

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Sithe/Independence Power Partners, L.P.) **Docket No. ER03-42-000**

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

Pursuant to Rules 212 and 214 of the Commission’s Rules of Practice and Procedure,¹ and the Commission’s Notice of Filing of October 17, 2002, the New York Independent System Operator, Inc. (“NYISO”) hereby moves to intervene in the above-captioned proceeding.

I. Copies of Correspondence

Communications regarding this proceeding should be addressed to:

Robert E. Fernandez, General Counsel and Secretary
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II. Motion To Intervene

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. This proceeding involves Sithe/Independence Power Partners, L.P. (“Sithe

¹ 18 C.F.R. § 385.212 and .214 (2002).

Independence”) a large and significant generator in the New York Control Area. Since Independence is proposing in its “Application for Blanket Authority for Market-Based Sales of Energy, Capacity and Ancillary Services” to change its status, and the nature of its participation in, the NYISO-administered market in a significant way. Consequently, the NYISO has a direct and substantial interest in this proceeding which cannot adequately be represented by any other party, and should be permitted to intervene herein.

III. Conclusion

The NYISO respectfully asks that the Commission grant its motion to intervene in this proceeding.

Respectfully submitted,

NEW YORK INDEPENDENT
SYSTEM OPERATOR, INC.

/s/ Gloria J. Halstead
Gloria Halstead
Counsel for
New York Independent System Operator, Inc.

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November 5, 2002

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each party designated on the official service list compiled by the Secretary in Docket No. ER03-42-000, in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.2010 (2002).

Dated at Washington, DC this 5th day of November, 2002.

/s/ Gloria J. Halstead
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