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August 16, 2010

Ms. Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington D.C., 20246

Re: Compliance Filing of the New York Independent System Operator, Inc. and the New York Transmission Owners, Docket No. OA08-52-007

Dear Ms. Bose:

In compliance with the Commission's July 15, 2010 order ("July 15 Order"),¹ the New York Independent System Operator, Inc. ("NYISO") and the New York Transmission Owners ("NYTOs")² (together "Joint Filing Parties") respectfully submit revisions to Attachment Y of the NYISO's Open Access Transmission Tariff ("OATT"). The July 15 Order accepted for filing a series of revisions to Attachment Y that the Joint Filing Parties submitted in a December 11, 2009 compliance filing. This filing contains the revisions directed by the Commission in the July 15 Order.

I. LIST OF DOCUMENTS SUBMITTED

The Joint Filing Parties submit the following documents:

1. This filing letter;
2. A clean version of the modifications to OATT Attachment Y; and
3. A blacklined version of the modifications to OATT Attachment Y.

¹*New York Independent System Operator, Inc.*, 132 FERC ¶ 61,028 (2010).

²Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc. ("ConEdison"), the Long Island Power Authority ("LIPA"), the New York Power Authority ("NYPA"), New York State Electric & Gas Corporation, Orange and Rockland Utilities, Inc. ("O&R"); Rochester Gas and Electric Corporation, and Niagara Mohawk Power Corporation d/b/a National Grid.

II. BACKGROUND

A. Order No. 890

Order No. 890 required transmission providers to adopt as part of their OATTs an open, transparent, and coordinated planning process at both a regional and a local level, and to “submit, as part of a compliance filing in this proceeding, a proposal for a coordinated and regional planning process that complies with the planning principles and other requirements in this Final Rule.”³ Recognizing that some transmission providers — particularly Independent System Operators (“ISOs”) and Regional Transmission Organizations (“RTOs”) — already have in place substantial planning processes, the Commission held that “[i]n the alternative, a transmission provider (including an RTO or an ISO...), may make a compliance filing in this proceeding describing its existing coordinated and regional planning process, including the appropriate language in its tariff, and show that this existing process is consistent with or superior to the requirements in this Final Rule.”⁴

B. Initial Filings

The NYISO submitted its initial compliance filing on December 7, 2007 (“December 2007 Filing”) which proposed to adopt a new Comprehensive System Planning Process (“CSPP”) based on the Comprehensive Reliability Planning Process (“CRPP”) then in place under OATT Attachment Y. On June 18, 2008, the Joint Filing Parties supplemented the December 2007 Filing with a tariff proposal governing cost allocation and cost recovery for regulated transmission reliability projects (“June 2008 Filing”).

C. October 16, 2008 Order and March 31, 2009 Order

In an order issued on October 16, 2008,⁵ the Commission found that the tariff proposals in the December 2007 and June 2008 Filings were substantially consistent with the planning directives set forth in Order Nos. 890 and 890-A, and conditionally accepted those proposals for filing subject to the submission of a compliance filing addressing certain identified issues.

D. Compliance Filings and October 2009 Order

On January 14, 2009 and May 19, 2009, the NYISO submitted compliance filings in response to the October 2008 Order (respectively, the “January 14 Filing” and the “May 19 Filing”). In an order issued on October 15, 2009 (“October 2009 Order”),⁶ the Commission conditionally accepted for filing the tariff amendments submitted by the Joint Filing Parties in the January 14 and May 19 Compliance Filings, and directed the submission of an additional

³Order No. 890 at P 437.

⁴*Id.*

⁵*New York Independent System Operator, Inc.*, 125 FERC ¶ 61,068 (2008) (“October 2008 Order”).

