

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

New York Independent System Operator, Inc.)

**Docket Nos. ER01-3001-____
ER03-647-____**

**REQUEST FOR EXTENSION OF TIME OF THE
NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.**

Pursuant to Rule 2008 of the Commission's Rules of Practice and Procedure,¹ the New York Independent System Operator, Inc. ("NYISO") respectfully submits this request for an extension of time to submit its annual Installed Capacity ("ICAP") Demand Curve report ("ICAP Demand Curve Report"), which is comprised of I. Capacity Market Report and Withholding Analysis; II. Report on New Generation Projects; and III. New Generation Projects and Net Revenue Analysis.² For the reasons set forth below, the NYISO requests an additional two months, *i.e.*, from December 20, 2012 until February 15, 2013, to file the report. Granting the requested extension will not harm any party and will allow the NYISO additional time it needs to focus on the data gathering and analyses for these report, now that it has completed the analyses related to In-City buyer side mitigation retests required to comply with the Commission's directives and that have necessitated higher priority.

¹ 18 C.F.R. § 385.2008 (2012).

² This request does not affect the NYISO's annual Demand Response report, which is due on January 15, 2013. *See New York Independent System Operator, Inc.*, 117 FERC ¶61,086 at P 17 (2006).

I. COMMUNICATIONS

Communications regarding this proceeding should be addressed to:

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II. BACKGROUND

The NYISO files annual reports on the implementation of, and any withholding behavior under, the ICAP Demand Curves.⁴ The annual Demand Curve report reviews the outcomes in the NYISO-administered capacity markets, assesses the effectiveness of the ICAP Demand Curves in attracting investment in new generation, and examines the issue of potential withholding activity in NYISO-administered capacity auctions in all regions of New York State. The NYISO is also required to report semi-annually on investments in new generation projects in New York.⁵ On March 25, 2010 the Commission directed the NYISO to file the reports for

³ The NYISO respectfully requests waiver of 18 C.F.R. § 385.203(b)(3) (2011) to permit service on counsel for the NYISO in both Washington, DC and Houston, TX.

⁴ *New York Independent System Operator, Inc.*, 103 FERC ¶ 61,201 at P 17 (2003); *see also*, *New York Independent System Operator, Inc.*, 123 FERC ¶ 61,206 at P 2 (2008).

⁵ *New York Independent System Operator, Inc.*, 117 FERC ¶61,086 at P 14 (2006).

informational purposes only and accepted a NYISO request that the annual ICAP Demand Curve report and winter new generation investment reports be due December 20 of each year.⁶

On June 22, 2012⁷ and September 10, 2012,⁸ the Commission issued orders addressing the NYISO's implementation of buyer-side mitigation rules. Those orders require the NYISO to reexamine certain buyer-side mitigation determinations. The Commission also directed the NYISO to issue a required redetermination to comply with the June 22 Order by November 13, 2012.⁹

III. REQUEST FOR EXTENSION OF TIME

The NYISO respectfully requests an extension of time from December 20, 2012 until February 15, 2013 to submit the required annual ICAP Demand Curve Report. The two-month extension is necessary because the NYISO staff responsible for all ICAP matters, including the ICAP Demand Curves and market mitigation, have been focused on completing the calculations and analyses necessary to finalize the buyer-side mitigation retests referenced above. In order to meet the December 20 deadline the NYISO would have had to divert key resources from the retest analyses. The NYISO believes that the retests required priority given the importance that the Commission, the NYISO, and the NYISO's stakeholders place on their timely completion. Granting this request will not harm any party.

⁶ *New York Independent System Operator, Inc.*, 130 FERC ¶61,237 at P 4 (2010).

⁷ *Astoria Generator Co., L.P. v. New York Independent System Operator, Inc.*, 139 FERC ¶ 61,244 (2012) ("June 22 Order").

⁸ *Astoria Generating Company, L.P., et al. v. New York Independent System Operator, Inc.*, 140 FERC ¶ 61,189 (2012) ("September 10 Order").

⁹ See *New York Independent System Operator, Inc.*, Letter Order, Docket No. EL12-98-000 (issued September 14, 2012); *New York Independent System Operator, Inc.*, Letter Order, Docket No. EL11-42-000 (issued September 25, 2012).

IV. CONCLUSION

For the reasons set forth herein, the NYISO submits that good cause exists for the Commission to grant an extension of time until February 15, 2013, for the NYISO to file the annual ICAP Demand Curve Report.

Respectfully submitted,

/s/ Gloria Kavanah

Gloria Kavanah

Senior Attorney

New York Independent System Operator, Inc.

November 9, 2012

cc: Travis Allen
Michael A. Bardee
Gregory Berson
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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 this proceeding in accordance with the requirements of Rule 2010 of the Rules of Practice and Procedure, 18 C.F.R. §385.2010.

Dated at Rensselaer, NY this 9th day of November, 2012.

/s/ Joy A. Zimmerlin

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