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FILE NO: 55430.000044

October 19, 2007

Mark J. Langer, Clerk  
United States Court of Appeals  
District of Columbia Circuit  
United States Court House  
333 Constitution Avenue, NW  
Room 5423  
Washington, D.C. 20001

**Re: Consolidated Edison Co. of New York, Inc. v. FERC, No. 07-1377**

Dear Mr. Langer:

Enclosed for filing by the New York Independent System Operator, Inc. ("NYISO") are the original and four (4) copies of: (1) NYISO's Motion to Intervene, and (2) a Corporate Disclosure Statement as required by Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1.

Very truly yours,

William F. Young

Enclosures

cc (w enc.): Solicitor, Federal Energy Regulatory Commission

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

Consolidated Edison Company of New York, Inc.	)	
	)	
	)	
<i>Petitioner,</i>	)	No. 07-1377
	)	
v.	)	
Federal Energy Regulatory Commission,	)	
	)	
<i>Respondent.</i>	)	
	)	

**MOTION TO INTERVENE OF THE  
NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.**

Pursuant to Federal Rule of Appellate Procedure 15(d) and Rule 15(b) of the Circuit Rules of this Court, the New York Independent System Operator, Inc. ("NYISO"), by counsel, hereby moves to intervene in the above-captioned proceeding. In support of this motion, the NYISO states:

1. The NYISO is a New York not-for-profit corporation formed under New York law. Although it does not own or control any electric power generation facilities, it possesses operational control over the transmission facilities in New York State. The NYISO is the independent body responsible for providing open access transmission service, maintaining reliability, and administering competitive wholesale electricity markets in New York State. The NYISO fulfills these responsibilities pursuant to certain tariffs and orders of the respondent Federal Energy Regulatory Commission ("FERC").

2. In this case, Consolidated Edison Company of New York, Inc. ("Petitioner") seeks review of the following FERC order:

*Consolidated Edison Co. of New York, Inc. v. Public Service  
Electric and Gas Co., PJM Interconnection, L.L.C., and New York*

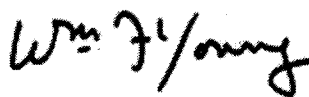
*Independent System Operator, Inc., Order Denying Rehearing, 120  
FERC ¶ 61,161, Docket No. EL02-23-003 (Aug. 15, 2007).*

3. Because the FERC order at issue relates to a complaint filed by Petitioner that named the NYISO, as well as other entities, as respondents, the NYISO has a substantial and direct interest in this proceeding that is distinct from those of all other parties and thus cannot be adequately represented by any other party. The NYISO may be adversely affected by a resolution in this proceeding unless it is permitted to participate. Consequently, the NYISO seeks to intervene herein.<sup>1</sup>

WHEREFORE, the New York Independent System Operator, Inc. respectfully requests that it be permitted to intervene in this proceeding and granted all rights as a party hereto.

Respectfully submitted,

By:



William F. Young  
Ted J. Murphy  
Hunton & Williams LLP  
1900 K Street, NW  
Washington, DC 20006  
(202) 955-1500

Attorneys for Intervenor  
New York Independent System Operator, Inc.

Dated: October 19, 2007

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<sup>1</sup> The NYISO is an intervenor in Case No. 07-1220, which involves the same underlying FERC proceeding. Petitioner has requested that this proceeding be consolidated with Case No. 07-1220. The NYISO was also an intervenor in Case No. 04-1003, which again involved the same underlying FERC proceeding. The petition in Case No. 04-1003 was dismissed for lack of ripeness.

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

Consolidated Edison Company of  
New York, Inc.

*Petitioner,*

v.

Federal Energy Regulatory Commission,

*Respondent.*

No. 07-1377

**CORPORATE DISCLOSURE STATEMENT**

Pursuant to 26.1 of the Federal Rules of Appellate Procedure and Rule 26.1 of this Court, the New York Independent System Operator, Inc. ("NYISO") states the following:

The NYISO is a New York not-for-profit corporation formed under New York law. Although it does not own or control any electric power generation facilities, it possesses operational control over the transmission facilities in New York State. The NYISO is the independent body responsible for providing open access transmission service, maintaining reliability, and administering competitive wholesale electricity markets in New York State.

The NYISO is not a publicly-held company. It does not have a parent company, and no publicly held company has a 10% or greater ownership in it.

Respectfully submitted,

By:



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Ted J. Murphy  
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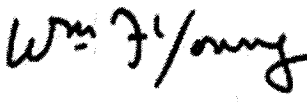
Dated: October 19, 2007

## CERTIFICATE OF SERVICE

Pursuant to Rule 15(d) of the Federal Rules of Appellate Procedure and Circuit Rule 15(b) of this Court, I hereby certify that I have this day served a copy of the foregoing Motion of New York Independent System Operator, Inc. to Intervene and Corporate Disclosure Statement by first class mail, postage prepaid, upon all parties shown in the court's docket sheet for Case No. 07-1377 and upon all of the parties admitted to the proceedings in accordance with the official service lists maintained by the Federal Energy Regulatory Commission. I have also served the foregoing document by hand delivery on the Solicitor at the Federal Energy Regulatory Commission.

Dated at Washington, D.C. this 19th day of October, 2007.

Respectfully submitted,

By: 

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