

September 25, 2001

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FILE NO: 55430.000037

By Hand

The Honorable David P. Boergers, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

New York Independent System Operator, Inc.'s Filing of Tariff Revisions to Make
Permanent Certain Temporary Market Rules Pertaining to External Transactions and to
Introduce New Enhancements to its External Transaction Scheduling Process

Dear Mr. Boergers:

Pursuant to Section 205 of the Federal Power Act,¹ the New York Independent System Operator, Inc. ("NYISO"), by counsel, hereby submits revisions to its Market Administration and Control Area Services Tariff ("Services Tariff") and its Open Access Transmission Tariff ("OATT") in order to make permanent two critically important market rules pertaining to External Transactions, *i.e.*, Exports, Imports and Wheel-Throughs.² These rules, which have been highly successful,³ were implemented on a temporary basis pursuant to the NYISO's authority to issue Extraordinary Corrective Actions ("ECAs"), and are commonly known as "ECA A" and "ECA B." The Commission has authorized the NYISO to implement ECAs in order to temporarily address market design flaws,⁴ but has required that ECAs eventually be

¹ 16 U.S.C. 824d (1994).

² Capitalized terms that are not otherwise defined herein shall have the meaning set forth in Article 2 of the Service Tariff.

³ In addition to correcting the specific market design flaws that they were designed to address, the two ECAs have helped to improve the accuracy of the NYISO's Balancing Market Evaluation's price predictions.

⁴ The Commission recently extended the NYISO's authority to issue ECAs. *New York Independent System Operator, Inc.*, 95 FERC ¶ 61,185 (2001).

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replaced with permanent tariff changes. This filing complies with that requirement by permanently incorporating ECA A and ECA B into the NYISO's tariffs.

The NYISO is also proposing certain enhancements to improve its scheduling processes for external transactions. First, it would ensure that Exports are evaluated consistently for purposes of scheduling and curtailment by incorporating the concept of "Sink Price Cap Bids" into, and by eliminating the concept of "default" Decremental Bids from, its tariffs. Consistent treatment of Exports for scheduling and curtailment purposes will enhance market certainty and increase Market Participants' confidence in the NYISO-administered markets.

Second, the NYISO proposes to revise the time period within which it will perform the Balancing Market Evaluation ("BME"). The NYISO uses BME to establish schedules for the dispatch hour. The Services Tariff currently requires the NYISO to run BME 90 minutes ahead of each dispatch hour. The NYISO proposes to revise this schedule to allow it to use BME at any time no later than 90 minutes before the hour. This change will enhance the NYISO's flexibility as it establishes collaborative protocols with neighboring Control Areas for seamlessly scheduling External Transactions in real time.

Finally, the NYISO is proposing certain minor corrections to its tariffs.

I. List of Documents Submitted

The NYISO submits the following documents:

1. this filing letter;
2. a clean version of the revised portions of the OATT and Services Tariff (Attachment I);
3. a redlined version of the revised portions of the OATT and Services Tariff (Attachment II); and
4. a form of *Federal Register* Notice (Attachment III).

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II. Copies of Correspondence

Copies of correspondence concerning this filing should be served on:

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III. Proposed Effective Date

The NYISO hereby requests a waiver of the Commission's usual sixty day notice period and proposes that this filing effective become on October 30, 2001. Good cause exists for a waiver because the revisions proposed here will facilitate inter-Control Area trade and improve market certainty. It would be highly advantageous to have these improvements in place in time for the upcoming 2001 - 2002 Capability Period, which begins on November 1.

In addition, because ECA A and B were designed to function in a complementary manner, and neither will perform efficiently without the other, the NYISO respectfully asks that they be adopted as a package, and made permanently effective, at the same time.

IV. Names and Addresses of Persons to Whom a Copy of this Filing Has Been Mailed

The NYISO has mailed a copy of the filing to all parties that have executed Service Agreements under the OATT or Services Tariff, to the New York State Public Service Commission and to the electric utility regulatory agencies in New Jersey and Pennsylvania.

