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December 11, 2009

**By Hand Delivery**

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

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

Dear Ms. Bose:

In compliance with the Commission's October 15, 2009 order in this proceeding ("October 15 Order"),<sup>1</sup> the New York Independent System Operator, Inc. ("NYISO") and the New York Transmission Owners ("NYTOs")<sup>2</sup> (together "Joint Filing Parties") respectfully submit revisions to Attachment Y of the NYISO's Open Access Transmission Tariff ("OATT"). The October 15 Order conditionally accepted compliance filings made by the Joint Filing Parties on January 14, 2009 ("January 14 Compliance Filing") and May 19, 2009 ("May 19 Compliance Filing"), and directed the Joint Filing Parties to submit a further compliance filing to address "certain discrete issues" identified in the October 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 Attachment Y of the NYISO OATT ("Attachment I");

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<sup>1</sup> *New York Independent System Operator, Inc.*, 129 FERC ¶ 61,044 (2009) ("October Order").

<sup>2</sup> Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc. ("Con Edison"), LIPA, New York Power Authority, New York State Electric & Gas Corporation, Orange & Rockland Utilities, Inc. ("O&R"), Rochester Gas and Electric Corporation, and Niagara Mohawk Power Corporation d/b/a National Grid.

3. A blacklined version of the modifications to Attachment Y of the NYISO OATT (“Attachment II”); and
4. A List of Additional Individual Company Representatives for the NYTOs (“Attachment III”).

## **II. BACKGROUND**

### **A. Initial Tariff Filings**

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.”<sup>3</sup> 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.”<sup>4</sup>

#### **1. December 7 Filing**

The NYISO submitted its initial compliance filing on planning issues in compliance with Order No. 890 on December 7, 2007 (“December 7 Filing”). The December 7 Filing proposed to adopt a new Comprehensive System Planning Process (“CSPP”) based on the Comprehensive Reliability Planning Process (“CRPP”) then in place under Attachment Y to the NYISO OATT. The NYISO proposed to add to the CRPP -- which focused on reliability upgrades only -- both a local transmission planning component (“Local Transmission Planning Process” or “LTPP”) and a regional economic planning component (“Congestion Assessment and Resource Integration Study” or “CARIS”), and to extend the planning cycle from one year to two years.

The two-year planning cycle under the new CSPP commences with the LTPP of each NYTO, which develops a Local Transmission Plan (“LTP”) with input from interested parties participating in the NYISO’s planning processes, for submission to the NYISO. The NYISO

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<sup>3</sup> Order No. 890 at P 437.

<sup>4</sup> *Id.*

then uses those LTPs in its reliability planning process for the New York Bulk Power Transmission Facilities (“BPTFs”).

Once the reliability planning phase of the CSPP is completed, an economic planning process is conducted in the CARIS, consisting of a group of three congestion and resource integration studies developed with interested party input, as well as additional studies requested by individual interested parties at their expense. As the NYISO explained in the December 7 Filing, the costs of economic upgrades will be allocated based on a “beneficiaries pay” approach under which those entities that economically benefit from a project will bear its costs, and the cost allocation among them will be based upon their relative economic benefit from such upgrades.

## **2. June 18 Filing**

On June 18, 2008, the Joint Filing Parties supplemented the December 7 Filing with a tariff proposal governing cost allocation and cost recovery for regulated transmission reliability projects (“June 18 Filing”). The filing of a cost allocation and cost recovery mechanism for regulated reliability projects was not included in the December 7 Filing primarily because of jurisdictional issues arising out of the CSPP’s comparable treatment of generation, transmission, and demand response resources. Specifically, the New York Public Service Commission (“NYPSC”) asserted jurisdiction over the investor-owned NYTOs with respect to recovery of non-transmission upgrades, while the Commission has jurisdiction over cost recovery for transmission upgrades. Also, the cost allocation and recovery mechanism had to account for the unique circumstances of the Long Island Power Authority (“LIPA”) and the New York Power Authority (“NYPA”), which are public authorities under New York law and non-public utilities under the Federal Power Act.

