

New York State. This proceeding involves Sithe/Independence Power Partners, L.P. ("Sithe Independence") a large and significant generator in the New York Control Area. Sithe Independence is proposing in its "Application for Commission Determination of Exempt Wholesale Generator Status" 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. EG03 -3-000, 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.

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