

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:
New York Independent System
Operator, Inc.
Docket No. ER10-3043-003

Issued: 3/17/11

Hunton & Williams LLP
1900 K Street, NW
Washington, D.C. 20006-1109

Attention: Ted J. Murphy
Counsel to the New York Independent System Operator, Inc.

Reference: Compliance Filing Addressing Buyer Side Mitigation and Directing Re-
Filing of Attachment H Tariff Provisions

Dear Mr. Murphy:

Pursuant to the authority delegated to the Director, Division of Electric Power Regulation – East, under 18 C.F.R. § 375.307, the tariff revisions filed in the above referenced docket are conditionally accepted, effective November 27, 2010, as requested, provided that the New York Independent System Operator (NYISO) submits, in its entirety, section 23 of Attachment H, as discussed below.

On January 25, 2011, NYISO filed revisions to Attachment H to the Market Administration and Control Area Services Tariff (Services Tariff)¹ to address the remaining compliance directives from the Commission's November 26, 2010 Order.² The November 26, 2010 Order addressed buyer side mitigation provisions for the

¹ New York Independent System Operator, Inc.'s NYISO Tariffs, FERC FPA Electric Tariff, *NYISO MST, 23.4 MST Att H Mitigation Measures, 3.0.0*. This tariff record is part of NYISO MST, Market Administration and Control Area Services Tariff (MST).

² *New York Independent System Operator, Inc.*, 133 FERC ¶ 61,178 (2010).

installed capacity market in New York City. Your proposed tariff revisions comply with the Commission's directives. However, the existing tariff records for all of section 23 of Attachment H of NYISO's Services Tariff, including section 23.4, do not appear as part of NYISO's eTariff on file with the Commission. Therefore, we direct NYISO to refile, within 30 days of the date of this order, its entire *NYISO MST, 23 MST Attachment H - ISO Market Power Mitigation Measures* as new set of tariff records, and cancel tariff record 262, effective as of the date of this order.

Notice of the filing was issued on January 26, 2011, with comments, protests, or interventions due on or before February 15, 2011. No interventions, comments or protests were filed. Notices of intervention and unopposed timely filed motions to intervene are granted pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.214). Any opposed or untimely filed motion to intervene is governed by the provisions of Rule 214.

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

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

cc: All Parties