⁶*New York Independent System Operator, Inc.*, 129 FERC ¶ 61,044 (2009).

compliance filing, to be made within 60 days, to address certain discrete issues. Specifically, the October 2009 Order required that the Joint Filing Parties: (1) explain how the NYISO will analyze and select the preferred reliability solutions from competing alternatives, ensuring that transmission, generation, and demand resources are considered on a comparable basis; (2) revise Attachment Y to require that beneficiaries voting against approval of a project must provide a detailed explanation of, along with supporting data on, the reason for that decision; (3) require that the NYISO's reports to the Commission on the results of voting on proposed economic projects include certain specified information; (4) revise Sections 12.1 and 15.5(a) of Attachment Y to clarify that a summary of all comments of interested parties provided during the ESPWG and TPAS review will be sent to the Operating and Business Issues Committees (as appropriate) in order to inform their deliberations; (5) provide additional details regarding the MW impact methodology used in calculating the ICAP metric; (6) clarify the economic project cost allocation methodology by providing additional details on the use of Transmission Congestion Contract ("TCC") revenues and bilateral contracts to offset reductions in Locational Based Marginal Prices ("LBMPs") from an economic transmission upgrade; and (7) correct a typographical error in proposed Section 15.4b(i) of OATT Attachment Y.

E. Subsequent Compliance Filings and July 15 Order

On December 11, 2009, the Joint Filing Parties submitted a compliance filing addressing all of the compliance issues identified in the October 2009 Order other than (1) use of TCC revenues and bilateral contracts to offset LBMP reductions; and (2) tariff revisions detailing the ICAP cost metric developed through its stakeholder process for subsequent CARIS cycles. On April 13, 2010, the Joint Filing Parties submitted another compliance filing addressing the remaining issues that were not addressed in the December 11, 2009 filing.

The July 15 Order addresses the changes proposed in the December 11, 2009 filing, and states that the changes proposed in the April 13, 2010 filing will be addressed in a subsequent order. The July 15 Order accepted for filing all of the changes proposed in the December 11, 2009 filing, and directed the Joint Filing Parties to submit a compliance filing within 30 days that (1) adds to Attachment Y the qualifications and criteria for regulated backstop solutions, market-based solutions, and alternative regulated solutions currently set forth in the NYISO's Comprehensive Reliability Planning Process Manual ("CRPP Manual"), and (2) makes several other, relatively minor changes to Attachment Y.

III. DESCRIPTION OF PROPOSED TARIFF REVISIONS

D. Inclusion of CRPP Manual Qualifications

Paragraph 11 of the July 15 Order states:

sections 7.1.a (Regulated Backstop Solutions) and 7.3 (Qualifications for a Valid Market-Based Response), respectively, state that the qualifications and criteria for regulated backstop and market-based solutions are in NYISO's Comprehensive Reliability Planning Process Manual (CRPP Manual), and while the tariff is

otherwise silent regarding qualifications and criteria for alternative regulated solutions, the CRPP Manual also contains qualifications and criteria for alternative regulated solutions (e.g. section 2.3 of the CRPP Manual, 'Criteria for Evaluating the Viability of Proposed Alternative Regulated Solutions'). In a filing to be made within 30 days of the date of this order, NYISO is directed to include those CRPP Manual qualifications and criteria in sections 7.1.a, 7.3, and 7.4 of Attachment Y.

In compliance with this directive, the Joint Filing Parties propose to amend Attachment Y of the OATT as follows.

1. Amendment to Section 31.2.4.1 (formerly Section 7.1) of Attachment Y

To address the Commission's directive that Section 7.1a incorporate the criteria from the CRPP Manual addressing regulated backstop solutions, the Joint Filing Parties propose to make the following changes to Attachment Y, Section 31.2.4.1.1:

31.2.4.1.1 When a Reliability Need is identified in any RNA issued under this tariff, the NYISO shall request and the Responsible Transmission Owner shall provide to the NYISO, as soon as reasonably possible, a proposal for a regulated solution or combination of solutions that shall serve as a backstop to meet the Reliability Need if requested by the NYISO due to the lack of sufficient viable market-based solutions to meet such Reliability Needs identified for the Study Period. Regulated backstop solutions may include generation, transmission, or demand side resources. A proposed regulated backstop solution to address a need in the second five years of the planning period that does not have a trigger date within one year or less of the CRP currently under consideration will not require the same level of detail as a proposed solution for a need in the first five years. ~~The criteria for regulated backstop solutions are included in the NYISO's Comprehensive Reliability Planning Process Manual.~~ Such proposals may include reasonable alternatives that would effectively address the Reliability Need; provided however, the Transmission Owners' obligation to propose and implement regulated backstop solutions under this tariff is limited to regulated transmission solutions. The Responsible Transmission Owner shall also estimate the lead time necessary for the implementation of its proposal. The NYISO will establish a benchmark lead time for responses submitted pursuant to Sections 31.2.4.3, 31.2.4.5 and 31.2.5.7 on the basis of the NYISO's independent analysis of the time period required for implementation of the proposed potential backstop solution. Prior to providing its response to the RNA, each Responsible Transmission Owner will present for discussion at the ESPWG and TPAS any updates in its LTP that impact a Reliability Need identified in the RNA. Contemporaneous with the request to the Responsible Transmission Owner, the NYISO shall solicit responses using the two-step process defined below, which shall not be a formal RFP process. Should more than one regulated backstop solution be proposed to address a Reliability Need, it will be the responsibility of the Responsible Transmission Owners to determine the regulated backstop solution that

