

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:  
New York Independent System  
Operator, Inc.  
Docket Nos. ER11-2048-003 and  
ER11-2048-004

Issued: 6/6/11

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 to Revise Attachment C

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 revisions New York Independent System Operator, Inc. (NYISO) submitted to its Open Access Transmission Tariff (OATT), are accepted, effective May 31, 2011, as requested.

On May 12, 2011, as amended on May 23, 2011, NYISO filed revisions to Attachment C to the OATT<sup>1</sup> in compliance with the Commission's March 31, 2011 Order.<sup>2</sup> The March 31, 2011 Order dealt with NYISO's proposed tariff revisions to change the method by which NYISO calculates Available Transmission Capacity (ATC) in compliance with Order Nos. 729<sup>3</sup> and 890.<sup>4</sup> The Commission, in the March 31, 2011

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<sup>1</sup> New York Independent System Operator, Inc's NYISO Tariffs, FERC FPA Electric Tariff, *NYISO OATT, 9 Attachment C- Methodology To Assess Available Transfer Capability, 3.0.0.*

<sup>2</sup> *New York Independent System Operator, Inc.*, 134 FERC ¶61,255 (2011) (March 31, 2011 Order).

order, directed that NYISO either revise sections 9.1 and 9.2 of its Attachment C to comply with MOD-001-1a Requirements R2 and R8, or explain how NYISO's tariff currently reflects its actual mode of operation in a way that is consistent with or superior to the transmission provider's *pro forma* OATT, as required by Order No. 890. The Commission also directed NYISO to include in its compliance filing a clarification of how NYISO's ATC values are calculated in coordination with other transmission providers.

Notice of the May 12, 2011 filing was issued on May 13, 2011, with comments, protests, or interventions due on or before May 20, 2011. Notice of the May 23, 2011 amendment was issued on May 23, 2011, with comments, protests, or interventions due on or before May 31, 2011. None were filed.

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.

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<sup>3</sup> Mandatory Reliability Standards for the Calculation of Available Transfer Capability, Capacity Benefit Margins, Transmission Reliability Margins, Total Transfer Capability, and Existing Transmission Commitments and Mandatory Reliability Standards for the Bulk-Power System, Order No. 729, 129 FERC ¶ 61,155 (2009), order on reh'g, Order No. 729-A, 131 FERC ¶ 61,109, *order on reh'g and reconsideration*, Order No. 729-B, 132 FERC ¶ 61,027 (2010).

<sup>4</sup> *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, FERC Stats. & Regs. ¶ 31,241 at P 135, *order on reh'g*, Order No. 890-A, FERC Stats. & Regs. ¶ 31,261 (2007), *order on reh'g*, Order No. 890-B, 123 FERC ¶ 61,299 (2008), *order on reh'g*, Order No. 890-C, 126 FERC ¶ 61,228 (2009), *order on clarification*, Order No. 890-D, 129 FERC ¶ 61,126 (2009).

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