

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:
Letter Order Pursuant to
§ 375.307
New York Independent System
Operator, Inc.
Docket No. ER09-1395-000

Issued: 7/30/09

New York Independent System Operator, Inc.
10 Krey Boulevard
Rensselaer, NY 12144

Attention: Gloria Kavanah, Senior Attorney

Reference: Tariff waiver

Dear Ms. Kavanah:

On July 1, 2009, the New York Independent System Operator, Inc. (NYISO) submitted revised tariff sheets to its Market Administration and Control Area Services Tariff and its Open Access Transmission Tariff. The revisions allowed NYISO to treat landfill gas resources as Intermittent Power Resources. The revisions were accepted by the Commission on May 27, 2009 (May Order) with an effective date of April 23, 2009.¹ However, NYISO subsequently determined that it was unable to treat landfill gas resources as Intermittent Power Resources in the May and June Installed Capacity (ICAP) auctions. NYISO states the reason for this is that by the date of the May Order, capacity certification had already closed for auctions for the months of May and June. Therefore, the NYISO seeks permission to use the date of the May Order as the effective date with respect to landfill gas resources' participation in ICAP auctions. NYISO's request is granted.

¹ *New York Independent System Operator, Inc.*, Docket No. ER09-1027-000 (May Order).

Public notice of the filing was published in the Federal Register with comments, protests, or interventions due on or before July 10, 2009. None were filed.

This acceptance for filing shall not be construed as constituting approval of the referenced filing or of any rate, charge, classification or any rule, regulation or practice affecting such rate or service contained in your filing; nor shall such acceptance be deemed as recognition of any claimed contractual right or obligation associated therewith; and such acceptance is without prejudice to any findings or orders which have been or any which may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against your company.

This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

Sincerely,

Larry D. Gasteiger, Director
Division of Tariffs and Market
Development – East