

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

New York Independent System
Operator and Niagara Mohawk
Power Corporation
Docket No. ER12-598-000

Issued: 2/10/12

Alston & Bird LLP
The Atlantic Building
950 F Street, NW
Washington DC 20004

Attention: Sean Atkins
Attorney for Niagara Mohawk Power Corporation

Reference: Cost Reimbursement Agreement with Athens Generating Company, LLC

Dear Mr. Atkins:

On December 13, 2011, you filed, on behalf of Niagara Mohawk Power Corporation (Niagara Mohawk), an executed Cost Reimbursement Agreement (Reimbursement Agreement) between Niagara Mohawk and Athens Generating Company, LLC (Athens). You state that the purpose of the filing is to reimburse Niagara Mohawk for engineering, procurement, and construction services set forth in Schedule A of the Reimbursement Agreement.¹

Pursuant to authority delegated to the Director, Division of Electric Power Regulation - East, under 18 C.F.R. § 375.307, your submittal filed in the above referenced docket is accepted for filing effective November 18, 2011, as requested.

The filing was noticed on December 14, 2011, with comments, interventions and protests due on or before January 3, 2012. Pursuant to Rule 214 (18 C.F.R. § 385.214

¹ Designated under the New York Independent System Operator, Inc./NYISO Agreements, NYISO Agreements, Niagara Mohawk & Athens Generating Company Cost Reimbursement Agreement 1823, Service Agreement 1823, Niagara Mohawk & New Athens Generating Cost Reimbursement Agreement 1823, 0.0.0

(2011)), to the extent that any timely filed motions to intervene and any motion to intervene out-of-time were filed before the issuance date of this order, such interventions are granted. Granting late interventions at this stage of the proceeding will not disrupt the proceeding or place additional burdens on existing parties.

This acceptance for filing shall not be construed as constituting approval of the referenced filing or of any rate, charge, classification or any rule, regulation, or practice affecting such rate or service contained in your filing; nor shall such acceptance be deemed as recognition of any claimed contractual right or obligation associated therewith; and such acceptance is without prejudice to any findings or orders which have been or any which may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the NYISO and Niagara Mohawk.

This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

Sincerely,

Jignasa Gadani, Director
Division of Electric Power
Regulation – East