

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

<b>New York Independent System Operator, Inc.</b>	)	<b>Docket Nos. ER09-1142-005</b>
	)	<b>ER10-1722-000</b>
	)	
	)	<b>(not consolidated)</b>

**MOTION OF THE NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.  
REQUESTING LIMITED WAIVER OF FILING DEADLINE  
OR ALTERNATIVE REQUEST FOR ONE-DAY EXTENSION OF TIME**

In accordance with Rule 212 of the Commission’s Rules of Practice and Procedure,<sup>1</sup> the New York Independent System Operator, Inc. (“NYISO”) respectfully seeks, to the extent that the Commission deems necessary, a waiver of Rule 2001(a)(2)<sup>2</sup> of the Commission’s regulations. Under that provision the compliance filing that the NYISO attempted to submit on July 6, 2010 in the above-captioned proceeding would be deemed to have been made one day out-of-time, on July 7, 2010. As is noted below, a waiver is warranted because the NYISO attempted to timely submit its compliance filing in good faith and because no party would be harmed by the requested waiver. Alternatively, the NYISO respectfully requests a one-day extension of time, pursuant to Rule 2008,<sup>3</sup> so that the compliance filing will not be deemed to be late.

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<sup>1</sup> 18 C.F.R. § 385.212 (2010).

<sup>2</sup> 18 C.F.R. § 385.2001(a)(2).

<sup>3</sup> 18 C.F.R. § 385.2008.

## **I. Communications**

Copies of correspondence concerning this filing should be served on:

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## **II. Request for Waiver or Alternative Motion for One-Day Extension**

This filing was the NYISO's first filing using the new eTariff system, since the submission of its "baseline" tariffs. Pursuant to the Commission's June 4, 2010 order, the compliance filing was due on July 6, 2010.<sup>4</sup> The NYISO submitted its filing on July 6 before the 5:00 p.m. deadline. Unfortunately, due to unexpected difficulties using the NYISO's new eTariff software, the compliance filing was initially rejected.

Specifically, the filing was rejected because of software limitations with respect to the use of effective dates that are prior to the date that the NYISO's baseline eTariff was submitted to the Commission. The June 4 Order required the submission of tariff sheets with an effective date of January 1, 2010. The NYISO's baseline eTariff was not created until June 30, 2010, so the software rejected the filing for having a "Tariff Record Proposed Effective Date" that was earlier than the effective date of the NYISO's baseline tariffs. In order to submit its filing in a manner that would be accepted by the software, the NYISO

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<sup>4</sup> *New York Independent System Operator, Inc.*, 131 FERC ¶ 61,225 (2010) ("June 4 Order").

submitted its compliance filing with an effective date of July 6, 2010,<sup>5</sup> but requested the appropriate effective date in its filing cover letter.

Upon receipt of the rejection the NYISO resubmitted its filing, but the official Notification of Acceptance indicated that the filing was submitted at 5:01 p.m., providing an official filing date of July 7, 2010. Consequently, the NYISO respectfully requests waiver of 18 C.F.R. § 385.2001(a)(2) to the extent necessary to reflect a July 6, 2010 filing date for the NYISO's compliance filing in this proceeding.

The NYISO submits that the waiver should be granted because: (1) the NYISO, in good faith, attempted to submit its compliance filing prior to 5:00 p.m. but submission errors, due to the need to request effective dates prior to the date of the NYISO's baseline eTariff filing and another minor error, required resubmittal; (2) the waiver is limited in scope, as it is requested only to the extent required to allow the NYISO's compliance filing to be deemed timely; and (3) granting the request will not have undesirable consequences on third parties, as the filing was submitted to the Commission on July 6, 2010.

In the alternative, if the Commission does not grant waiver, the NYISO requests a one-day extension of time to submit its compliance filing. As noted above, the compliance filing in response to the June 4 Order was due on July 6, and though submitted July 6, the official Notification of Acceptance reflected a 5:01 p.m. submission time, providing a filing date of July 7, 2010. Because the filing has already been submitted, no party will be harmed

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<sup>5</sup> The NYISO's June 4 Order compliance filing included tariff revisions to reflect the Order No. 676-F Phase I Measurement and Verification Standards, which also required an effective date prior to June 30, 2010 (*i.e.*, May 24, 2010). As with the modifications required by the June 4 Order, the tariff revisions in compliance with Order No. 676-F were submitted with a July 6, 2010 effective date, but the cover letter requests the appropriate effective date.

by this one-day extension. Therefore, the NYISO requests that the Commission grant it a one-day extension from July 6, 2010 to July 7, 2010.

### **III. CONCLUSION**

For the reasons set forth above the NYISO respectfully requests that the Commission grant the requested waiver in order to allow the NYISO's compliance filing to be deemed timely or, alternatively, grant a one-day extension from July 6, 2010 to July 7, 2010.

Respectfully submitted,

/s/Ted J. Murphy

Ted J. Murphy

Counsel to

the New York Independent System Operator, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, DC, this 7<sup>th</sup> day of July, 2010.

/s/Vanessa A. Colón  
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