V. **Statement of the Reasons for and Brief Description of Proposed Tariff Changes**

A. **“ECA A”**

ECA A was implemented to correct a market design flaw that occurred when External Transactions scheduled by the NYISO's Balancing Market Evaluation (“BME”)⁵ were not completed in real-time. When such transactions fail, often because one of the affected Control Areas does not have a record of a matching transaction or a matching NERC tag,⁶ there can be significant system-wide financial impacts. By contrast, under the existing Services Tariff, Market Participants suffer only minor financial impacts if they schedule transactions that ultimately fail “checkout.” Working with neighboring ISOs, the NYISO staff determined that checkout failures were occurring with great frequency. While occasional data mistakes by Market Participants are inevitable, the pattern of failures suggested that some Market Participants were deliberately attempting to manipulate prices in the Northeastern ISO markets by canceling External Transactions with one of the affected Control Areas, but not the other.

Deliberately causing Imports to fail can artificially raise real-time prices in the NYISO-administered markets by preventing BME from scheduling other, legitimate, Imports or by causing the NYISO not to commit generators located in New York. By contrast, failed Exports can artificially depress real-time prices by blocking other Exports, or by causing BME to schedule additional New York generators that are not truly economic. In addition, frequent checkout failures can cause serious reliability problems.

The NYISO issued “ECA A” to deter the scheduling of transactions that were designed to fail by forcing scheduling entities to bear the economic consequences of submitting them.

⁵ The BME, which is sometimes referred to as the “Hour-Ahead Market” or “HAM,” is the NYISO version of the reliability function, performed by all Control Area operators, pursuant to which hour-ahead schedules are determined. BME thus provides a critical link between the NYISO’s Day-Ahead and Real-Time Markets. Additional information about BME is provided in Sections 2.10 and 4.14 of the Services Tariff.

⁶ In the checkout process, neighboring Control Area operators, *e.g.*, the NYISO and the PJM Interconnection, Inc., communicate roughly one half-hour before the dispatch hour and agree on the net interchange they will maintain. The checkout process ensures that each has the same list of transactions; and that each export from one Control Area corresponds with an import into another.

ECA A provides that when Imports are scheduled in BME, but no Energy is delivered in real-time (*i.e.*, the Import fails), for reasons that are within the control of the scheduling entity, the scheduling entity must buy Energy to cover the shortfall at the real-time price at the relevant External Proxy Generator Bus and sell that energy back at the BME price. No payment is required: (i) if the real-time price is lower than the BME price; or (ii) if the scheduling entity shows that it properly submitted the External Transaction in both affected Control Areas and that the transaction's failure was attributable to one of the Control Area operators.

With respect to Exports, ECA A provides that transactions scheduled in BME for which no Energy is delivered from New York to the receiving Control Area in real-time will be settled as if the scheduling entity sold the Energy that was not taken at the real-time price at the External Proxy Generator Bus and bought it back at the BME price. No payment is required if the real-time price is higher than the BME price, or if the scheduling entity shows that it properly submitted the External Transaction in both affected Control Areas and that the transaction's failure was attributable to one of the Control Area operators.

Finally, ECA A treats Wheel-Throughs, in which BME schedules Energy for delivery to New York at one External Proxy Generator Bus and delivery to another Control Area at a different External Proxy Generator Bus, as a combination of an Import and an Export. Thus, parties that purposely cause Wheel-Throughs to fail pay the net amounts resulting from the failed component transactions.

ECA A has been a major success and has greatly reduced the frequency of checkout failures. It also appears to have contributed to BME's improved performance by increasing the accuracy of the transaction information that BME considers, and by reducing the incentives for Market Participants to purposely cause transactions to fail.

B. "ECA B"

During the initial phases of NYISO operations, the pricing rules for transactions scheduled in BME were inconsistent with the BME scheduling rules for periods when External Transactions were limited by constraints at the NYISO's external interfaces or by ramping constraints. This inconsistency arose because BME models a number of transmission and interchange constraints that are not affected by the dispatch of New York generators, and thus cannot affect the real-time prices set pursuant to the NYISO's Security Constrained Dispatch ("SCD").⁷ When these constraints were binding in BME, the market-clearing prices calculated

⁷ SCD is a computerized algorithm that performs the NYISO's real-time dispatch by

by BME would often diverge from actual real-time prices because the BME would account for congestion costs that SCD did not consider. This discrepancy created gaming opportunities and financial risks for External Transactions scheduled in the Day-Ahead Market insofar as Market Participants would not bid the price they were willing to pay for Energy because they anticipated that prices would fall in the Real-Time Market.

