

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

New York Independent System Operator, Inc.

Docket No. ER03-647-000

**MOTION OF
THE NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.
FOR LEAVE TO ACCEPT COMPLIANCE FILING ONE DAY OUT OF TIME**

Pursuant to Rule 212 of the Commission's Rules of Practice and Procedure,¹ the New York Independent System Operator, Inc. ("NYISO") hereby seeks leave of the Commission to accept one day out of time its electronically-submitted compliance filing pursuant to the Commission's May 20, 2003, Order ("May 20 Order") in the above-captioned proceeding.²

The Commission's September 22 Order, which approved proposed tariff amendments to implement Demand Curves in the NYISO Installed Capacity ("ICAP") markets, also directed the NYISO to make a compliance filing on December 1, 2003 and annually for two years thereafter that reports on the implementation of the ICAP Demand Curves and a compliance filing on that same date and continuing annually thereafter that evaluates any withholding behavior that may have occurred in the ICAP markets.

The NYISO's second annual compliance report on the implementation of the ICAP Demand Curves and the NYISO's evaluation of any withholding behavior in the ICAP markets was due on December 1, 2004. Due to technical difficulties in attempting to electronically submit this compliance report, the NYISO did not complete the submission until 5:58 p.m. on

¹ 18 C.F.R. §§ 385.212 (2003).

² *New York Independent System Operator, Inc.*, 103 FERC ¶ 61,201 (2003).

December 1, 2004. As a result, the electronic Notice of Acknowledgement received by the NYISO from the Commission's Office of the Secretary indicates a filing date of December 2, 2004. The NYISO, therefore, respectfully requests that electronically-submitted compliance filing described above be accepted one day out of time.

WHEREFORE, for the foregoing reasons, the New York Independent System Operator, Inc. respectfully requests that the Commission grant its request that the NYISO's electronically-submitted compliance filing in the above referenced docket be accepted one day out of time.

Respectfully submitted,

s/s Gerald R. Deaver

Counsel for
New York Independent System Operator, Inc.

Robert E. Fernandez, General Counsel and Secretary
Gerald R. Deaver, Senior Attorney
New York Independent System Operator, Inc.
3890 Carman Road
Schenectady, NY 12303

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in Docket Nos. ER03-647-000 in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 2010 (2003).

Dated at Schenectady, New York, this 2nd day of December 2004.

s/s Gerald R. Deaver

Gerald R. Deaver
Senior Attorney
New York Independent System Operator, Inc.
3890 Carman Road
Schenectady, NY 12303
(518) 356-7549

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