

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

New York Independent System Operator, Inc.	)	
	)	
	)	Docket Nos. ER13-780-____

**MOTION FOR LEAVE TO RESPOND, AND RESPONSE OF THE  
NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.**

Pursuant to Rules 212 and 213 of the Federal Energy Regulatory Commission’s (“FERC” or “Commission”) Rules of Practice and Procedure,<sup>1</sup> the New York Independent System Operator, Inc. (“NYISO”) submit the following response (“Response”) to the *Comments of the Independent Market Monitor for PJM* (“Comments”) that were submitted in the above-captioned Docket on February 8, 2013. The Comments were submitted in response to the *Interface Pricing Compliance Filing* (“Compliance Filing”) that the NYISO submitted in the above-captioned Docket on January 18, 2013.

**I. NYISO’s Right to Respond/Motion for Leave to Respond**

The NYISO recognizes that the Commission generally discourages responses to protests (but not comments). However, the PJM Independent Market Monitor’s (“PJM MMU’s”) Comment seeks affirmative relief from the Commission. The Comments ask the Commission to require the NYISO to “create a reference document that identifies the primary flows from every external balancing authority to and from the NYISO and [to] modify [the NYISO’s] path validations to ensure that each submitted transaction path is assigned a single NYISO interface pricing point” and suggests that the Commission should “provide an Order on Acceptance of the NYISO’s Compliance Filing contingent on the implementation of the recommended eTag path

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<sup>1</sup> 18 C.F.R. §§ 385.212 and 385.213.

validation modifications [proposed by the PJM MMU].”<sup>2</sup> Although the PJM MMU’s pleading is styled as a “comment” it is, in fact, a motion that seeks affirmative relief from the Commission.<sup>3</sup> Rule 213(a)(3) of the Commission’s Rules of Practice and Procedure allows an answer to motions seeking affirmative relief from the Commission.<sup>4</sup> The Commission’s Rules of Practice and Procedure therefore permit the NYISO to respond to the PJM MMU’s Comments.

If and to the extent that the Commission determines that the NYISO’s Response is not expressly permitted under Rule 213, the NYISO respectfully requests leave to submit this Response. Although the Commission generally discourages responses to protests (but not comments), the Commission has allowed responses to protests when they help to clarify complex issues, provide additional information that will assist the Commission, correct inaccurate statements, or are otherwise helpful in developing the record in a proceeding.<sup>5</sup> The NYISO’s response meets this standard. The NYISO’s response does not introduce new arguments, but instead is submitted for the limited purpose of clarifying certain factual matters and correcting inaccurate statements in the PJM MMU’s Comments, thereby assisting the Commission in its review and consideration of the issues presented in this proceeding. The NYISO therefore respectfully requests that the Commission exercise its discretion and accept this Response.

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<sup>2</sup> Comments at 7, 8.

<sup>3</sup> See 18 C.F.R. § 385.212(c)(2).

<sup>4</sup> 18 C.F.R. § 385.213(a)(3).

<sup>5</sup> See, e.g., *Morgan Stanley Capital Group, Inc. v. New York Independent System Operator, Inc.*, 93 FERC ¶ 61,017 at 61,036 (2000) (accepting an answer that was “helpful in the development of the record..... ”); *New York Independent System Operator, Inc.*, 91 FERC ¶ 61,218 at 61,797 (2000) (allowing “the NYISO’s Answer of April 27, 2000, [because it was deemed] useful in addressing the issues arising in these proceedings ..... ”); *Central Hudson Gas & Electric Corp.*, 88 FERC ¶ 61,138 at 61,381 (1999) (accepting prohibited pleadings because they helped to clarify the issues and because of the complex nature of the proceeding).

## **II. Documents Submitted with this Response**

The documents submitted are:

1. this Response;
2. Attachment A, the Affidavit of Dr. David Patton, President of Potomac Economics, the NYISO's MMU; and
3. a Certificate of Service.

## **III. Response to PJM MMU Comments**

### **A. The PJM MMU Agrees that NYISO's Proposal Produces Appropriate Prices**

The PJM MMU's Comments recognize that the NYISO's method for calculating bus prices is "comparable [to] PJM's method."<sup>6</sup> The PJM MMU "does not object" to the NYISO's method of determining unscheduled power flows in the Day-Ahead Market<sup>7</sup> and Real-Time Market.<sup>8</sup> The Comments recognize that NYISO's eTag path validation process addresses the *same* concerns that PJM addresses via its source/sink pricing.<sup>9</sup> In fact, the PJM MMU now supports the NYISO's use of eTag path validation and "agrees"<sup>10</sup> that the NYISO's enforcement of its circuitous scheduling path prohibitions "ensures that each External Transaction Bid is consistently represented in the NYISO's market and reliability systems for evaluation."<sup>11</sup> The NYISO appreciates the PJM MMU's endorsement of the NYISO's pricing method and the NYISO's use of path validation.