### **B. October 16, 2008 Order**

On October 16, 2008, the Commission issued an order that found that the tariff proposals in the December 7 and June 18 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 issues identified in the October 16, 2008 Order.<sup>5</sup> Importantly, the Commission found that the core proposals set forth in the December 7 and June 18 Filings are fully consistent with the planning directives in Order Nos. 890 and 890-A. The Joint Filing Parties also note that the NYISO’s planning process is consistent with the Commission’s Strategic Plan which provides that the Commission will “support electric transmission planning through the use of open and

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<sup>5</sup> *New York Independent System Operator, Inc.*, 125 FERC ¶ 61,068 (2008) (“October 16, 2008 Order”).

transparent processes that include analysis and consideration on a comparable basis of proposed solutions involving any of generation, transmission, and demand resources.”<sup>6</sup>

### **C. Compliance Filings**

#### **1. January 14 Compliance Filing**

The January 14 Compliance Filing addressed all issues identified in the October 16, 2008 Order except for two -- additional specifications on cost allocation for economic projects, and additional metrics for use in analyzing proposed economic upgrades. The Joint Filing Parties sought extra time to address those two issues in collaboration with the NYISO’s stakeholders.

The January 14 Compliance Filing proposed a series of additional amendments to Attachment Y in order to address the issues raised by the Commission in the October 16, 2008 Order. Among other topics, the Joint Filing Parties proposed amendments to Attachment Y to: clarify the role of the Electric System Planning Working Group (“ESPWG”) and the Transmission Planning Advisory Subcommittee (“TPAS”) in the transmission planning process, as well as the mechanism by which planning decisions are made; clarify further that all resource types will be considered on a comparable basis in the NYISO’s planning processes; and clarify the application of the production cost metric to identify beneficiaries of economic projects.

#### **2. May 19 Compliance Filing**

The May 19 Compliance Filing proposed additional revisions to Attachment Y to address the two issues from the October 16, 2008 Order not addressed in the January 14 Compliance Filing. The May 19 Compliance Filing proposed a detailed methodology for allocating the costs of economic projects to project beneficiaries, and provided further details on the additional metrics, for information only, for use by project beneficiaries in analyzing proposed economic upgrades. The May 19 Compliance Filing also amended Attachment Y to require that project beneficiaries voting against an economic project report to the NYISO their rationale for their votes within 30 days of the date the vote is held.<sup>7</sup>

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<sup>6</sup> Federal Energy Regulatory Commission, *Strategic Plan FY 2009-2014* at 24 (2009) available at <<http://www.ferc.gov/about/strat-docs/strat-plan.asp>>.

<sup>7</sup> The Joint Filing Parties included the amendment in order to address an additional directive issued by the Commission in its March 31, 2009 rehearing order mandating that the NYISO report such information to the Commission in its reports on the voting processes used for proposed economic upgrades. *See New York Independent System Operator, Inc.*, 126 FERC ¶ 61,320 at P 38 (2009).

#### **D. October 15 Order**

In the October 15 Order, 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 compliance filing, to be made within 60 days, to address certain discrete issues. Specifically, the October 15 Order requires that the compliance filing: (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, along with supporting data, of 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");<sup>8</sup> and (7) correct a typographical error in proposed Section 15.4b(i) of OATT Attachment Y.

### **III. DESCRIPTION OF PROPOSED TARIFF REVISIONS**

#### **A. Process for Selection of Regulated Reliability Solutions**

The October 15 Order accepted the Joint Filing Parties' proposed tariff amendments regarding resource comparability, stating that "[i]n both its reliability and economic planning processes NYISO has demonstrated that it treats all potential solutions to an identified need comparably – whether transmission, generation or demand response."<sup>9</sup> At the same time, the Commission held that:

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<sup>8</sup> On November 3, 2009, the NYISO requested an extension of time of 120 days from December 14, 2009 -- the due date of the compliance filing -- to submit proposed tariff revisions addressing the use of TCC revenues and bilateral contracts to offset reductions in LBMPs in order to provide sufficient time for the NYISO to develop these procedures in collaboration with its stakeholders. In that filing, the NYISO also indicated that it would provide tariff revisions to address the ICAP cost metric, as required by the October 15 Order, within the requested extension period. The Commission granted the requested extension on November 25, 2009. *New York Independent System Operator, Inc. and New York Transmission Owners*, Notice of Extension of Time, Docket Nos. OA08-52-004 and -006 (Nov. 25, 2009).

