UNITEDSTATESOFAMERICA BEFORETHE FEDERALENERGYREGULATORYCOMMISSION

Sithe/IndependencePowerPartners,L.P. DocketNo.EG03 -3-000)

MOTIONTOINTERVENEOF NEWYORKINDEPENDENTSYSTEMOPERATOR, INC.

PursuanttoRules212and214oftheCommission 'sRulesofPracticeandProcedure,

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 -captionedproceeding.

I. CopiesofCorrespondence

Communicationsregardingthisproceedingshouldbeaddressedto:

RobertE.Fernandez,GeneralCounselandSecretary BelindaF.Thornton,DirectorofRegulatoryAffairs MollieLampi, AssistantGeneralCounsel ElizabethGr isaru,SeniorAttorney NewYorkIndependentSystemOperator,Inc. 3890CarmanRoad Schenectady,NY12303 (518)356 - 6153 Tel: (518)356 - 4702 Fax: rfernandez@nyiso.com bthornton@nyiso.com mlampi@nyiso.com egrisaru@nyiso.com

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II. MotionToIntervene

TheNYISOistheindependentbodyresponsibleforprovidingopen -accesstransmission

service, maintaining reliability, and administering competitive wholes a leelectricity markets in

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ArnoldH.Quint

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¹⁸C.F.R.§385.212and.214(2002).

NewYorkState.ThisproceedinginvolvesSithe/IndependencePowerPartners,L.P.("Sithe Independence")alargeandsignificantgeneratorinthe NewYorkControlArea.Sithe Independenceisproposinginits"ApplicationforCommissionDeterminationofExempt WholesaleGeneratorStatus"tochangeitsstatus,andthenatureofitsparticipationin,the NYISO-administeredmarketinasignificantway .Consequently,theNYISOhasadirectand substantialinterestinthisproceedingwhichcannotadequatelyberepresentedbyanyotherparty, andshouldbepermittedtointerveneherein.

III. <u>Conclusion</u>

TheNYISOrespectfullyasksthattheCommissiongra ntitsmotiontointerveneinthis proceeding.

Respectfullysubmitted,

NEWYORKINDEPENDENT SYSTEMOPERATOR,INC.

<u>/s/ GloriaJ.Halstead</u> GloriaHalstead Counselfor NewYorkIndependentSystemOperator,Inc.

ArnoldH.Quint,Es q. TedJ.Murphy,Esq. GloriaHalstead,Esq. Hunton&Williams 1900KStreet,NW Washington,DC20006 -1109

November5,2002

CERTIFICATEOFSERVICE

IherebycertifythatIhavethisdayservedtheforegoingdocumentuponeachparty

designated on the official service list compiled by the Secretary in Docket No. EG03 -3-000, in

accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Commission's Rules of Rules of Practice and Commission's Rules of

Procedure, 18C.F.R. §385.2010(2002).

DatedatWashington,DCthis5thdayofNovember, 2002.

/s/ GloriaJ.Halstead

GloriaJ.Halstead Hunton&Williams 1900KStreet,N.W. Washington,DC20006 -1109 (202)955 -1500