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<sup>6</sup> Comments at 2, fn. 4.

<sup>7</sup> Capitalized terms that are not defined in this Response have the meaning ascribed to them in the NYISO's Market Administration and Control Area Services Tariff or in the NYISO's Open Access Transmission Tariff.

<sup>8</sup> Comments at 1-2.

<sup>9</sup> Comments at 2 ("The NYISO eTag path validation approach addresses the same issue, on an *ex ante* basis, by rejecting the scheduled market path if it does not reflect the actual [expected] flows and accepting only scheduled market paths which reflect the expected actual energy flows.").

<sup>10</sup> Comments at 5.

<sup>11</sup> *Id.* (quoting the NYISO's Compliance Filing at 7).

## **B. PJM MMU Recommendations**

The PJM MMU's Comments recommend that the Commission require the NYISO to "create a reference document that identifies the primary flows from every external balancing authority to and from the NYISO and [to] modify [the NYISO's] path validations to ensure that each submitted transaction path is assigned a single NYISO interface pricing point."<sup>12</sup> The recommendations that the PJM MMU included in its Comments were not presented to or discussed with the NYISO prior to their submission.<sup>13</sup> Neither the NYISO nor the NYISO MMU have identified significant benefits that would be gained by developing the additional software capability<sup>14</sup> that would be necessary to implement the PJM MMU's recommendation at this time. A possible compromise solution that the NYISO believes would address the PJM MMU's concern is described below.

The PJM MMU's Comments also recommended that the Commission "make clear that it is a tariff violation to break a circuitous path into separate pieces in order to change the price that would be assigned compared to the price that would be assigned if the generation control area and load control area were specified consistent with the entire transaction."<sup>15</sup> This PJM MMU recommendation appears to be directed both at (a) PJM's source/sink pricing (which is not at issue in this Docket), and (b) attempts to circumvent the NYISO's path validation process by

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<sup>12</sup> Comments at 7.

<sup>13</sup> The NYISO and PJM MMU met several times, in person and by phone, to discuss the NYISO's market rules and Compliance Filing. The NYISO MMU and PJM also attended some of these meetings. At the meetings, the PJM MMU asked NYISO representatives a number of questions about how the NYISO would schedule and price a Tennessee Valley Authority ("TVA") to New York transaction that is scheduled via different scheduling paths (TVA to PJM to New York vs. TVA to MISO to Ontario to New York). However, the PJM MMU did not propose or discuss the recommendation it submitted in its Comments with the NYISO prior to the submission of the PJM MMU's Comments.

<sup>14</sup> The source/sink rules that the PJM MMU recommends that the Commission require the NYISO to implement do not appear to be the same as the NYISO's existing path validation logic. As Dr. Patton explains in PP 15, 16 and 21 of his attached Affidavit, the NYISO MMU does not agree with the PJM MMU's proposal to ignore the scheduling path when assessing the expected power flow impacts of External Transactions.

<sup>15</sup> Comments at 8.

using a series of External Transactions to avoid the NYISO's circuitous scheduling path prohibitions.

In general, the NYISO agrees with the PJM MMU that External Transactions should be scheduled consistent with their expected power flow impacts. The NYISO agrees that External Transactions should not be scheduled in multiple steps that are designed to hide or obscure the overall power flow impact of a series of External Transactions. The NYISO agrees that External Transactions should not be scheduled in a manner that is designed to obtain payment for relieving transmission congestion, when such congestion relief is not consistent with the overall expected power flow impact of a series of External Transaction schedules.

**C. NYISO Response to PJM MMU Recommendation that NYISO Implement Source/Sink Path Prohibitions for All Control Areas In the Eastern Interconnection**

**1. The PJM MMU's Recommendation Falls Outside the Scope of the Commission's Order on Rehearing, Proposes Changes to Existing NYISO Tariff Provisions, and is Unnecessary**

The Commission's August 22, 2012 *Order on Rehearing* in Docket No. ER08-1281 instructed "we clarify that in requiring that NYISO's proposal be consistent with PJM's interface pricing approach, we are requiring NYISO's methodology to compatible with PJM's - not necessarily identical to it."<sup>16</sup> The NYISO's Compliance Filing achieves the required result and should be accepted for filing by the Commission without modification.

The PJM MMU's recommendation that the Commission require the NYISO to discard or modify *existing* Tariff rules<sup>17</sup> that the NYISO did not propose to change in its Compliance

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<sup>16</sup> *New York Independent System Operator, Inc.*, 140 FERC ¶ 61,140 at P 22 (2012) ("Order on Rehearing").