will proceed following a finding by the NYISO under Section 31.2.6.4 of this Attachment. The determination by the Responsible Transmission Owners will be made prior to the approval of the CRP in which the regulated backstop solution with the longest lead-time could be triggered.

The Joint Filing Parties also propose to add a new section heading in Attachment Y, Section 31.2.4.2.. In accordance with the requirements of Section 31.2.4.1.1, Section 2.2 of the CRPP Manual addresses criteria for two types of backstop solutions -- those addressing needs projected to occur in the first five years of the applicable Study Period, and those addressing needs projected to occur in the second five years of the Study Period. The two new subsections under Section 31.2.4.2 -- Sections 31.2.4.2.1 and 31.2.4.2.2 -- address these two categories of qualifications for regulated backstop solutions.⁷

Proposed Section 31.2.4.2.1, which would address regulated backstop solutions to Reliability Needs projected to occur during the first five years of the Study Period, incorporates language from Section 2.2 of the current CRPP Manual. Proposed Section 31.2.4.2.1 reads:

31.2.4.2 Qualifications for Regulated Backstop Solutions

31.2.4.2.1 For Reliability Needs projected to occur during the first five years of the Study Period, the submission of a regulated backstop solution shall include, at a minimum, the following details: (1) the lead time necessary to complete the project, (2) a description of the project, including planning and engineering specifications as appropriate, (3) evidence of a commercially viable technology, (4) a major milestone schedule, (5) a schedule for obtaining required siting permits and other certifications, (6) a demonstration of site control or a schedule for obtaining such control, (7) status of NYISO interconnection studies and interconnection agreement, (8) status of equipment procurement, and (9) any other information requested by the NYISO. These details also must be provided for any regulated backstop solution proposed to address a Reliability Need identified during the second five years of the Study Period if that solution has a trigger date within one year of the date that the Responsible Transmission Owner presents its proposed regulated backstop solution. If the regulated backstop solution does not meet the needs identified in the RNA, the NYISO will provide sufficient information to the Responsible Transmission Owner to determine how the regulated backstop should be modified to meet the identified reliability needs. The Responsible Transmission Owner will make necessary changes to its proposed backstop solution to address reliability deficiencies identified by the NYISO, and submit a revised proposal to the NYISO for review and approval.

⁷For purposes of applying these criteria, the CRP Manual specifies that the criteria applicable to solutions addressing needs projected to occur in the first five years of the applicable Study Period also are applicable to solutions addressing needs identified in the second five years of the period if those solutions have a trigger date of one year or less from the date that the Responsible Transmission Owner submits its proposed solution.

Proposed Section 31.2.4.2.2, which would address Reliability Needs projected to occur during the second five years of the applicable Study Period, also incorporates language from Section 2.2 of the CRPP Manual. Proposed Section 31.2.4.2.2 reads:

