

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

Office of Markets, Tariffs and Rates

6/18/04

Docket No. EL04-56-001

New York Independent System Operator, Inc.
Attn: Mr. Gerald R. Deaver, Senior Attorney
290 Washington Avenue Extension
Albany, NY 12203

RE: Third Revised Sheet No. 404, Amending Attachment H to the NYISO's Open Access Transmission Tariff

Dear Mr. Deaver:

On April 26, 2004, you submitted for filing with the Commission, on behalf of the New York Independent System Operator, Inc. (NYISO), an amendment to Attachment H of the NYISO's Open Access Transmission Tariff. The revisions to Attachment H were to comply with the Commission's order in *New York Municipal Power Agency v. New York State Electric & Gas Corporation*, 106 FERC ¶ 61,301 (2004). Pursuant to authority delegated to the Director, OMTR/Tariffs and Market Development – East, under 18 C.F.R. 375.307 (2003), your submittal in the above referenced docket is accepted for filing as designated and effective March 1, 2004.

Under 18 C.F.R. 385.210, interventions are timely if made within the time prescribed by the Secretary. No adverse comments, protests, or interventions were received.

This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, contract, or practice affecting such rate or service provided for in the filed documents; nor shall such action be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; 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,

Alice M. Fernandez, Director
Division of Tariffs and Market
Development - East