

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

New York Independent System Operator, Inc.
New York Power Authority

Docket No. ER23-491-000

ORDER OF CHIEF JUDGE DESIGNATING SETTLEMENT JUDGE

(Issued February 2, 2023)

1. On January 23, 2023, the Commission directed the Chief Administrative Law Judge (Chief Judge) to appoint a Settlement Judge to assist the parties in arriving at a settlement of the issues in this proceeding.¹ Accordingly, pursuant to Rules 603(d) and 603(f),² Judge Suzanne Krolikowski is hereby designated as the Settlement Judge.
2. Pursuant to the Commission Order, the Settlement Judge shall file a report with the Commission and the Chief Judge on the status of settlement discussions within 60 days of today's Order.³ The Commission Order directs the Chief Judge to provide the parties with additional time to continue their settlement discussions or assign the case to a Presiding Judge for trial-type evidentiary hearing, based on the first Settlement Judge report.⁴ Pursuant to this directive, settlement proceedings are hereby deemed continued by this Order, without further action.⁵ After the first report, the Settlement Judge shall

¹ *N.Y. Indep. Sys. Operator, Inc.*, 182 FERC ¶ 61,028, at ordering para. (C) (2023) (Commission Order).

² 18 C.F.R. §§ 385.603(d), (f) (2021).

³ Commission Order, 182 FERC ¶ 61,028 at ordering para. (D).

⁴ *Id.*

⁵ Customarily, the first report recommends continuation of settlement proceedings. Accordingly, it is presumed that the first Settlement Judge report will recommend continuation of settlement proceedings and the participants are hereby given time to continue settlement discussions without further action in compliance with the Commission's directive. However, upon new information and consultation with the Settlement Judge, this finding may be revoked or modified. *See* 18 C.F.R. § 385.603(h).

file a report at least every 60 days, informing the Commission and the Chief Judge of the parties' progress toward settlement.⁶ Upon the Settlement Judge's recommendation to terminate settlement proceedings, appropriate action will be taken at that time.

SO ORDERED.

Andrew Satten
Acting Chief Administrative Law Judge

⁶ Commission Order, 182 FERC ¶ 61,028 at ordering para. (D); 18 C.F.R. § 385.603(g)(2)(iii).