31.2.4.2.2 For Reliability Needs projected to occur during the second five years of the Study Period (other than those for which the trigger date is within one year of the date that the Responsible Transmission Owner presents its proposed regulated backstop solution), the submission of a proposed regulated backstop solution must include, at a minimum, the following: (1) an explanation of how the Responsible Transmission Owner considered, in the development of its proposal, one (or more) compensatory MW scenarios developed by the NYISO as a guide to the development of proposed solutions that appear most likely to meet the statewide LOLE criterion of one day in ten years, (2) a description of the type of preliminary solution(s) or a variety of preliminary solution(s) (generation, demand-side, transmission, or any combination thereof) that could meet the need, (3) an estimate of the potential MW impact if either a generation or demand side solution is proposed, (4) for proposed transmission solutions, an identification of the zones where the potential solution may be located, as well as an identification indicating some general characteristics such as voltage level and approximate capacity, (5) for proposed transmission capacitor bank solutions, an identification of the MW amount of the voltage constrained interface that the Responsible Transmission Owner intends to restore up to the thermal limits of the interface, along with a commitment to size the capacitor bank solution to achieve this amount of restoration, (6) an estimated implementation time, or range of implementation times, to allow the NYISO to establish a preliminary trigger date, and (7) any other information requested by the NYISO. In addition to the foregoing, a Responsible Transmission Owner may propose at any time a specific solution to a Reliability Need projected to occur during the second five years of the Study Period. Because the potential needs indicated by each RNA for years six through ten are a preliminary assessment of future conditions based on assumptions that will evolve over time using analysis that can only be conducted by the NYISO staff, the solutions proposed by the Responsible Transmission Owner may change in response to subsequent RNAs. The Responsible Transmission Owner must continue to collaborate with NYISO staff to determine how the preliminary backstop solutions could meet the preliminary needs identified in years six through ten (6-10) of each RNA.

The Joint Filing Parties would note that the language of proposed Section 31.2.4.2.1 incorporates all of the relevant language from the CRPP Manual that is not already contained in Attachment Y. Specifically, this proposed provision does not contain language from the CRPP Manual requiring that the NYISO notify the Responsible Transmission Owner of any deficiencies in its proposal, and that the Responsible Transmission Owner correct its proposal to address such identified deficiencies, because language addressing these points already is contained within Section 31.2.5.5 (formerly Section 8.5) of Attachment Y. Accordingly, the inclusion of such language would be redundant with existing language in Attachment Y, and there is therefore no need to include it.

2. Amendment to Section 31.2.4.4 (formerly Section 7.3) of Attachment Y

To reflect the changes directed by the Commission to Section 7.3 of Attachment Y (now Section 31.2.4.4), the Joint Filing Parties propose to incorporate into that provision the relevant provisions of Section 2.4 of the CRPP Manual. After the incorporation of that language, Section 31.2.4.4 would read:

31.2.4.4 Qualifications for a Valid Market-Based Response

~~The NYISO's procedures establishing qualifications and criteria for a valid market-based solution are included in the NYISO's Comprehensive Reliability Planning Process Manual. Such qualifications recognize the differences between various resources' characteristics and development time lines. The submission of a proposed market-based solution must include: (1) evidence of a commercially viable technology, (2) a major milestone schedule, (3) evidence of site control, or a plan for obtaining site control, (4) the status of any contracts (other than an Interconnection Agreement) that are under negotiation or in place, (5) the status of any interconnection studies and an Interconnection Agreement, (6) the status of any required permits, (7) the status of equipment procurement, (8) evidence of financing, and (9) any other information requested by the NYISO. Failure to provide any data requested by the NYISO within a reasonable period of time (not to exceed 60 days from the date of the NYISO request) will result in the rejection of the proposed market-based solution from further consideration. The NYISO will perform continuing analyses of the viability of a proposed market-based solution as follows: (1) between three and five years before the expiration of the benchmark lead time established for the regulated backstop solution, the NYISO will use a screening analysis to verify the feasibility of the proposed market-based solution (this analysis will not require final permit approvals or final contract documents), (2) between one and two years before the expiration of the benchmark lead time established for the regulated backstop solution, the NYISO will perform a more extensive review of the proposed market-based solution, including such elements as status of interconnection studies, contract negotiations, permit applications, financing, and site control, and (3) less than one year before the expiration of the benchmark lead time established for the regulated backstop solution, the NYISO will perform a detailed review of the proposed market-based solution status and schedule. For the review conducted less than one year before the expiration of the benchmark lead time, it is expected, but not required, that the proposed market-based solution will have obtained its final permits, that any required interconnection studies will have been completed, that an interconnection agreement will have been filed, that financing will be in place, and that equipment will be on order. If the NYISO, following its analysis, determines that a proposed market-based solution is no longer viable, the proposed market-based solution will be removed from the list of potential market-based solutions.~~

