

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

Long Island Power Authority,
Complainant,

v.

New York Independent System Operator, Inc.,
Respondent.

Docket Nos. EL07-16-000

**MOTION FOR EXTENSION OF TIME TO ANSWER OF THE
NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.**

Pursuant to Rule 212 of the Federal Energy Regulatory Commission's ("Commission") Rules of Practice and Procedure, 18 C.F.R. § 385.212, the New York Independent System Operator, Inc. ("NYISO") hereby files this Motion for Extension of Time to Answer ("Motion") the complaint filed on November 17, 2006 by the Long Island Power Authority and its operating subsidiary LIPA (collectively, "LIPA") in the above-captioned proceedings (the "LIPA Complaint").

I. Communications

Please address all communications regarding this filing to the following individuals:

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II. Background

As LIPA explained in its complaint, this dispute arose from an ICAP Spot Market Auction held in late-April 2006 for the May 2006 period ("May Auction"). LIPA contacted the NYISO in early May after it learned of the auction results.¹ Shortly thereafter, LIPA contacted the NYISO regarding the May auction, and a NYISO employee responded to LIPA's concerns.²

LIPA also contacted the Commission's Enforcement Hotline regarding the May Auction.³ Representatives from LIPA, the NYISO, and Commission Staff met on May 31, 2006, and a series of telephone conferences followed.⁴

In June, LIPA contacted the NYISO's General Counsel in an effort to continue the discussions.⁵ The parties held further discussions regarding LIPA's concerns in July.⁶ On

* Individual designated for service.

¹ *Long Island Power Auth. v. New York Indep. Sys. Operator, Inc.*, Complaint of the Long Island Power Authority and LIPA, Docket No. EL07-16-000, at 15 (Nov. 17, 2006) ("LIPA Complaint").

² LIPA Complaint, at 15-16.

³ LIPA Complaint, at 16.

⁴ LIPA Complaint, at 16.

⁵ *Long Island Power Auth. v. New York Indep. Sys. Operator, Inc.*, Affidavit of Kevin B. Jones, Ph.D in Support of the Complaint of the Long Island Power Authority and LIPA, Docket No. EL07-16-000, at P 17 (Nov. 17, 2006).

August 4, 2006, the NYISO contacted LIPA to communicate the decision that the NYISO did not agree with LIPA's position and did not believe that a mutually agreeable compromise was likely to result from further discussions.⁷

LIPA developed its complaint against the NYISO over the next several months, which was filed in mid-November. As part of this effort, LIPA worked with a consultant at an expert services firm, who prepared an affidavit in support of the complaint.⁸ LIPA also submitted affidavits from two company employees in support of the complaint.

III. Motion For Extension of Time to Answer

The NYISO respectfully requests an extension of time until January 12, 2007 to answer LIPA's complaint. The NYISO submits that this is a modest request given the length and complexity of LIPA's filing.

LIPA's complaint, which is over 40 pages in length, presents a complex set of facts and arguments regarding the proper interpretation of the NYISO's tariff and the structure of its Installed Capacity ("ICAP") markets. With the complaint, LIPA filed affidavits from three witnesses that total approximately 80 pages of additional information. LIPA also submitted dozens of pages of exhibits. LIPA took several months to develop its complaint; from August to mid-November of this year.

Specifically, the NYISO respectfully requests the Commission to move the date to answer LIPA's complaint from December 7, 2006 to January 12, 2007. Although the notice issued in this docket identifies December 7, 2006 as the answering deadline, the date for the

⁶ *Id.* at P 18.

⁷ *See id.* at P 19.

⁸ *Long Island Power Auth. v. New York Indep. Sys. Operator, Inc.*, Affidavit of Michael D. Cadwalader in Support of the Complaint of the Long Island Power Authority and LIPA, Docket No. EL07-16-000 (Nov. 17, 2006).

NYISO's answer should properly be December 18, 2006 because LIPA requested privileged treatment for part of its filing. Section § 385.206(f) of the Commission's Rules of Practice and Procedure provides that "[i]n cases where the complainant requests privileged treatment for information in its complaint, answers, interventions, and comments are due within 30 days after the complaint is filed."⁹ However, given the extent of the supporting testimony provided and complexity of the issues raised in the LIPA Complaint, the NYISO requires additional time to develop its response; which response necessarily entails the preparation of affidavits from several NYISO employees and potentially an outside consultant. For this reason the NYISO requests more time than the Commission's Rules provide in order to provide a complete and accurate response to LIPA's complaint. The NYISO's request seeks an extension of only 16 business days beyond December 18, 2006.

IV. Waiver of Response Period

The NYISO respectfully requests that the Commission waive the period to respond to this motion and issue a notice of extension prior to December 7, 2006 (the current answering date).¹⁰ The NYISO has consulted with counsel for LIPA and was informed that LIPA does not oppose the waiver of the response period for this Motion.

⁹ 18 C.F.R. § 385.206(f) (2006).

¹⁰ See 18 C.F.R. § 385.213(d)(1).

V. Conclusion

The NYISO respectfully requests that the Commission waive the response period and issue a notice of extension for time to answer the LIPA Complaint to January 12, 2007.

Respectfully submitted,

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Dated: December 4, 2006

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing document on each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Rensselaer, New York, this 4th day of December, 2006.

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