<sup>9</sup> October 15 Order at P 35.

NYISO does not explain how it will analyze and select the preferred reliability solutions from competing alternatives so as to make it clear that transmission, generation, and demand resources are considered on a comparable basis. In particular, NYISO does not explain how it will decide among competing backstop, gap, and alternative regulated solutions and among different resources. Therefore, we direct NYISO to revise its Attachment K, in a compliance filing due within 60 days of the date of this order, to identify how it will evaluate and select from competing solutions and resources such that all types of resources are considered on a comparable basis.<sup>10</sup>

In fact, while the NYISO reviews all regulated backstop solutions and gap solutions to determine that they will satisfy the identified Reliability Need, the NYISO does not select the specific regulated solution that will be used to address a Reliability Need. The selection of a regulated backstop solution to address a Reliability Need identified in an RNA is made by the Transmission Owner or Owners that have been designated by the NYISO as Responsible Transmission Owners (“Responsible TOs”). The regulated backstop solution may be a transmission, generation, or demand reduction project. Under the NYISO Tariff, transmission, generation, and demand response solutions are to be considered on a comparable basis. In addition, under the procedures adopted by the New York Public Service Commission (“NYPSC”),<sup>11</sup> the Responsible TOs are required to consider alternative regulated solutions that have been found by the NYISO to be capable of meeting the identified Reliability Need in a timely fashion.

The Responsible TOs will determine if the regulated backstop solution should be modified or replaced by an alternative regulated solution. When the NYISO determines that it is necessary to trigger a regulated backstop solution, the Responsible TOs will proceed to obtain all governmental approvals necessary to implement the solution. As part of the approval process, the proponent of an alternative regulated solution that has not been adopted by the Responsible TOs may make a filing with the NYPSC requesting consideration of its proposed alternative. If the proposed regulated backstop solution is a non-transmission project, the NYPSC will determine if implementation of an alternative regulated solution would be in the public interest. With respect to a transmission regulated backstop solution, the NYPSC will consider alternative regulated solutions in conjunction with its transmission siting authority under Article VII of the New York Public Service Law. With respect to state jurisdictional regulated backstop solutions to be implemented by LIPA or NYPA, the determination will be made by their respective Boards of Directors.

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<sup>10</sup> *Id.*

<sup>11</sup> Case No. 07-E-1507, *Proceeding to Establish a Long-Range Electric Resource Plan and Infrastructure Planning Process*, “Policy Statement on Backstop Project Approval Process” (February 18, 2009) (“NYPSC Policy Statement”).

The role of state agencies in determining the regulated reliability solution to be implemented has been an integral aspect of the NYISO's planning process since the Commission's approval of the NYISO's original CRPP proposal in 2004. Indeed, this point is made clear in the following excerpt from Section 9.4 of Attachment Y, which has been a part of Attachment Y since 2004:

If the NYISO determines in the CRP that implementation of a regulated solution is necessary, the NYISO will request the Responsible Transmission Owner to submit its proposal for a regulated backstop solution to the appropriate regulatory agency(ies) to begin the necessary approval process. The Responsible Transmission Owner in response to the NYISO request shall make such a submission. Other Developers and Transmission Owners proposing alternative regulated solutions pursuant to Section 7.4.b that have completed any changes required by the NYISO under Section 8.4, which the NYISO has determined will resolve the identified deficiencies, may submit these proposals to the appropriate state regulatory agency(ies) for review. (emphasis added)

Under its Policy Statement, the NYPSC will evaluate each submitted solution by considering each project's ability to satisfy the Reliability Need in a timely manner (the NYPSC relies on the NYISO's determination in this regard), and by evaluating the project against a list of policy concerns. This review will be considered in parallel with an Article VII proceeding for a major transmission regulated backstop solution. The project or projects that are found to "best promote the public interest" are selected, and contemporaneously receive the necessary approvals and permits.<sup>12</sup>

To clarify further the process for the selection of the regulated solution to an identified Reliability Need, the Joint Filing Parties propose to amend Section 9.4a of Attachment Y to read, in relevant part:

If the NYISO determines in the CRP that implementation of a regulated solution is necessary, the NYISO will request the Responsible Transmission Owner to submit its proposal for a ~~regulated~~ regulated backstop solution to the appropriate ~~regulatory governmental~~ agency(ies) and/or authority(ies) to begin the necessary approval process. The Responsible Transmission Owner in response to the NYISO request shall make such a submission. Other Developers and Transmission Owners proposing alternative regulated solutions pursuant to Section 7.4.b that have completed any changes required by the NYISO under

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<sup>12</sup> NYPSC Policy Statement at 12.