The NYISO first addressed this problem by conferring *de facto* “must-run” status on External Transactions for BME purposes. This was done by adopting an automatic \$20,000 bid adjustment.⁸ However, this solution may have had certain undesirable incidental effects. Consequently, the NYISO issued ECA B to make real-time prices for External Transactions consistent with BME’s scheduling criteria, including congestion costs at external interfaces.⁹ Under ECA B, if Imports are limited by binding congestion at external interfaces or by ramping constraints, then real-time prices at the affected external Generator Proxy Bus or Buses will be the lower of the market-clearing prices calculated by BME or SCD for that bus. Conversely, if Exports are limited by binding congestion at external interfaces or by ramping constraints, then real-time prices at the affected External Generator Proxy Bus, or Buses, will be the higher of the market-clearing prices calculated by BME or SCD for that bus.¹⁰

Like ECA A, ECA B has successfully addressed the market design problem that led to its issuance, and has helped to improve BME’s price forecasting performance. It must be emphasized that the market rules implemented pursuant to ECA A and B were designed to work together. If only one is approved, the effectiveness of the NYISO’s external market systems will

evaluating the New York Control Area contingency set against the system conditions expected for the next 5 minutes, or a shorter period under certain circumstances. SCD’s results are a key input in the calculation of real-time market-clearing prices.

⁸ The NYISO accomplished this by modifying its software to automatically subtract \$20,000 from the Day-Ahead bids of imports scheduled in the DAM, automatically add \$20,000 to the Day-Ahead bids of exports scheduled in the DAM, and automatically subtract \$20,000 from the Day-Ahead congestion bids of Wheel-Throughs scheduled in the DAM.

⁹ The Commission approved a similar congestion pricing mechanism for ISO New England. *ISO New England, et al.*, 91 FERC ¶ 61,311 at 62,071 (2000).

¹⁰ Outside of the ECA B context, BME prices are strictly advisory. They are normally used for scheduling purposes, and perform certain other economic functions, but do not actually set prices.

be hindered. Moreover, BME price forecasts will become less accurate if either of the two market rules is not made permanently effective.

C. Continuation of a Scheduling Priority for Day-Ahead External Transactions

Although it would revise its tariffs to make ECAs A and B permanent, the NYISO does not propose to abandon the use of an automatic BME scheduling priority for External Transactions.¹¹ Introducing financial consequences to Hour-Ahead trading, as proposed above, will likely reduce the need to confer an artificial “must run” status on Day-Ahead transactions to ensure they will not be curtailed, except when a party has used its Hour-Ahead bids to signal a willingness to be curtailed in certain circumstances. Nevertheless, the NYISO is concerned that simply ceasing to use a priority could interfere with the efficient scheduling of ramp capacity by neighboring ISOs. For example, ramp capacity is scheduled by PJM before the NYISO runs BME. Transactions with Day-Ahead schedules and assigned ramp capacity are presumed to flow in real time. Without an automatic priority, however, transactions scheduled in-hour with lower or equal Decremental Bids could be scheduled in lieu of Day-Ahead transactions and assigned ramp capacity could go under-utilized.

At the same time, continuing to use the existing \$20,000 modifier in BME to confer such a priority is incompatible with using BME to establish real-time prices, as proposed above. Accordingly, the NYISO proposes to replace its current priority with a \pm \$1000 bid adjustment for Imports, Exports and Wheel Throughs that have been scheduled Day-Ahead and have checked out properly. In this manner, External Transactions will continue to enjoy “must run” status, which will reduce curtailments and increase market certainty. Market Participants will remain free to override the “must-run” scheduling priority by submitting an appropriate bid in BME.

D. Tariff Revisions to Implement ECAs A and B on a Permanent Basis

1. ECA A

The NYISO proposes to change the real-time settlement rules set forth in Section 4.18 of the Services Tariff to permanently incorporate ECA A. Section 4.18B addresses “Settlement

¹¹ See *supra* n. 9. For additional discussion of the existing adder, See *New York Independent System Operator, Inc.’s Combined Compliance Filing and Report* in Docket Nos. ER00-1969-000, *et al.* at 36-37 (September 1, 2000, as corrected September 8, 2000).

