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2005 APR 12 A 11:03

FEDERAL ENERGY  
REGULATORY COMMISSION

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ALSO ADMITTED IN DISTRICT OF COLUMBIA

April 11, 2005

VIA OVERNIGHT MAIL

Hon. Magalie R. Salas  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, DC 20426-0002

Re: Central Hudson Gas & Electric Corporation  
Docket Nos. ER-97-1523-065, ER97-1523-067, OA97-470-060,  
~~OA97-470-062, ER97-4234-058 and ER97-4234-066~~

Niagara Mohawk Power Corporation  
Docket No. OA96-194-010 012

Dear Secretary Salas:

Enclosed please find the original and fourteen copies of the Joint Compliance Filing of Niagara Mohawk Power Corporation, a National Grid Company, and the New York Independent System Operator, Inc., for filing with the Commission in the above-referenced proceedings.

Very truly yours,



George M. Pond  
Attorney for Niagara Mohawk Power  
Corporation, a National Grid Company

GMP:cam  
Enclosures

cc: All parties in Docket Nos. ER97-1523-065 and OA96-194-010 (w/enclosures)  
Robert Fernandez, Esq. (w/enclosures)

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FEDERAL ENERGY  
REGULATORY COMMISSION

BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

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**Central Hudson Gas & Electric**  
**Corporation** )  
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Docket Nos. ER97-1523-065 084  
~~ER97-1523-067~~  
OA97-470-060 076  
~~OA97-470-062~~  
ER97-4234-058 074  
~~ER97-4234-060~~

**Niagara Mohawk Power Corporation** )

Docket No. OA96-194-010-012

JOINT COMPLIANCE FILING

Niagara Mohawk Power Corporation, a National Grid Company, ("Niagara Mohawk") and the New York Independent System Operator, Inc. ("NYISO") jointly submit this Compliance Filing pursuant to the Commission's Order Approving Uncontested Settlement Agreement issued on March 25, 2005 in the above-referenced proceedings ("the Order").<sup>1</sup>

1. In the Order, the Commission accepted a settlement between Niagara Mohawk and Multiple Intervenors ("MI") and approved the revisions to Sheet No. 404 of NYISO's Open Access Transmission Tariff ("OATT") proposed by that settlement. The Order directed Niagara Mohawk to submit a compliance filing within 20 days to revise Sheet No. 404 of NYISO's OATT.

2. Niagara Mohawk and NYISO hereby jointly submit the compliance filing required by the Order, amending NYISO's OATT by substituting the attached Fifth Revised Sheet No. 404 of that tariff for the Fourth Revised Sheet No. 404 now in effect. As provided in the Settlement, Fifth Revised Sheet No. 404 is retroactive to December 22, 2004.

<sup>1</sup> Central Hudson Gas & Electric Corp., 110 FERC ¶ 61,356 (2005).

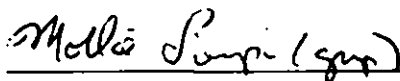
3. Also included for the Commission's convenience is a copy of the red-lined version of this tariff sheet, which includes the changes proposed in the Settlement approved in the March 25, 2005 Order and shown on the red lined version of that tariff leaf submitted to the Commission as part of that Settlement as well as the further changes made in this compliance filing.

4. In addition to the substantive changes shown on this red-lined version, Niagara Mohawk has renumbered the footnotes on this tariff sheet consecutively. Due to the limitations of the software available to Niagara Mohawk, we are unable to produce a red-lined draft in which the footnotes are numbered in the manner found in Fourth Revised Sheet No. 404 of the NYISO OATT.

**CONCLUSION**

WHEREFORE, Niagara Mohawk Power Corporation and the New York Independent System Operator, Inc. respectfully request that the Commission accept this compliance filing.

Respectfully submitted,



Robert E. Fernandez,  
General Counsel and Secretary  
Mollie Lampi,  
Assistant General Counsel  
New York Independent System  
Operator, Inc.  
290 Washington Ave. Ext.  
Albany, New York 12203  
Tel: (518) 356 7530  
Fax: (518) 356 8825

Attorneys for the New York Independent  
System Operator, Inc.

Dated: April 12, 2005



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Attorney for Niagara Mohawk Power  
Corporation, a National Grid Company

**FIFTH REVISED SHEET NO. 404**  
**SUPERCEDING FOURTH REVISED SHEET NO. 404**  
**OF THE**  
**OPEN ACCESS TRANSMISSION TARIFF OF THE**  
**NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.**

New York Independent System Operator, Inc.  
 FERC Electric Tariff  
 Original Volume No. 1  
 Attachment H

Fifth Revised Sheet No. 404  
 Superseding Fourth Revised Sheet No. 404

TABLE 1 – WHOLESALE TSC CALCULATION INFORMATION

Transmission Owner	Revenue Requirement (RR)	Scheduling System Control and Dispatch Costs (CCC)	Annual Billing Units (BU) MWh	Rate \$/MWh <sup>1</sup>
Central Hudson Gas & Electric Corp.	\$16,375,919	\$1,309,980	4,723,659	\$3.7441
Consolidated Edison Co. of NY, Inc.	\$385,900,000	\$21,000,000	49,984,628	\$8.1405
LIPA	\$102,550,615	\$2,927,432	19,878,032	\$5.3063
New York Electric & Gas Corporation <sup>2</sup>	\$94,143,899	\$1,633,000	14,817,111	\$6.4639
Niagara Mohawk Power Corporation (Filed OA96-194-000) <sup>3</sup>	\$153,619,348	\$4,539,625	34,448,060	\$4.59
Niagara Mohawk Power Corporation (Filed OA96-194-000) <sup>4</sup>	\$145,294,074	\$4,539,625	34,448,060	\$4.22
Orange and Rockland Utilities, Inc.	\$21,034,831	\$942,579	3,595,947	\$6.1117
Rochester Gas and Electric Corporation	\$25,795,509	\$583,577	6,967,556	\$3.7860

<sup>1</sup> The rate column represents the unit rate prior to crediting; the actual rate will be determined pursuant to the applicable TSC formula rate.

