

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

In Reply Refer To:
New York Independent System
Operator, Inc.
Docket No. ER04-943-002
4/11/05

Robert E. Fernandez
New York Independent System Operator, Inc.
290 Washington Avenue Extension
Albany, NY 12203

Attention: New York Independent System Operator, Inc.

Reference: Compliance Filing Inserting Effective Date for Tariff Provisions

Dear Mr. Fernandez:

On June 21, 2004, New York Independent System Operator, Inc. (NYISO) and the New York Transmission Owners¹ proposed revisions to the NYISO Open Access Transmission Tariff to eliminate Transmission Service Charges imposed on Exports to the New England Control Area. The New England Power Pool (NEPOOL) submitted a reciprocal tariff revision filing on September 30, 2004, to eliminate the Transmission Service Charges imposed on Exports to the New York Control Area. In its June 21 filing, NYISO requested that its proposed tariff revisions become effective on the same date the Commission permitted the NEPOOL tariff revisions to become effective.

On November 3, 2004, the Commission issued an order (November 3 order) that among other things, accepted as filed both the NYISO and the NEPOOL tariff revisions for eliminating export charges.² In accordance with the effective date of December 1, 2004 approved for the NEPOOL provisions, NYISO

¹ Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., LIPA, New York Power Authority, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, National Grid Company, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation.

² Docket No. ER05-3-000, *et al*, 109 FERC ¶ 61,147

submits this compliance filing to insert an effective date of December 1, 2004 for its tariff provisions approved in the November 3 order.

Notice of the filing was published in the Federal Register with comments, protests, or interventions due on or before March 17, 2005. No comments, protests or interventions were filed.

Pursuant to the authority delegated to the Director, Division Tariffs and Rates - East, under 18 C.F.R. § 375.307, the Commission hereby accepts the revisions as filed, effective December 1, 2004.

This acceptance for filing shall not be construed as constituting approval of any service, rate, charge, classification, or any rule, regulation, contract, 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 action is without prejudice to any findings or orders which have been or 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,

Anna V. Cochrane, Director
Division of Tariffs and Market
Development- East