

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

TC Ravenswood, LLC)	
)	
v.)	Docket No. EL10-70-000
)	
New York Independent System Operator, Inc.)	
)	

**MOTION TO MODIFY THE DEADLINE FOR ANSWERS AND COMMENTS
OR IN THE ALTERNATIVE REQUEST FOR EXTENSION OF TIME AND
REQUEST 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,¹ the New York Independent System Operator, Inc. (“NYISO”) respectfully submits this motion to modify the deadline for answers and comments to the TC Ravenswood, LLC (“Ravenswood”) complaint filed on May 27, 2010. The NYISO seeks a June 28, 2010 deadline for answers and comments, instead of the June 16, 2010 deadline provided by the Commission’s recent notice.² There is good cause to grant this motion, because doing so will have the effect of conforming the deadline for answers and comments in this proceeding to the period specified in the Commission’s regulations.

In the alternative, if the Commission finds that the standard thirty day deadline is not applicable, the NYISO respectfully requests that the Commission exercise its discretion and extend the deadline to June 28, 2010, for the reasons specified below. In addition, the NYISO

¹ 18 C.F.R. §§ 385.212 and 385.2008 (2009).

² The NYISO requesting the Commission grant it thirty days instead of the twenty days provided in the May 28, 2010 notice. Because June 26, 2010 is a Saturday, the NYISO is requesting a June 28, 2010 deadline.

respectfully requests that the Commission act expeditiously, so that the NYISO and other interested parties will know, as soon as reasonably possible, how much time they will have to prepare their answers and comments.

In support of its request the NYISO states as follows:

I. COMMUNICATIONS

Copies of correspondence concerning this filing should be served on:

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II. MOTION FOR ADDITIONAL TIME

Because Ravenswood requested confidential treatment for information submitted with its complaint, the NYISO submits that the Commission should have provided a thirty day period for the filing of answers and comments. Pursuant to Rule 206(f) “[i]n cases where the complainant requests privileged treatment for information in its complaint, answers, interventions, and comments are due within 30 days after the complaint is filed.”³ Therefore, the Commission should grant this motion and provide a thirty day answer and comment period.

In the alternative, if the Commission finds that the standard thirty day deadline is not applicable in these circumstances, then the NYISO requests that the Commission exercise its discretion and grant an extension of time for the following reasons. First, Ravenswood’s complaint contains confidential information that the NYISO has not yet received, due to the need

³ 18 C.F.R. §385.206(f).

to review and analyze the various deviations in Ravenswood's Protective Order from the Model Protective Order. Additionally, Ravenswood's complaint is voluminous encompassing more than 168 pages, containing allegations, numerous citations to Commission precedent, multiple sets of testimony and supporting exhibits, some of which have been redacted to protect confidential information.⁴ The complaint makes claims regarding the NYISO's implementation of section 4.1.7a of its Market Administration and Control Area Services Tariff ("Services Tariff") that are certain to be controversial and which the NYISO, and presumably other parties, dispute. Specifically, the complaint alleges that Ravenswood was not fully compensated for "variable costs" incurred during the Summer of 2009. The NYISO has had extensive discussions with Ravenswood regarding these questions and there is a great deal of information that the NYISO must consider in preparing its answer.

Further, though not mentioned in Ravenswood's complaint, on May 27, 2010, in Docket No. ER10-1359, Ravenswood filed under Section 205 of the Federal Power Act a *Minimum Oil Burn Service Cost of Service Recovery Rate Schedule*.⁵ According to Ravenswood's filing, this proposed rate schedule would allow it to recover out-of-pocket "variable expenses" incurred due to Ravenswood's supplying of "Minimum Oil Burn Service."⁶ An issue needing further review is whether Ravenswood's section 205 filing seeks to prospectively recover costs similar to those it is seeking to recover through its complaint. Therefore, the extension of time in this proceeding is also necessary to allow the NYISO to review the section 205 filing, as it is clear that, a

⁴ It should also be noted that due to the timing of Ravenswood's complaint, which was filed just before a holiday weekend, the NYISO did not have an opportunity to begin its review of the complaint until several days after it was filed.

⁵ *Application of TC Ravenswood, LLC to implement a Minimum Oil Burn Service Cost of Service Recovery Rate Schedule* at Appendix B, Docket No. ER10-1359 (filed May 27, 2010).

⁶ *Id.* at Filing Letter at 1.

minimum, the answer to the complaint needs to account for and must be coordinated with the response to the section 205 filing.⁷

Additionally, Ravenswood's counsel has authorized the NYISO to represent that it does not oppose this motion. Therefore, the NYISO submits that granting an extension of time will not adversely affect any party, including Ravenswood.

III. REQUEST FOR EXPEDITED ACTION

The NYISO respectfully requests the Commission act expeditiously and issue an order on this motion as soon as possible to provide the NYISO, and other interested parties, certainty regarding the deadlines for submitting answers and comments. Since the NYISO is only requesting a deadline that is consistent with the amount of time to answer and comment contemplated by the Commission's regulations, the NYISO submits that expedited action will not adversely affect any party.

IV. CONCLUSION

WHEREFORE, for the foregoing reasons, the New York Independent System Operator, Inc. respectfully requests that the Commission grant its request for an extension of time until June 28, 2010, to submit answers and comments in the above-captioned proceeding.

Respectfully submitted,

/s/ Ted J. Murphy
Ted J. Murphy
Counsel for
New York Independent System Operator, Inc.

⁷ The NYISO also intends to submit a separate motion requesting an extension of time in Docket No. ER10-1359.

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 Washington, D.C. this 3rd day of June, 2010

/s/Vanessa A. Colón _____
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