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FILE NO: 55430.000072

August 23, 2010

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

**Re: *New York Independent System Operator, Inc.*, Resubmittal of August 12, 2010  
Filing in Docket Nos. EL07-39-\_\_\_\_ and ER08-695-\_\_\_\_**

Dear Ms. Bose:

The New York Independent System Operator, Inc. (“NYISO”) is resubmitting its August 12, 2010 compliance filing in response to the May 20, 2010 order (“May 20 Order”)<sup>1</sup> directing modifications to Attachment H of the NYISO’s Market Administration and Control Area Services Tariff (“Services Tariff”). The NYISO is resubmitting its filing due to coding issues with its eTariff submission, of which the NYISO was notified on August 20, 2010.<sup>2</sup>

## **I. Communications and Correspondence**

All communications and correspondence in this proceeding should be directed to:

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<sup>1</sup>*New York Independent System Operator, Inc.*, 131 FERC ¶ 61,070 (2010).

<sup>2</sup>To the extent necessary to ensure that this compliance filing is deemed to be timely submitted, the NYISO requests waiver of any procedural deadline that the Commission may consider applicable.



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\* Persons designated for receipt of service.

## **II. Documents Submitted**

1. This resubmittal letter;
2. The August 12, 2010 filing letter explaining the proposed modifications;
3. Clean Attachment H Services Tariff sections reflecting the proposed changes in the current, electronic version of the NYISO's Services Tariff (*i.e.*, NYISO Tariffs, Market Administration and Control Area Services Tariff);
4. Redline Attachment H Services Tariff sections reflecting the proposed changes in the current, electronic version of the NYISO's Services Tariff;
5. Clean Attachment H Services Tariff sheets reflecting the proposed changes in the prior, sheet-based version of the NYISO's Services Tariff (*i.e.*, New York Independent System Operator, Inc., FERC Electric Tariff, Original Volume No. 2, ISO Market Administration and Control Area Services Tariff);
6. Redline Attachment H Services Tariff sheets reflecting the proposed changes in the prior, sheet-based version of the NYISO's Services Tariff;
7. Clean and Redline sheets reflecting a proposed subsequent revised version of Sheet No. 476.04A with a blank effective date; and
8. The Affidavit of Joshua A. Boles, Supervisor of Monitoring, Analysis, and Reporting for the Market Monitoring and Analysis Department.
9. Clean Services Tariff Sheets reflecting the proposed changes; and
10. Redline Services Tariff Sheets reflecting the proposed changes.

## **III. Resubmittal**

On August 12, 2010, the NYISO submitted its compliance filing in response to the May 20 Order, which proposed modifications regarding the market power mitigation measures applicable to Installed Capacity ("ICAP") in New York City in Attachment H of the Services Tariff. The NYISO's filing was submitted via eTariff and the NYISO received a Notification of Acceptance on August 12, 2010.



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On August 20, 2010, the NYISO received a phone call from FERC Staff that the compliance filing was rejected because it was submitted using an incorrect filing type code. Specifically, FERC instructed NYISO to use Filing Code 80 (i.e., Compliance Filing). In order to facilitate this change, FERC Staff directed the NYISO to withdraw<sup>3</sup> the August 12, 2010 compliance filing and resubmit it using the proper codes in the eTariff system. Therefore, the NYISO is resubmitting the August 12, 2010 compliance filing, in its entirety without modification.

#### **IV. Effective Dates**

As further explained in the attached August 12, 2010 filing letter, the NYISO requests a November 1, 2008 effective date for all of its proposed compliance tariff revisions, as consistent with ordering paragraph (B) of the May 20 Order, with one exception. For the tariff modifications in Section 23.4.5.7.5, the NYISO is requesting an effective date thirty days after the issuance of an order accepting the proposed language.

#### **V. Service**

The NYISO will send an electronic link to this filing to the official representative of each of its customers, to each participant on its stakeholder committees, to the New York Public Service Commission, and to the electric utility regulatory agency of New Jersey. In addition, the complete filing will be posted on the NYISO's website at [www.nyiso.com](http://www.nyiso.com). This is in accordance with 18 C.F.R. § 35.2(e).

#### **VI. Conclusion**

The NYISO respectfully requests that the Commission accept this filing for the reasons specified herein.

Respectfully submitted,

/s/Ted J. Murphy

Ted J. Murphy

Counsel to

the New York Independent System Operator, Inc.

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<sup>3</sup> The NYISO is concurrently submitting a request to withdraw the August 12, 2010 filing.

**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 in accordance with the requirements of Rule 2010 of the Rules of Practice and Procedure, 18 C.F.R. § 385.2010 (2009).

Dated at Rensselaer, New York this 23<sup>rd</sup> day of August, 2010.

By: /s/ Joy A. Zimmerlin  
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