

August 20, 2012

**By Electronic Submission**

Honorable Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E., Room 1A  
Washington, D.C. 20426

**Re: *New York Independent System Operator, Inc.*, Docket Nos. RM11-17-001  
and ER12-\_\_\_\_-\_\_\_\_; Compliance Filing Pursuant to Order No. 760**

Dear Ms. Bose:

Pursuant to the Federal Energy Regulatory Commission's ("Commission") order on *Enhancement of Electricity Market Surveillance and Analysis Through Ongoing Electronic Delivery of Data From Regional Transmission Organizations and Independent System Operators*, ("Order No. 760" or "the Order"),<sup>1</sup> the New York Independent System Operator, Inc., ("NYISO") submits revisions to the NYISO's Open Access Transmission Tariff ("NYISO OATT").

The NYISO submits this compliance filing in accordance with the Order No. 760 requirement that each RTO and ISO submit a compliance filing amending its open access transmission tariff to reflect the requirement for the ongoing electronic delivery of data. The NYISO requests an effective date for the commencement of ongoing electronic delivery of market data pursuant to the Order in accordance with its *Motion for Extension of Time to Comply* ("Motion").<sup>2</sup>

Order No. 760 imposes new requirements on each regional transmission organization ("RTO") and independent system operator ("ISO", collectively "RTOs/ISOs") to electronically deliver, on an ongoing basis, data related to the markets each RTO/ISO administers to the Commission. The amended regulations require ongoing, electronic delivery of data relating to physical and virtual offers and bids, market awards, resource outputs, marginal cost estimates, shift factors, financial transmission rights,

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<sup>1</sup> Order No. 760, 139 FERC ¶ 61,053 (2012).

<sup>2</sup> *Motion for Extension of Time to Comply of the New York Independent System Operator, Inc.*, RM11-17-001, July 20, 2012.

internal bilateral contracts, uplift, and interchange pricing. According to the Commission:

“[s]uch data will facilitate the Commission’s development and evaluation of its policies and regulations and will enhance Commission efforts to detect anti-competitive or behavior, or ineffective market rules, thereby helping to ensure just and reasonable rates.”<sup>3</sup>

As discussed in the NYISO’s Motion, the NYISO has been diligently developing a project plan to comply with Order No. 760 and the *File Submission Guidelines for FERC Order 760* (“Submission Guidelines”) issued by FERC Staff on June 12, 2012. The NYISO supports the approach outlined in FERC Staff’s Submission Guidelines and will work with FERC Staff to develop a viable long term approach that delivers market data in a format beneficial to the FERC.

## **I. Communications and Correspondence**

Copies of correspondence concerning this filing should be served on:

Robert E. Fernandez, General Counsel  
Raymond Stalter, Director of Regulatory Affairs \*  
James H. Sweeney, Attorney  
New York Independent System Operator, Inc.  
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\* Persons designated for receipt of service.

## **II. Description of Proposed Tariff Revisions**

The NYISO proposes to amend Section 12.4 of its Open Access Transmission Tariff to reflect the requirement for the ongoing electronic delivery of data in compliance with Order No. 760. The tariff revisions proposed in this filing acknowledge that the NYISO will provide the data described in the Order to the FERC or its staff on a continuous basis. The data to be electronically delivered to the FERC or its staff will include data related to physical and virtual offers and bids, market awards, resource outputs, marginal cost estimates, shift factors, TCCs, internal bilateral contracts, interchange pricing, capacity markets and uplift charges and credits. The proposed amendments to the NYISO’s OATT also state that NYISO shall not be held liable for any losses, consequential or otherwise, resulting from the NYISO divulging such Confidential Information pursuant to the ongoing electronic delivery requirements of Order No. 760.

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<sup>3</sup> Order No. 760, P. 1.

### **III. Request for Effective Date**

The NYISO proposes to commence ongoing electronic delivery of the four datasets specified in Order No. 760 on March 4, 2013, April 4, 2013, June 4, 2013, and September 4, 2013, respectively. The proposed implementation schedule is described more fully in the NYISO's July 20, 2012 Motion. The NYISO requests that the tariff revisions proposed herein become effective on the first dataset delivery date, or March 4, 2013.

### **IV. Documents Enclosed**

The NYISO encloses with this transmittal letter:

1. This filing letter;
2. A clean version of the proposed revisions to the OATT (Attachment I); and
3. A blacklined version of the proposed revisions to the OATT (Attachment II).

### **V. Service**

This filing will be posted on the NYISO's website at [www.nyiso.com](http://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 of 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.

### **VI. Conclusion**

For the foregoing reasons, the NYISO respectfully requests that the Commission accept the attached tariff revisions for filing in compliance with the Commission's Order No. 760.

Respectfully submitted,

/s/ James H. Sweeney

Robert E. Fernandez, General Counsel  
James H. Sweeney, Attorney  
New York Independent System Operator, Inc.

## **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.

Dated at Rensselaer, NY this 20<sup>th</sup> day of August, 2012.

/s/ Joy A. Zimmerlin

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