Again, this provision incorporates all of the relevant language from the CRPP Manual that is not already included in Attachment Y. Attachment Y already contains language requiring that a proponent of a market-based solution notify the NYISO immediately of any material change in the status of a proposed market-based solution (Section 31.2.7.4.3), allowing the NYISO to make a determination of the continued viability of a proposed market-based solution if it learns of any such material change (Section 31.2.7.4.4), and requiring the NYISO to communicate its proposed determination on viability with a proponent, and to permit the proponent to respond to that proposed determination, before actually taking action on such a determination (Section 31.2.7.4.5). Accordingly, the inclusion of such language would be redundant with existing language in Attachment Y, and there is therefore no need to include it.

3. Amendment to Section 31.2.4.5 (formerly Section 7.4) of Attachment Y

To reflect the changes directed by the Commission to Section 7.4 of Attachment Y (now Section 31.2.4.5), the Joint Filing Parties propose to add a new Section 31.2.4.6 to incorporate the provisions of Section 2.3 of the CRPP Manual into the OATT. The new Section 31.2.4.6⁸ would read:

31.2.4.6 Qualifications for Alternative Regulated Solutions

The submission of a proposed alternative regulated solution must include: (1) evidence of a commercially viable technology, (2) a major milestone schedule, (3) evidence of site control, or a plan for obtaining site control, (4) the status of any contracts (other than an Interconnection Agreement) that are under negotiation or in place, (5) the status of any interconnection studies and an Interconnection Agreement, (6) the status of any required permits, (7) the status of equipment procurement, (8) evidence of financing, and (9) any other information requested by the NYISO. Failure to provide any data requested by the NYISO within a reasonable period of time (not to exceed 60 days from the date of the NYISO request) will result in the rejection of the proposed alternative regulated solution from further consideration. A proponent of a proposed alternative regulated solution must notify the NYISO immediately of any material change in status of a proposed alternative regulated solution. For purposes of this provision, a material change includes, but is not limited to, a change in the financial viability of the developer, a change in the siting status of the project, and a change in a major element of the project's development. If the NYISO, at any time, learns of a material change in the status of a proposed alternative regulated solution, it may, at that time, make a determination as to the continued viability of the proposed alternative regulated solution. The NYISO will perform continuing analyses of the viability of a proposed alternative regulated solution as follows: (1) between three and five years before the expiration of the benchmark lead time established for the regulated backstop solution, the

⁸ The NYISO has renumbered the existing tariff sections within Section 31.2.4 as made necessary by the additions of two new sections as discussed above.

NYISO will use a screening analysis to verify the feasibility of the proposed alternative regulated solution (this analysis will not require final permit approvals or final contract documents), (2) between one and two years before the expiration of the benchmark lead time established for the regulated backstop solution, the NYISO will perform a more extensive review of the proposed alternative regulated solution, including such elements as status of interconnection studies, contract negotiations, permit applications, financing, and site control, and (3) less than one year before the expiration of the benchmark lead time established for the regulated backstop solution, the NYISO will perform a detailed review of the proposed alternative regulated solution status and schedule. For the review conducted less than one year before the expiration of the benchmark lead time, it is expected, but not required, that the proposed alternative regulated solution will have obtained its final permits, that any required interconnection studies will have been completed, that an interconnection agreement will have been filed, that financing will be in place, and that equipment will be on order. Prior to making a determination about the viability of a proposed alternative regulated solution, the NYISO will communicate its intended determination to the project sponsor along with the basis for its intended determination, and will provide the sponsor a reasonable period (not more than two weeks) to respond to the NYISO's intended determination, including an opportunity to provide additional information to the NYISO to support the continued viability of the proposed alternative regulated solution. If the NYISO, following its analysis, determines that a proposed alternative regulated solution is no longer viable, the proposed alternative regulated solution will be removed from the list of potential alternative regulated solutions.

B. Inclusion of “Insufficient” in Section 31.2.4.5.1 (formerly Section 7.4a)

Paragraph 12 of the July 15 Order states:

that NYISO has inadvertently deleted the word ‘insufficient’ in the first sentence of proposed section 7.4.a of Attachment Y, as deletion of this word is inconsistent with NYISO’s original proposal that we approved in our October 16, 2008 Order.