Section 8.4, which the NYISO has determined will resolve the identified ~~deficiencies~~Reliability Need, may submit these proposals to the appropriate ~~state regulatory~~governmental agency(ies) and/or authority(ies) for review. The appropriate governmental agency(ies) and/or authority(ies) with jurisdiction over the implementation or siting will determine whether the regulated backstop solution or an alternative regulated solution will be implemented to address the identified Reliability Need. If the appropriate ~~state~~governmental agency(ies) and/or authority(ies) makes a final determination that an alternative regulated solution is the preferred solution to a Reliability Need and that the regulated backstop solution should not be implemented, implementation of the alternative regulated solution will be implemented by the responsibility of the Transmission Owner or Other Developer that proposed the alternative regulated solution, and the Responsible Transmission Owner will not be responsible for addressing the Reliability Need ~~with a~~through the implementation of its regulated backstop solution.

To clarify further the selection process in the case of a “Gap Solution,” the Joint Filing Parties propose to amend Section 8.9.d of Attachment Y to read, in relevant part:

Any party may submit an alternative Gap Solution proposal to the NYISO and the NYDPS for their consideration. The NYISO shall evaluate all Gap Solution proposals to determine whether they will meet the Reliability Need or imminent threat. The NYISO will report the results of its evaluation to the party making the proposal as well as to the NYDPS and/or other appropriate ~~regulatory~~governmental agency(ies) and/or authority(ies) for consideration in their review of the proposals. The appropriate governmental agency(ies) and/or authority(ies) with jurisdiction over the implementation or siting of Gap Solutions will determine whether the Gap Solution or an alternative Gap Solution will be implemented to address the identified Reliability Need.

#### **B. Revisions to Clarify Beneficiaries’ and the NYISO’s Reporting Obligations**

In the October 16, 2008 Order, the Commission directed the NYISO “to file, as an informational filing, a report on the voting process” and “to include [in this report] the results of each vote on economic projects, the identified beneficiaries, the results of the cost/benefit analysis, and, if vetoed, whether the developer has provided any formal indication to NYISO as to the future development of the project.”<sup>13</sup> In the March 31 Order, the Commission supplemented this directive by requiring the NYISO to “include in such report the reasons

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<sup>13</sup> October 16, 2008 Order at P 130.

stated by the parties that vetoed the project for their decision” in order to “help the Commission to better monitor the super-majority voting mechanism.”<sup>14</sup>

In response to these directives, the Joint Filing Parties proposed to amend Section 15.6 of Attachment Y by adding a new subsection e which provides:

The NYISO will tally the results of the vote in accordance with procedures set forth in the NYISO manuals, and will report the results to stakeholders. Beneficiaries voting against approval of a project must submit to the NYISO their rationale for their vote within 30 days of the date that the vote is taken. The NYISO will report this information to the Commission in an informational filing to be made within 60 days of the vote.

In the October 15 Order, the Commission accepted the proposed language, but directed that the Joint Filing Parties submit a further amendment to the proposal requiring “that beneficiaries voting against approval of a project must provide a detailed explanation of the substantive reasons underlying their decision, including which additional benefit metrics identified in the tariffs or other metrics or factors that were used, the actual quantification of such benefit metrics or factors, a quantification and explanation of the net benefit or net cost of the project to the beneficiary, and data supporting the metrics and other factors used.”<sup>15</sup> The Commission also directed that Attachment Y be amended to explicitly state that the NYISO’s report must include “the identified beneficiaries, the results of the cost/benefit analysis, and, if vetoed, whether the developer has provided any formal indication to NYISO as to the future development of the project.”<sup>16</sup>

In response to the Commission’s directive, the Joint Filing Parties propose to further amend Section 15.6.e to provide:

The NYISO will tally the results of the vote in accordance with procedures set forth in the NYISO manuals, and will report the results to stakeholders. Beneficiaries voting against approval of a project must submit to the NYISO their rationale for their vote within 30 days of the date that the vote is taken. Beneficiaries must provide a detailed explanation of the substantive reasons underlying the decision, including, where appropriate: (1) which additional benefit metrics, either identified in the tariff or otherwise, were used; (2) the actual quantification of such benefit metrics or factors; (3) a quantification and

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<sup>14</sup> March 31 Order at P 38.

