

October 30, 2013

**By Electronic Filing**

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

***Re: New York Independent System Operator, Inc., Docket No. ER13-2016-000,  
Notice of Delayed Implementation of Real-Time Guarantee Payment  
Mitigation Software for Regulation Capacity and Regulation Movement Bids***

Dear Secretary Bose:

On July 23, 2013, the New York Independent System Operator, Inc. (“NYISO”) requested a temporary, limited waiver of Sections 23.3.3.3.1.1 and 23.3.3.3.1.2 of (Attachment H to) its Market Services Tariff (“Waiver Request”).<sup>1</sup> The Federal Energy Regulatory Commission (“Commission” or “FERC”) issued an order granting the NYISO’s Waiver Request on August 22, 2013 (“August Order”).<sup>2</sup> On October 4, 2013, the NYISO requested a twenty-two day extension of the temporary, limited waiver that the Commission granted in its August Order, from October 23, 2013 to November 14, 2013 (“Waiver Request Extension”). On October 24, 2013, the Commission issued a notice extending the waiver period until November 14, 2013.<sup>3</sup>

On October 22, 2013, the NYISO notified the Commission and Market Participants that it would incorporate Regulation Capacity and Regulation Movement Bids and reference levels into the real-time guarantee payment (“RTGP”) mitigation software on October 30, 2013. During the preparation for deployment, an IT infrastructure hardware issue was identified that could be exacerbated by the major software deployment that was scheduled for October 30, 2013. The NYISO is working with its hardware vendor to develop a timely solution. Therefore, the NYISO has delayed the deployment of its bundled software package that was scheduled for October 30, 2013.

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<sup>1</sup> Section 23 of (Attachment H to) the NYISO’s Market Services Tariff sets forth the NYISO’s Market Power Mitigation Measures.

<sup>2</sup> *New York Independent System Operator, Inc.*, 144 FERC ¶ 61,147 (2013).

<sup>3</sup> *New York Independent System Operator, Inc.*, Notice Extending Waiver Period, ER13-2016 (October 24, 2013).

The NYISO intends to deploy the RTGP mitigation software improvements on or before the November 14, 2013 expiration of the Waiver Request Extension as long as the IT infrastructure hardware issue is resolved.<sup>4</sup> The NYISO will implement the RTGP mitigation software improvements as soon as they are deployed to production. The NYISO renews its commitment to provide notice to the Commission and to its Market Participants at least one week prior to implementing the software improvements that are necessary to incorporate Regulation Capacity and Regulation Movement Bids and reference levels into the NYISO's RTGP mitigation software.<sup>5</sup>

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, to all parties listed on the Commission's official service list in Docket Nos. ER12-1653 and ER13-2016 and to the New Jersey Board of Public Utilities. In addition, the complete filing will be posted on the NYISO's website at [www.nyiso.com](http://www.nyiso.com).

Respectfully submitted,

/s/ James H. Sweeney

James H. Sweeney, Attorney  
New York Independent System Operator, Inc.

cc: Michael Bardee  
Gregory Berson  
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<sup>4</sup> The NYISO will seek an extension of the current waiver if the RTGP mitigation software cannot be deployed on or before November 14, 2013.

<sup>5</sup> See Waiver Request at p. 4, Waiver Request Extension at p. 3, and *New York Indep. Sys. Operator, Inc.*, 144 FERC ¶ 61,147 at P 6 (2013).

## **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 30<sup>th</sup> day of October, 2013.

/s/ Joy A. Zimmerlin

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