

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

<b>New York Independent System Operator, Inc.</b>	)	<b>Docket Nos. ER09-1682-000</b>
	)	<b>ER09-1682-004</b>
	)	<b>ER09-1682-005</b>

**MOTION FOR EXTENSION OF TIME AND FOR SHORTENED NOTICE AND  
COMMENT PERIOD AND FOR EXPEDITED ACTION OF THE NEW YORK  
INDEPENDENT SYSTEM OPERATOR, INC.**

Pursuant to Rules 212 and 2008 of the Commission’s Rules of Practice and Procedure,<sup>1</sup> the New York Independent System Operator, Inc. (“NYISO”) respectfully submits this motion for a brief extension of time to submit the compliance tariff revisions required by the Commission’s May 20, 2010 order in the above captioned proceedings (“May 20 Order”).<sup>2</sup> For the reasons set forth below, the NYISO seeks permission to make its compliance filing no later than August 6, 2010, instead of June 21, 2010. The NYISO also respectfully requests that the Commission shorten the notice and comment period to the maximum extent possible, and expeditiously issue an order, so that the NYISO may plan its compliance efforts accordingly.

**I. Background**

The May 20 Order accepted the NYISO’s September 4, 2009 filing in Docket No. ER09-1682-000, with certain modifications and clarifications, and also addressed various protests, comments and responses filed by the parties to this proceeding. Ordering paragraph “B” of the May 20 Order requires the NYISO to submit a compliance filing to incorporate its three page long Rate Schedule M-1 (modified to reflect the Commission’s required changes) into the

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<sup>1</sup> 18 C.F.R. §§ 385.212 and 385.2008 (2009).

<sup>2</sup> *New York Independent System Operator, Inc.*, 131 FERC ¶ 61,169 (2010) (“May 20 Order”).

Market Mitigation Measures that are set forth in Attachment H to the NYISO's Market Services Tariff.

## **II. Motion for Extension of Time**

Consistent with the Commission's recent order in Docket Nos. EL07-39 and ER08-695<sup>3</sup> the NYISO respectfully requests an extension from June 21, 2010 until August 6, 2010 to submit the tariff revisions that are required by the May 20 Order. During June, the NYISO will be in the final stage of creating and submitting its "baseline" electronic tariff ("e-tariff") filings, pursuant to Order No. 714,<sup>4</sup> for both its Open Access Transmission Tariff and Services Tariff (including Attachment H). The NYISO has informed the Commission by letter to the Secretary that it now plans to submit the baseline e-tariffs on or about June 30, 2010.<sup>5</sup> The preparation of the baseline e-tariff is a major undertaking that could be disrupted if the NYISO were to submit new tariff revisions on the eve of the baseline filing.

The Commission has already determined that it is appropriate to permit the NYISO's Rate Schedule M-1 to become effective on September 8, 2009, and the NYISO will continue to apply its requirements to (only) the Saranac, Sterling and Batavia Generators. Granting the brief filing extension that the NYISO seeks will help it to complete its baseline e-tariff filings by June 30, 2010, taking care to avoid unintended consequences and inconsistencies. Given the Commission's directive that its required compliance modifications became effective as of September 8, 2009, there will be no harm in granting the requested extension.

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<sup>3</sup> *Notice of Extension of Time*, Docket Nos. EL07-39-004, EL07-39-005, ER08-695-002 and ER08-695-003 (June 3, 2010).

<sup>4</sup> *Electronic Tariff Filings*, Order No. 714, 124 FERC ¶ 61,270 (2008).

<sup>5</sup> Docket No. RM01-5-000, Notice of Change in ETariff Baseline Filing Date of the New York Independent System Operator, Inc. at p. 1 (May 27, 2010).

### **III. Motion for Shortened Notice and Comment Period and for Expedited Commission Action**

The NYISO respectfully requests the Commission shorten the comment period and act expeditiously to the extent necessary to allow the Commission to issue an order on this Motion by June 18, 2010. Expedited action will provide the NYISO certainty regarding the deadline for compliance with the Commission's requirements and allow it to schedule the necessary work in an orderly and productive manner. This extension request will be posted on the NYISO's website and a notice of that posting will be sent to the NYISO's Market Participants.

### **IV. Conclusion**

For the reasons set forth herein, the NYISO submits that good cause exists for the Commission to: (i) grant a brief extension of time, *i.e.*, until August 6, 2010, for the NYISO to file the compliance tariff revisions and report directed by the May 20 Order; and (ii) shorten the notice and comment period and issue an order granting the motion as expeditiously as possible.

Respectfully submitted,

/s/ Alex M. Schnell

Alex M. Schnell  
New York Independent System Operator, Inc.

**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.

Dated at Rensselaer, New York this 10<sup>th</sup> day of June, 2010.

/s/ Alex M. Schnell

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