When Actual Energy Injections are Less Than Scheduled Energy Injections,” *i.e.*, failed Imports. Settlement presently occurs only at the real-time price. The NYISO proposes to revise this provision so that purchases by Customers whose Import transactions fail for reasons within their control will occur at the BME price if the BME price for the scheduled Import is higher. Parties that cause their own Imports to fail will therefore bear the cost of the higher prices caused by their actions. Similarly, the NYISO proposes to add language to Section 4.18B to state that the Suppliers shall pay for Energy imbalances at the greater of the BME-determined price or the real-time price.

The NYISO would also revise Section 4.18B to ensure that a Supplier will receive a supplemental payment and be made whole, with regard to its Day-Ahead Energy margin (*i.e.*, the Day-Ahead clearing price minus its Day-Ahead Bid) if its transaction is curtailed by the NYISO for reasons outside of its control. Without this protection, Suppliers with a Day-Ahead commitment would be exposed to a loss, through no fault of their own, because of the requirement that they settle their transactions at the Real-Time LBMP.

Similarly, Section 4.18C of the Services Tariff addresses “Settlement When Actual Energy Withdrawals are Less Than Scheduled Energy Withdrawals,” *i.e.*, failed Exports. Section 4.18C presently only provides for settlement at real-time prices. The NYISO proposes to modify this provision so that sales by Customers whose Exports fail for reasons within their control occur at the BME price when the BME-determined price for the scheduled Export is lower. Parties that purposely cause their Exports to fail will therefore not be able to profit from depressed prices caused by the failures. The NYISO also proposes to add language to Section 4.18C to state that a Market Participant’s Energy purchase obligation will be settled at the lower of the BME price or the real-time price.

The NYISO proposes corresponding revisions to renumbered Section 2.5 (formerly Section 2.6) of Section III of Attachment B to the Services Tariff to describe the settlement rules applicable when injections or withdrawals scheduled by BME are curtailed for reasons within the control of a Supplier or a Transmission Customer. The proposed changes also describe the supplemental payment that will be made to Suppliers or Transmission Customers when injections scheduled by BME are curtailed by the NYISO, and make certain other minor corrections.

Finally, the NYISO proposes to make corresponding changes to Subsection 5.0 in Section III of Attachment J to the OATT.

2. ECA B

The NYISO proposes to revise Section 4.17 of the Services Tariff, which addresses the calculation methodology for Real-Time LBMPs, to achieve permanent implementation of ECA "B." Presently Real-Time LBMPs are calculated based on data generated by the SCD software. The NYISO proposes to make an exception to this rule so that Real-Time LBMPs at External Proxy Generator Buses will be calculated based on data generated by the BME software, if, for any hour, economic transactions over an interface between the NYCA and the Control Area with which the Proxy Generator Bus is associated would exceed available transfer capacity for that interface or would exceed any ramp capacity limits applicable to the NYCA as a whole or solely to that interface. This change will ensure consistency between the price at which External Transactions are scheduled in BME and the prices that are actually paid. The NYISO also proposes to add a new Section 2.151a to the Services Tariff to define "Ramp Capacity."

Corresponding revisions are proposed to Section I of Attachment B to the Services Tariff. The NYISO would also revise Subsection 2.1.1 of that Section to indicate that when there is congestion over the interface with which a Proxy bus is associated, marginal losses will be calculated by BME rather than SCD. Clarifying changes are also proposed to Subsection 2.2 to clarify that Transmission Usage Charges ("TUCs") are based on the Energy withdrawn by a Customer, rather than the Energy injected and withdrawn.

The NYISO would also make conforming changes to the description of LBMP calculations in the OATT. The NYISO proposes to add a new OATT Section 1.36d to define "Ramp Capacity," and to revise Section I of Attachment J to explain the circumstances under which BME will be used to calculate Real-Time LBMPs at External Proxy Generator Buses. The NYISO also proposes to revise subsection 2.1.2 of Section II of OATT Attachment J, pertaining to real-time marginal losses, in the same manner that it has proposed to modify Subsection 2.1.1 of Section I of Attachment B to the Services Tariff. Similarly, it would revise Subsection 5.0, regarding TUCs, in the same manner as Subsection 2.2. of Attachment B to the Services Tariff.

