

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

<b>Astoria Generating Company, L.P., NRG</b>	)	
<b>Power Marketing LLC, Arthur Kill Power</b>	)	
<b>LLC, Astoria Gas Turbine Power LLC,</b>	)	
<b>Dunkirk Power LLC, Huntley Power LLC,</b>	)	
<b>Oswego Harbor Power LLC and TC</b>	)	
<b>Ravenswood, LLC</b>	)	
	)	
<b>Complainants,</b>	)	<b>Docket No. EL11-42-000</b>
	)	
<b>vs.</b>	)	
	)	
<b>New York Independent System Operator,</b>	)	
<b>Inc.</b>	)	
	)	
<b>Respondent.</b>	)	

**REQUEST TO ACCEPT ANSWER TO COMMENTS OUT OF TIME OF  
THE NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.**

The New York Independent System Operator, Inc. (“NYISO”) submits this request for waiver of Rule 213(d)<sup>1</sup> of the Commission’s Rules of Practice and Procedure to the extent necessary to allow the NYISO to file portions of its *Answer of the New York Independent System Operator, Inc. To Comments* (“Answer to Comments”)<sup>2</sup> one day out of time. On July 21, 2011, the NYISO filed the Answer to Comments and served it on all parties on the service list for this proceeding. However, the FERC Confirmation of Receipt indicated that the Answer to

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<sup>1</sup> 18 C.F.R. § 213(d) (2011).

<sup>2</sup> The Answer responded to the following: (i) *Comments of Hudson Transmission Partners, LLC* (filed July 7, 2011) (“HTP Comments”); (ii) *Motion to Intervene and Comments in Support of Independent Power Producers of New York, Inc.* (filed July 6, 2011) (“IPPNY Comments”); (iii) *Motion to Intervene and Comments in Support of the Electric Power Supply Association* (filed July 6, 2011) (“EPSA Comments”); and (iv) the *Motion for Leave to Intervene Out-of-Time and Comments in Support of Energy Curtailment Specialists, Inc.* (filed July 13, 2011) (“ESC Comments”).

Comments was received two seconds after 5 PM, resulting in it being assigned an official filing date of July 22, 2011. The Answer to Comments was thus timely filed with respect to the HTP Comments and the ECS Comments,<sup>3</sup> but was officially filed one-day after the expiration of the customary fifteen day period for filing answers with respect to the EPSA Comments and the IPPNY Comments.

The NYISO respectfully submits that good cause exists to grant waiver of the Commission's fifteen-day answer deadline to allow the Answer to Comments to be accepted one day out of time with respect to the EPSA Comments and the IPPNY Comments. No party would be harmed by the Commission's acceptance of this request as the Answer to Comments was received by the Commission mere seconds after 5 PM. It was also served on the service list immediately after the NYISO made its filing. Thus, all parties, including EPSA and IPPNY, have had notice, and a copy, of the Answer to Comments since the afternoon of July 21, 2011. Therefore, the NYISO requests that the Commission accept this request and grant waiver of Rule 213(d), to the extent necessary, to accept the Answer to Comments with respect to the EPSA Comments and the IPPNY Comments.

Respectfully submitted,

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

July 22, 2011

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<sup>3</sup> As stated above at n. 2, the HTP Comments were filed on July 7 and the ECS Comments were filed on July 13.

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day caused the foregoing document to be served on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, DC, this 22<sup>nd</sup> day of July, 2011.

/s/Vanessa A. Colón  
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