

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

New York Independent System Operator, Inc.) Docket No. ER10-424-000

**MOTION TO AMEND REQUEST FOR WAIVERS OF
OPEN ACCESS SAME TIME INFORMATION SYSTEM REGULATIONS
OF THE NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.**

Pursuant to Rule 212 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), the New York Independent System Operator, Inc. (“NYISO”) hereby files this motion to amend the portion of its December 15, 2009 *Request for Additional Waivers of Open Access Same Time Information System* regulations that is currently pending in this proceeding. Specifically, the NYISO seeks to amend its request for waiver of certain of the Open Access Same Time Information (“OASIS”) regulations¹ in response to the Commission’s September 16, 2010 (“September Order”) in Docket No. RD10-5-000.² That order clarified that the NYISO’s internal transmission interfaces are not “Posted Paths” as that term is used in the OASIS regulations but that its external interfaces likely constitute such paths. The NYISO therefore narrows the scope of its pending requested waivers so that they would apply only to its internal, and not to its external, interfaces.

¹ 18 C.F.R. Part 37 (2010).

² *North American Electric Reliability Corp.*, 132 FERC ¶61,239 at PP 22-23 (2010) (“September Order”).

I. BACKGROUND

As the NYISO has previously explained, it has been exempt from a number of the Commission's OASIS regulations since 1999.³ On December 15, 2009, the NYISO filed a request for additional waivers of the Commission's OASIS regulations. The NYISO explained that the new waivers were justified by the differences between its financial reservation based transmission model and the *pro forma* OATT physical reservation based transmission model contemplated in Order No. 890. The NYISO also noted that the Commission had recently granted similar waivers to the California Independent System Operator Corporation, an entity whose transmission model is similar to, and indeed modeled closely on, the NYISO's system.⁴

On February 12, 2010, the Commission issued an order granting in part and deferring action on the NYISO's request for waivers from regulations concerning the calculation and posting of Available Transfer Capability ("ATC"), Total Transfer Capability, Capacity Benefit Margin, and Transmission Reliability Margin (*i.e.*, 18 C.F.R. §§ 37.6(b)(1), (b)(2)(i-ii), and b(3)(i-iii) (collectively the "Relevant Regulations"). The Commission opted to defer action until after it had ruled on a North American Electric Reliability Corporation ("NERC") petition for an interpretation of the Modeling, Data and Analysis ("MOD") Reliability Standards MOD-001-1 and MOD-029-1 ("NERC MOD Interpretation") that had been initiated by the NYISO.⁵ The Commission found that the NYISO's request for waivers from the Relevant Regulations were "closely

³ See *New York Independent System Operator, Inc.*, 130 FERC ¶ 61,104 (2010) ("2010 OASIS Waiver Order"); *New York Independent System Operator, Inc.*, 94 FERC ¶ 61,215 (2001); *Central Hudson Gas & Electric Corp.*, 88 FERC ¶ 61,253 (1999).

⁴ See *California Independent System Operator Corp.*, 126 FERC ¶ 61,260 (2009).

⁵ *New York Independent System Operator, Inc.*, 130 FERC ¶ 61,104 at P 17 (2010).

correlated with the outcome” of the NERC MOD Interpretation.⁶ Subsequently, the Commission approved the NERC MOD Interpretation in the September Order.⁷ **II.**

AMENDMENT TO WAIVER REQUEST

The NYISO wishes to narrow its request for waivers of the Relevant Regulations so that the waivers would only apply to its internal interfaces. The NYISO is making this request in light of the recent guidance provided by the September Order.

The Relevant Regulations apply to “Posted Paths” which are defined as:

[A]ny control area to control area interconnection; any path for which service is denied, curtailed or interrupted for more than 24 hours in the past 12 months; and any path for which a customer requests to have ATC or [Total Transfer Capacity] posted.⁸

The September Order provisionally accepted the NYISO’s position that, because of the characteristics of the financial reservation model, the NYISO’s internal transmission interfaces did not constitute “Posted Paths.”⁹ On the other hand, the Commission also noted that the NYISO’s external transmission interfaces appeared to constitute “control area to control area interconnections” and thus seemed to be Posted Paths.¹⁰

Consequently, the NYISO no longer seeks a waiver at this time of the Relevant Regulations with respect to its external interfaces. It is still seeking waivers of those regulations with respect to its internal interfaces, and would respectfully submit that the reasoning of the September Order supports this request.

⁶ *Id.*

⁷ September Order at P 1.

⁸ 18 C.F.R. § 37.6(b)(1)(i).

⁹ September Order at P 23.

¹⁰ *Id.* at P 24.

III. EFFECTIVE DATE

The NYISO requests that the Commission grant this request for waivers effective as of the date of the original filing, *i.e.* December 15, 2009.

IV. CONCLUSION

The New York Independent System Operator, Inc., respectfully requests that the Commission grant its outstanding request for waivers, as modified herein.

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 these proceedings.

Dated at Washington, DC, this 12th day of October, 2010.

/s/Vanessa A. Colón

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