E. Tariff Revisions to Standardize the NYISO's Treatment of Export Curtailment Priorities

Currently, the NYISO evaluates transactions that are scheduled by External Loads bidding into the LBMP spot market differently for purposes of in-hour curtailment than it evaluates Export bilaterals tied to a specific generator. Curtailment priority for an External Load bidding into the LBMP spot market is established by its Sink Price Cap Bid whereas Curtailment priority for an Export bilateral tied to a specific generator is based on the

Decremental Bid of the associated generator. Moreover, under the existing NYISO tariffs, if there is no Decremental Bid for an associated generator, the Tariff directs the NYISO to assign a “default” Decremental Bid.

The NYISO believes that there is no reason why curtailment priorities for different kinds of Export transactions should be determined inconsistently and proposes to eliminate the current discrepancy in treatment. The NYISO therefore proposes to revise its tariffs so that Export Bilateral Transactions, tied to generators are evaluated for curtailment purposes using the same bid that is used to schedule them, *i.e.*, the Sink Price Cap Bid. .

The NYISO proposes to add a definition of Sink Price Cap Bid to the Services Tariff in proposed new Section 2.172a, and to change the definition of the term “Decremental Bid” in Section 2.38 to clarify that Decremental Bids will no longer be used to determine the curtailment priority for Export transactions. It also proposes to add a reference to Sink Price Cap Bids to Section 4.15 of the Services Tariff to indicate that the NYISO’s real-time dispatch will accommodate transactions in a manner consistent with their Sink Price Cap Bids or their Decremental Bids, as appropriate. The NYISO would also amend Section 4.9 of the Services Tariff to clarify that Sink Price Cap Bids shall be included among the bids considered by the NYISO’s Security Constrained Unit Commitment (“SCUC”)¹² software and Section 4.14 to provide that BME will consider them when it determines schedule adjustments.

The NYISO also proposes to revise Subsection 1 of Section III of Attachment B to the Services Tariff to specify that a Sink Price Cap Bid should be provided for Export transactions. The term “Sink Price Cap Bid” would likewise be added to several other places in Section III of Attachment B to clarify that the establishment of curtailment priority for Exports shall be based on such Bids. In addition, the NYISO is proposing a number of revisions to clarify that the NYISO shall, when necessary, curtail equal cost transactions on a *pro rata* basis rather than engaging in *pro rata* curtailments of transactions with equal Decremental Bids.

In addition, the NYISO proposes to correct several drafting errors that are currently found in Attachment B, Section III, Subsections 2.6 and 2.7 (which are to be re-numbered as Sections 2.5 and 2.6). The NYISO will eliminate an inaccurate reference in renumbered Section 2.5, which suggests that when Exports are curtailed by neighboring Control Areas, the associated Day-Ahead Energy transaction will be revised. In addition, a reference in renumbered Section 2.6 will be revised to state that Transmission Customers will pay Real-

¹² SCUC is a computerized algorithm that determines unit commitments and clearing prices for the NYISO’s Day-Ahead Market.

Time TUCs for the amount of Energy, in excess of the Energy scheduled Day-Ahead that they withdraw in real time rather than the amount scheduled to be transmitted in BME. Finally, renumbered Section 2.6 is corrected to reflect the fact that the scheduled amount of Transmission Service will necessarily change when Export transactions are curtailed or reduced, regardless of the reason for the reduction or curtailment.

The NYISO is simultaneously proposing corresponding revisions to the OATT, and to Attachment J thereto, to reflect its proposal to expand its use of Sink Price Cap Bids.¹³

The NYISO's proposal to broaden its use of Sink Price Cap Bids eliminates the need to assign a default Decremental Bid when none is provided in connection with an Export transaction tied to a generator. The NYISO therefore proposes to remove all language pertaining to default Decremental Bids¹⁴ from its tariffs¹⁵ Eliminating the reference in Subsection 2.3 of Section III of Attachment B to the Services Tariff to the assignment of a default Decremental Bid equal to the lowest Decremental Bid that can be entered into SCUC for transactions using Grandfathered Transmission Rights will not affect the NYISO's operations. That language is a vestige from an early draft of the NYISO tariff that should have been dropped before the NYISO commenced operations and should be removed now.