Accordingly, we will require NYISO to insert ‘insufficient’ into the first sentence of section 7.4.a of Attachment Y in its 30-day compliance filing.

The Joint Filing Parties have made this change. Accordingly, Section 31.2.4.5.1 (formerly Section 7.4a) of Attachment Y now reads:

31.2.4.5.1 In the event that insufficient market-based solutions qualified under Section 31.2.4.4 are proposed, or the NYISO determines that there is imminent need to do so, the NYISO will initiate a second step of the solicitation process by requesting alternative regulated responses to Reliability Needs.

C. Amendment of Title to Section 31.2.5.7 (formerly Section 8.7)

Paragraph 13 of the July 15 Order states:

although regulated solutions may include generation, transmission, and demand response resources, the title of section 8.7 of Attachment Y, ‘Process for Consideration of Regulated Backstop Transmission Solution and Alternative Regulated Transmission Solutions,’ inappropriately purports to limit the process for consideration of regulated solutions to transmission solutions. Accordingly, we direct NYISO to remove ‘Transmission’ from the title of section 8.7 in its 30-day compliance filing.

The Joint Filing Parties have made the directed change in the title of Section 31.2.5.7 (formerly Section 8.7) of Attachment Y, which now reads: “Process for Consideration of Regulated Backstop ~~Transmission~~ Solution and Alternative Regulated ~~Transmission~~ Solutions”.

D. References in Section 31.2.5.9.3 (formerly Section 8.9c)

Finally, Paragraph 14 of the July 15 Order states:

it appears that NYISO’s references to sections 8.8.a and 8.8.b in section 8.9.c of Attachment Y are typographical errors, as these referenced sections do not currently exist in Attachment Y. Accordingly, we direct NYISO to replace these references with references to sections 8.9.a and 8.9.b, respectively, in its 30-day compliance filing.

The Joint Filing Parties submit that the references in the current version of the NYISO OATT are now correct. Specifically, Section 8.9c of Attachment Y has been renumbered as Section 31.2.5.9.3. Sections 8.9a and 8.9b have been renumbered as Sections 31.2.5.9.1 and 31.2.5.9.2. Section 31.2.5.9.3 now reads:

31.2.5.9.3 Upon the NYISO’s determination of the need for a Gap Solution, pursuant to either Section 31.2.5.9.1 or 31.2.5.9.2 above, the Responsible Transmission Owner will propose such a solution, as soon as reasonably possible, for consideration by the NYISO and NYDPS.

Accordingly, Section 31.2.6.9.3 now has the correct cross-references, and no further amendment is necessary.

IV. PROPOSED EFFECTIVE DATE

The Joint Filing Parties respectfully request that the Commission accept these proposed compliance tariff revisions with an effective date of August 16, 2010, the date on which they are being filed. This is consistent with the approach that the NYISO has taken in other compliance

filings in response to Order No. 890, *et al.*, and with the Commission's orders on those compliance filings in this proceeding.⁹

V. SERVICE

This filing will be posted on the NYISO's website at www.nyiso.com. In addition, the NYISO will e-mail an electronic link to this filing to the official representative of each party to this proceeding, to each its customers, to each participant on its stakeholder committees, to the New York Public Service Commission, and to the New Jersey Board of Public Utilities. The NYISO will also make a paper copy available to any interested party that requests one.

VI. CONCLUSION

Wherefore, for the foregoing reasons, the New York Independent System Operator, Inc. respectfully requests that the Commission accept for filing the proposed tariff revisions with an effective date of August 16, 2010.

Respectfully Submitted,

NEW YORK INDEPENDENT SYSTEM OPERATOR, INC. NEW YORK TRANSMISSION OWNERS

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⁹See, e.g. *New York Independent System Operator, Inc.*, 123 FERC ¶ 61,134 at P 8 (2008) (accepting the NYISO's initial Order No. 890 compliance filing, which was submitted on October 11, 2008, to be effective on that date); *New York Independent System Operator, Inc.*, 125 FERC ¶ 61,068 (2008) (same).

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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 16th day of August, 2010.

By: /s/ Joy A. Zimmerlin
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