<sup>15</sup> October 15 Order at P 85.

<sup>16</sup> *Id.* at P 86.

explanation of the net benefit or net cost of the project to the beneficiary; and (4) data supporting the metrics and other factors used. Such explanation may also include uncertainties, and/or alternative scenarios and other qualitative factors considered, including state public policy goals. The NYISO will report this information to the Commission in an informational filing to be made within 60 days of the vote. The informational filing will include: (1) a list of the identified beneficiaries; (2) the results of the cost/benefit analysis; and (3) where a project is not approved, whether the developer has provided any formal indication to the NYISO as to the future development of the project.

The Joint Filing Parties submit this additional language in compliance with the Commission's directives in the October 15 Order. However, the Joint Filing Parties seek clarification that the NYISO's role in reporting this information to the Commission will be solely that of a middleman -- obtaining the necessary information from the relevant Load Serving Entities ("LSEs") that are designated as beneficiaries, and passing it on to the Commission -- and that the NYISO will not be expected to evaluate, interpret, quantify, or otherwise assess the information provided by individual LSEs pursuant to this provision. The NYISO is an independent administrator of the OATT, including Attachment Y, and should maintain its neutrality. By clarifying that the NYISO's role in making reports to the Commission is simply to pass on information obtained from others, the Commission will ensure that the NYISO is able to maintain its independence and neutrality, and will facilitate the NYISO's efforts to administer the OATT, including the planning provisions in Attachment Y, in an evenhanded manner.

### **C. Revisions to Attachment Y, Section 11.3.e(vi)**

Section 15.3.f of Attachment Y provides that in "addition to the metrics used in its benefit/cost analysis, the NYISO will work with the ESPWG to consider the development and implementation of additional metrics, for information only, that estimate the potential benefits of the proposed project." These "additional metrics shall include those that measure reductions in LBMP load costs, changes to generator payments, ICAP costs, Ancillary Service costs, emissions costs, losses and TCC payments. Consideration of these additional metrics will take into account the overall resource commitments of the NYISO." Similarly, Section 15.3.g of Attachment Y requires the NYISO to work with the ESPWG to develop still other informational scenarios on proposed economic upgrades, including "fuel and load forecast uncertainty, emissions data and the cost of allowances, pending environmental or other regulations, and alternate resource and energy efficiency scenarios."

In the October 16, 2008 Order, the Commission directed the Joint Filing Parties to submit additional details on how these metrics will be determined. In the May 19 Compliance Filing, the Joint Filing Parties submitted a series of amendments to Section 11.3 of Attachment

Y to provide additional details on the metrics that will be calculated to help beneficiaries of economic projects to determine whether to vote for, or against, such projects. The October 15 Order accepted the proposed tariff revisions, but directed the

NYISO to file a compliance filing within 60 days hereof to revise Section 11.3e.(vi) of its tariff to incorporate the megawatt impact methodology used in calculating the ICAP metric into the tariff. Further, NYISO is directed to file a compliance filing containing revised tariff sheets reflecting the new ICAP cost metric with the Commission once it completes the stakeholder process addressing that metric.

As described in the May 19 Compliance Filing, in order to facilitate the initial implementation of the CARIS studies, the NYISO and its stakeholders agreed to utilize a megawatt impact methodology as the ICAP metric for the initial cycle and to develop an ICAP cost metric with its stakeholders prior to the next CARIS study.<sup>17</sup> Therefore, in compliance with this directive, the Joint Filing Parties propose to amend Section 11.3.e(vi) of Attachment Y by the addition of a new subsection A to describe the megawatt impact methodology as follows:

For the initial CARIS study cycle, the ICAP metric will be based on a megawatt impact methodology that: (1) determines the base system loss of load expectation (“LOLE”) for the applicable horizon year; (2) adds the proposed economic project; and (3) calculates the LOLE for the system with the addition of the proposed economic project. If the system LOLE is lower than that of the base system, the NYISO will reduce generation in all New York Control Area (“NYCA”) zones proportionally (i.e., based on proportion of zonal capacity to total NYCA capacity) until the base system LOLE is achieved. That amount of reduced generation is the NYCA megawatt impact.

