

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

In Reply Refer To:
New York Independent System
Operator, Inc.
Docket No. ER05-1291-000
9/30/05

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

Attention: New York Independent System Operator, Inc.

Reference: Revisions to Market Administration and Control Area Services Tariff

Ladies and Gentlemen:

On August 4, 2005, New York Independent System Operator, Inc. (NYISO) filed revisions to its Market Administration and Control Area Services Tariff to prospectively exempt Generators that are not providing Regulation Service from paying persistent undergeneration charges and to make overgeneration compensable, during Generator Start-Up and Shut-Down Periods. NYISO states that the proposed amendments will allow Generators to participate more efficiently in the NYISO markets during these periods. The amendments were unanimously approved by NYISO's Management Committee.

Notice of the filing was published in the Federal Register with comments, protests, or interventions due on or before August 25, 2005. The New York Transmission Owners¹ and Mirant² filed motions to intervene in this proceeding.

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

² Mirant Americas Energy Marketing, LP, Mirant New York, Inc., Mirant Bowline, LLC, Mirant Lovett, LLC, and Mirant NY-Gen, LLC.

AES Eastern Energy, L.P. filed a motion to intervene and comments in support. No adverse comments 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 October 3, 2005.

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