Finally, the NYISO proposes to revise both the OATT and Services Tariff definition of "Import" to clarify that the term defines a sale to the LBMP market, rather than the transmission service used for such transactions, as the current definitions inaccurately indicate.¹⁶

F. Increasing the NYISO's Flexibility to Run BME

¹³ See proposed OATT Sections 1.7e and 1.42.01. See also Subsections 5.0(iv) 5.0(vi) and 6.0 of Section III, and Section IV of Attachment J to the OATT.

¹⁴ Transactions with equal Sink Price Cap Bids will be subject to *pro rata* curtailment in the same manner as transactions with equal Decremental Bids are currently. See *New York Independent System Operator, Inc., et al.*, 92 FERC ¶ 61,073 at 61,306 (2000).

¹⁵ Specifically, the NYISO proposes to strike references to default Decremental Bids from Section 2.38 of the Services Tariff, Subsection 1.0(6) of Section III of Attachment B to the Services Tariff, Section 1.7e of the OATT. The NYISO would also remove Subsection 2.3 of Section III of Attachment B to the Services Tariff and Subsection 3.0 of Section III of Attachment J to the OATT in their entirety.

¹⁶ See proposed revised Section 2.67 of the Services Tariff and OATT Section 1.14e.

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The NYISO proposes to revise its current rules prescribing the period of time, before a given dispatch hour, that the NYISO will run BME. Currently, the Services Tariff directs the NYISO to run BME “ninety (90) minutes before each dispatch hour.” The NYISO proposes to revise Section 2.10, which defines “Balancing Market Evaluation,” and Section 4.14, “Balancing Market Evaluation (Hour Ahead)” to provide that the NYISO will run BME no later than 90 minutes before the dispatch hour in a manner that shall be set forth in the ISO Procedures. This change will increase the NYISO’s ability to adjust its transaction scheduling process and check out procedures to more closely align them to the timing of similar processes by other Control Areas. The NYISO will consult with its Business Issues Committee before revising the ISO Procedures to modify the time period in which it runs BME. The NYISO is also proposing corresponding changes to Attachment J of the OATT.

VI. Stakeholder Review and Approval

The tariff revisions in this filing were approved by the NYISO’s Management Committee in a series of meetings this year. Each aspect of this filing has been endorsed by the requisite Management Committee vote.

VII. No Costs Relating to Discriminatory Employment Practices

The NYISO has no expenses or costs that have been alleged or judged to be illegal, duplicate, or unnecessary costs that are demonstrably the product of discriminatory employment practices.

VIII. Federal Register Notice

A form of *Federal Register* Notice is provided as Attachment III hereto. A diskette of the Notice is also provided in WordPerfect format.

Respectfully submitted,

Ted J. Murphy
Counsel for
New York Independent System Operator, Inc.

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cc: Office of Chairman Patrick Wood III, Suite 11-B, Tel. (202) 208-0338
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person that has executed a Service Agreement under the NYISO's Open Access Transmission Tariff or Market Administration and Control Area Services Tariff, as well as the regulatory commissions of New York, New Jersey and Pennsylvania in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 2010 (2001).

Dated at Washington, D.C. this 25th day of September, 2001.

Ted J. Murphy
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UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

New York Independent System Operator, Inc.) Docket No. ER01-____-000

NOTICE OF FILING

Take notice that on September 25, 2001, the New York Independent System Operator, Inc. (“NYISO”) filed revisions to its Market Administration and Control Area Services Tariff (“Services Tariff”) and its Open-Access Transmission Tariff (“OATT”) to make permanent two temporary market rules pertaining to External Transactions that were initially implemented as “Extraordinary Corrective Actions,” and to introduce several new enhancements to its external transaction scheduling processes. The NYISO has requested a waiver of the usual sixty day notice period so that this filing can become effective on October 30, 2001.

The NYISO has served a copy of the filing on all parties that have executed Service Agreements under the NYISO’s Open-Access Transmission Tariff or Services Tariff, to the New York State Public Service Commission and to the electric utility regulatory agencies in New Jersey and Pennsylvania.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 C.F.R. §§ 385.211 and 385-214). All such motions or protests should be filed on or before _____. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

David P. Boergers
Secretary