#### **D. Other Revisions to Attachment Y**

The Joint Filing Parties propose to revise Attachment Y Sections 12.1 and 15.5(a) in accordance with Commission-accepted amendments to clarify that the ESPWG and TPAS are not responsible for making decisions but, instead, that they advise the Operating Committee

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<sup>17</sup> As noted in footnote 5 of the November 3, 2009 motion for extension of time filed by the NYISO in this proceeding, the Joint Filing Parties will address the issues regarding the ICAP cost metric in the same filing where they will address the use of TCC revenues and bilateral contracts to offset reductions in LBMPs. The NYISO also noted that it will be addressing the ICAP metric as part of the Phase II procedures and expects to have this completed for filing on April 13, 2010. The Joint Filing Parties note that the process for MW determination may change once the ICAP cost metric has been developed.

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and Business Issues Committee. Therefore, the Joint Filing Parties propose to revise Section 12.1 as follows:

The draft CARIS shall be submitted to both TPAS and the ESPWG for review and comment. The NYISO shall make available to any interested party sufficient information to replicate the results of the draft CARIS. The information made available will be electronically masked and made available subject to such other terms and conditions that the NYISO may reasonably determine are necessary to prevent the disclosure of any Confidential Information or Critical Energy Infrastructure Information contained in the information made available. Following completion of that review, the draft CARIS reflecting the revisions resulting from the TPAS and ESPWG review shall be ~~sent~~forwarded to the Business Issues Committee and the Management Committee for discussion and action.

Corresponding revisions have been made to Section 15.5(a), as well as to Sections 6.1 and 9.1. The ESPWG and TPAS processes for each of the CSPP reports is extensive and the documents sent to the Business Issues Committee and Operating Committee for action and vote contain the results of the stakeholder comments negotiated during that process. Since the documents on which the Business Issues Committee and Operating Committee act upon reflect stakeholder comments received at each step of the process, providing a summary of comments received during those processes would be unnecessary, redundant and lead to confusion on what was actually agreed to.

The Joint Filing Parties also propose to revise Section 15.4b(i) of Attachment Y to correct the typographical error identified by the Commission. Therefore, Section 15.4b(i) has been modified to state: “as set forth in subsection (v) below.”

The Joint Filing Parties also propose two ministerial corrections. On Sheet No. 956, the numbering for the section on “Confidentiality of Solutions” has been corrected. On Sheet No. 957, an extraneous “regulated” has been deleted from Section 9.4.a.

#### **IV. EFFECTIVE DATE**

The Joint Filing Parties request that the Commission approve the proposed tariff modifications with an effective date of December 14, 2009.

#### **V. COMMUNICATIONS AND CORRESPONDENCE**

Copies of correspondence concerning this filing should be served on:

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## **VI. SERVICE**

This filing will be posted on the NYISO's website at [www.nyiso.com](http://www.nyiso.com). In addition, the NYISO will email 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

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<sup>18</sup> Waiver of the Commission's regulations (18 C.F.R. § 385.203(b)(3) (2009)) is requested to the extent necessary to permit service on counsel for the NYISO in both Washington, DC and Richmond, Virginia, as well as the representatives for the NYTOs.

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Commission, and to the electric utility regulatory agencies of New Jersey and Pennsylvania. The NYISO will also make a paper copy available to any interested party that requests one.<sup>19</sup>

## **VII. CONCLUSION**

Wherefore, for the foregoing reasons, the Joint Filing Parties respectfully request that the Commission take action as requested herein and accept the proposed revisions to the NYISO OATT effective December 14, 2009.

Respectfully submitted,

NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.

NEW YORK TRANSMISSION OWNERS

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<sup>19</sup> 18 C.F.R. § 35.2(e) (2008)

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