<sup>2</sup> NYSEG's RR, BU and unit Rate prior to adjustment pursuant to Attachment H, are subject to retroactive modification pursuant to the provisions of the Settlement Agreement approved by the Commission in its March 26, 2004 order issued in Docket No. EL04-56-000. For any Transmission Customer that "opts out" of the Settlement Agreement as described in paragraph 1.E thereof, the applicable NYSEG "RR" shall be \$100,541,739; the "BU" shall be 13,741,901 MWh; and, the "Rate" prior to adjustment pursuant to Attachment H, shall be \$7.4235 effective as of March 1, 2004.

<sup>3</sup> In Niagara Mohawk Power Corp., 91 FERC ¶ 61,274 (2000), the Commission approved the revenue requirement that forms the basis of these "settlement" rates. Niagara Mohawk's "Settlement" TSC applies to wholesale transmission service to all customers except Sithe/Independence Power Partners, L.P.

<sup>4</sup> Niagara Mohawk's "Filed" TSC applies only to wholesale transmission service provided to Sithe/Independence Power Partners, L.P.

Issued by: Mark S. Lynch  
 Issued on: April 12, 2005

Effective: December 22, 2004

Filed in compliance with the Commission's Order dated March 25, 2005 in Central Hudson Gas & Electric Corp., 110 FERC ¶ 61,356 (2005).

**RED-LINED DRAFT SHOWING SUBSTANTIVE CHANGES FROM**  
**FOURTH REVISED SHEET NO. 404**  
**TO**  
**FIFTH REVISED SHEET NO. 404**  
**OF THE**  
**OPEN ACCESS TRANSMISSION TARIFF**  
**OF THE**  
**NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.**

New York Independent System Operator, Inc.  
 FERC Electric Tariff  
 Original Volume No. 1  
 Attachment H

Fourth-Fifth Revised Sheet No. 404  
 Superseding Third-Fourth Revised Sheet No. 404

TABLE 1 – WHOLESALE TSC CALCULATION INFORMATION

Transmission Owner	Revenue Requirement (RR)	Scheduling System Control and Dispatch Costs (CCC)	Annual Billing Units (BU) MWh	Rate \$/MWh <sup>1</sup>
Central Hudson Gas & Electric Corp.	\$16,375,919	\$1,309,980	4,723,659	\$3.7441
Consolidated Edison Co. of NY, Inc.	\$385,900,000	\$21,000,000	49,984,628	\$8.1405
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<sup>1</sup> The rate column represents the unit rate prior to crediting; the actual rate will be determined pursuant to the applicable TSC formula rate.

<sup>2</sup> NYSEG's RR, BU and unit Rate prior to adjustment pursuant to Attachment H, are subject to retroactive modification pursuant to the provisions of the Settlement Agreement approved by the Commission in its March 26, 2004 order issued in Docket No. EL04-56-000. For any Transmission Customer that "opts out" of the Settlement Agreement as described in paragraph 1.E thereof, the applicable NYSEG "RR" shall be \$100,541,739; the "BU" shall be 13,741,901 MWh; and, the "Rate" prior to adjustment pursuant to Attachment H, shall be \$7.4235 effective as of March 1, 2004.

<sup>3</sup> In Niagara Mohawk Power Corp., 91 FERC ¶ 61,274 (2000), the Commission approved the revenue requirement that forms the basis of these "settlement" rates. Niagara Mohawk's "Settlement" TSC applies to wholesale transmission service to all customers except Sithe/Independence Power Partners, L.P. all customers not identified as contesting parties in that order.

<sup>4</sup> Niagara Mohawk's "Filed" TSC applies only to wholesale transmission service provided to the contesting parties identified in the Commission's order in Niagara Mohawk Power Corp., 91 FERC ¶ 61,274 (2000). Pursuant to section (H)(5)(F)(A) of the Commission-approved Settlement Agreement in that docket, Niagara Mohawk will make a separate compliance filing to conform its "filed" TSC with the Commission's order issued on August 17, 2000 in Docket No. OA96-194-000 and will make refunds as appropriate Sithe/Independence Power Partners, L.P.

Issued by: William J. Museler/Mark S. Lynch, President Effective: August + December 22, 2004  
 Issued on: June 25, 2004/April 12, 2005  
 Filed in compliance with the Commission's Order dated March 25, 2005 in Central Hudson Gas & Electric Corp., 110 FERC ¶ 61,356 (2005).

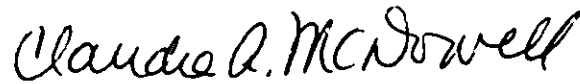
**CERTIFICATE OF SERVICE**



**CERTIFICATE OF SERVICE**

I hereby certify that I have caused copies of the foregoing Joint Compliance Filing to be served via first class mail upon each person designated on the official service lists established in Commission's Docket Nos. ER97-1523-065, ER97-1523-067, OA96-470-060, OA96-470-062, ER97-4234-058, ER97-4234-060 and OA96-194-010.

Dated at Albany, New York this 12th day of April, 2005.



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Claudia A. McDowell