

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

New York Independent System Operator, Inc.)

Docket No. ER12-2443-000

**MOTION OF THE NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.
TO DEFER EFFECTIVE DATE OF PREVIOUSLY ACCEPTED TARIFF REVISIONS
AND REQUEST FOR WAIVERS**

Pursuant to Rule 212 of the Commission’s Rules of Practice and Procedure,¹ the New York Independent System Operator, Inc. (“NYISO”) respectfully requests that the Commission defer the effective date of the tariff revisions approved in this proceeding, which better align the ICAP Spot Market Auction credit requirements with actual market risk, from October 17, 2012 until November 16, 2012. The deferral is necessary because the NYISO will be unable to deploy the software required to implement the tariff revisions by October 17, 2012.

I. Documents Submitted

1. This filing letter; and
2. A clean version of the proposed revisions to the NYISO’s Services Tariff (“Attachment I”).

II. Background

In the NYISO’s initial filing in this proceeding, the NYISO requested that the Commission approve the proposed tariff revisions with an effective date of October 17.² At that

¹ 18 C.F.R. 385.212 (2012).

² See *New York Independent System Operator, Inc.’s Proposed Tariff Revisions Related to ICAP Credit Requirements*, Docket No. ER12-2443-000 (August 13, 2012).

time, the NYISO planned to deploy the software enhancements required to implement the tariff revisions prior to October 17.

III. Motion and Request for Waivers

The NYISO respectfully requests that the Commission defer the effective date of the tariff revisions previously accepted as of October 17 to November 16. With this filing, the NYISO is resubmitting the clean tariff section originally submitted with its August 13, 2012 filing in this proceeding, but with a revised effective date of November 16, 2012.

In the past, the Commission has agreed to defer the effective date of certain tariff provisions when the deployment date of software that is required for their implementation must change to ensure that the software will function properly. Such circumstances exist in this case. The NYISO has had to delay the deployment date of the software code required to implement the enhanced credit requirement provisions because of other projects within its integrated software deployment plan. The NYISO expects to deploy this software within the next few weeks but not until after October 17. Deferring the effective date of the enhanced credit requirement provisions until November 16, 2012 should allow sufficient time to complete the required software enhancements, while also ensuring the tariff changes become effective prior to the ICAP Spot Market Auction that will be conducted in November for December 2012.

Although the Commission has previously accepted requests to defer effective dates that were not submitted as formal tariff amendments,³ the NYISO respectfully requests a waiver of

³ The New York Independent System Operator, Inc.'s June 2009 motion to defer the effective date of certain tariff provisions, which is referenced *supra* in footnote 7, included a request for waiver of the Commission's filing requirements similar to the one included in this motion. See *New York Independent System Operator, Inc.*, Docket No. ER09-1317-000 (June 16, 2009).

the requirements set forth in Part 35 of the Commission's regulations to the extent that they are deemed to be applicable.⁴ If the Commission were to conclude that this request were subject to Part 35, then the NYISO would arguably not be able to make it without first obtaining the approval of its stakeholder Management Committee.⁵

Under these circumstances, and given the wholly administrative nature of the requested deferral, the NYISO believes that it would be appropriate for the Commission to waive Part 35, to the extent necessary, so that the NYISO may correct what are now inaccurate effective dates as soon as reasonably possible. For the same reason, the NYISO requests a waiver of any other notice or filing requirement that the Commission may conclude is applicable to this request.

IV. Service

The NYISO will electronically send a link to this filing to the official representative of each of its customers, to each participant on its stakeholder committees and to the New York Public Service Commission. In addition, the complete filing will be posted on the NYISO's website at www.nyiso.com.

⁴ In a May 22, 2002 letter order in Docket Nos. ER01-3009-006, *et al.*, the Commission accepted a NYISO motion requesting the deferral of the effective date of certain tariff provisions, but indicated that future requests for deferral should be submitted under Section 205 of the Federal Power Act and Part 35 of the regulations. As is noted above, however, the Commission has subsequently accepted motions to defer effective dates that included requests for waivers of the Commission's filing requirements. In the event that the Commission deems this later precedent to be inapposite, the NYISO respectfully requests that the Commission accept the NYISO's request for a deferral but order it to make a compliance filing to revise the effective dates.

⁵ See Article 19.01 of the NYISO's *Independent System Operator Agreement* which normally requires NYISO Board and Management Committee approval before the NYISO may file a tariff revisions under Section 205 of the Federal Power Act (available at: http://www.nyiso.com/public/webdocs/documents/regulatory/agreements/nyiso_agreement/iso_agreement.pdf).

V. Conclusion

Wherefore, for the foregoing reasons, the New York Independent System Operator, Inc. respectfully requests that the Commission accept this request to defer the effective date of the tariff revisions accepted as of October 17, 2012 until November 16, 2012, grant any necessary waivers, and make this request effective as of the date of this filing.

Respectfully submitted,

/s/ Ted J. Murphy

Ted J. Murphy

Counsel for

New York Independent System Operator, Inc.

Date: October 12, 2012

cc: Travis Allen
Michael A. Bardee
Gregory Berson
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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.

Dated at Rensselaer, NY this 12th day of October, 2012.

/s/ Joy A. Zimmerlin

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