

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

**New York Independent System Operator, Inc.**

**Docket No. ER01-3001-000**

**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,<sup>1</sup> 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 October 25, 2001, Order ("Initial Order") in the above-captioned proceeding.<sup>2</sup>

The Commission's Initial Order, which extended the effectiveness of the NYISO's then-applicable Temporary Extraordinary Procedures Authority and a \$1,000 MWh bid cap on certain types of bids into the NYISO-administered energy markets, also directed the NYISO to submit biannual compliance filings beginning December 1, 2001, to report on the progress of demand response programs and the addition of new generation in New York.

The NYISO's next scheduled biannual compliance report on the progress of demand response programs and the addition of new generation in New York 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 5:56 p.m. on December 1, 2004. As a result, the electronic Notice of Acknowledgement received by the NYISO from the Commission's

---

<sup>1</sup> 18 C.F.R. §§ 385.212 (2003).

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

Office of the Secretary indicates a filing date of December 2, 2004. The NYISO, therefore, respectfully requests that the 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 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  
(518) 356-7549

**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 No. ER01-3001-000, 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

Submission Contents

Motion\_ER01-3001-000.pdf..... 1-3