allow third parties to schedule capacity from the New York Control Area across the Cross Sound Cable when the Long Island Power Authority (LIPA), the owner of transmission rights on the Cross Sound Cable, was not scheduled to fully use its capacity. The interim procedures were intended to be effective during the Summer of 2004 while NYISO worked on implementing permanent procedures for the scheduling of released capacity on the Cross Sound Cable. However, after the U.S. Department of Energy's May 7, 2004 order canceling its authorization of the operation of the Cross Sound Cable, NYISO and LIPA determined that it would not be cost effective to continue work on developing the interim procedures. On June 4, 2004, NYISO filed a letter requesting that the Commission defer action on the proposed interim scheduling procedures. On August 20, 2004, NYISO filed a notice of withdrawal of the proposed tariff revisions. The notice of withdrawal is accepted for filing.

2. The April 30, 2004 filing was noticed on May 7, 2004, with comments due on May 21, 2004. LIPA filed a timely motion to intervene and comments requesting that action on the filing be suspended due to the uncertainty caused by the de-energizing of the Cross Sound Cable. Pursuant to Rule 214 (18 C.F.R. § 385.214 (2004)), all timely

filed motions to intervene and any motions to intervene out-of-time filed before the issuance date of this order are granted. Granting late intervention at this stage of the proceeding will not disrupt the proceeding or place additional burdens on existing parties.

3. The August 20, 2004 notice of withdrawal was noticed on August 24, 2004, with comments due on September 10, 2004. No protests or adverse comments were filed.
4. This action is taken pursuant to the authority delegated to the Director, Division of Tariffs and Market Development – East under 18 C.F.R. § 375.307.
5. 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 your company.
6. 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,

Rossell A. Glasgow, Jr., Acting Director
Division of Tariffs and Market
Development – East

cc: Public File