<sup>17</sup> See Section 16.3.3.8 of (Attachment J to) the NYISO's OATT. The NYISO is not proposing to modify Section 16.3.3.8 of (Attachment J to) the NYISO's OATT in this Docket.

Filing, and develop source/sink scheduling path prohibitions for more than 150 Control Areas,<sup>18</sup> must be rejected. The PJM MMU has not shown that the NYISO's existing Tariff rules produce unjust or unreasonable results, or that the PJM MMU's proposed changes to the NYISO's existing Tariff rules are necessary to ensure a just and reasonable result.<sup>19</sup> To the contrary, the PJM MMU agrees that the NYISO's implementation of Section 16.3.3.8 of the NYISO's Open Access Transmission Tariff ("OATT") "'ensures that each External Transaction Bid is consistently represented in the NYISO's market and reliability systems for evaluation.'"<sup>20</sup>

The NYISO's circuitous scheduling path prohibitions are only capable of affecting External Transactions that include the New York Control Area ("NYCA") on the scheduling path for the transaction. The PJM MMU's proposal would require NYISO to implement new source/sink scheduling path prohibitions for more than 130 Control Areas that were not the source or sink of even one single transaction schedule that included the NYCA as part of the scheduling path in 2011 or 2012. The PJM MMU's recommendation would create unnecessary additional work for the NYISO, and is not necessary to produce a just and reasonable result.

## **2. NYISO Review of Impact of PJM MMU Recommendation on 2011 and 2012 Scheduled Interchange**

Below the NYISO reviews the actual interchange scheduled between (or through) the NYCA and all other Control Areas in 2011 and 2012. The NYISO's review shows that the NYISO's implementation of its currently effective circuitous scheduling path prohibitions (which are set forth in Section 16.3.3.8 of the NYISO's OATT) produce the same pricing result

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<sup>18</sup> The NYISO developed its "more than 150 Control Areas" estimate by performing a rough (est. 50 entries/page) tabulation of all of the Control Areas that PJM assigns to particular "Pricing Point Groups" in PJM's publicly posted *Mapping of External Balancing Authorities to Interface Pricing Points*. Link: <http://www.pjm.com/~media/etools/ees/pricing-point-guide.ashx>

<sup>19</sup> See 16 U.S.C. § 824(e) (Section 206 of the Federal Power Act).

<sup>20</sup> Comments at 5 (quoting the NYISO's Compliance Filing at 7).

that the PJM MMU's recommendation would produce more than 99.75% of the time. There is little practical difference between the PJM MMU's recommendation and what the NYISO already does. With regard to the remaining 0.25% of scheduled interchange that *might* present an area of disagreement, the NYISO MMU explains that the NYISO's circuitous scheduling path prohibition, in combination with the pricing rules that the NYISO proposed in its Compliance Filing, produce an appropriate result that is consistent with the NYISO's market design.<sup>21</sup>

**a. Interchange Scheduled Between PJM and the NYCA**

In 2011 and 2012 almost 37% (36.78%) of all interchange scheduled into, out of, or through the NYCA involved direct interchange between the NYCA and PJM.<sup>22</sup> The NYISO's currently effective circuitous scheduling path prohibitions prevent power from being scheduled circuitously between the NYCA and PJM, just like the PJM MMU's proposal would.<sup>23</sup> The PJM MMU acknowledges that the NYISO's existing circuitous scheduling path prohibitions produce the correct result for PJM/NYCA scheduled interchange on pages 5 and 6 of its Comments.

**b. Interchange Scheduled Between the NYCA and ISO-New England**

More than 25% (25.66%) of NYCA scheduled interchange involved External Transactions scheduled directly between the NYCA and ISO New England ("ISO-NE"). It is not possible for interchange between the NYCA and ISO-NE to be scheduled in a circuitous manner.<sup>24</sup> It is not necessary for the NYISO to put in place a new Tariff rule specifying a

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<sup>21</sup> See Attachment A at PP 20-22.

<sup>22</sup> The NYISO's statistics are based on interchange that was scheduled in the NYISO's Real-Time Commitment ("RTC") software. A portion of the scheduled interchange was likely removed at check-out between the NYISO and its neighbors (or at another point of check-out on the scheduling path of a transaction) following the NYISO's RTC economic evaluation.

<sup>23</sup> See Sections 16.3.3.8(1) and (4) of (Attachment J to) the NYISO's OATT.

<sup>24</sup> Schedules between the NYCA and ISO-NE through Canada would necessarily involve a direct current interconnection that would conform actual power flows to scheduled power flows with great precision and would not present circuitous scheduling concerns.

scheduling path or source/sink pairing that must be used for transactions between the NYCA and ISO-NE in order to ensure that the scheduling path accurately represents expected power flows.

**c. Interchange Scheduled Between the NYCA and Hydro Quebec**

More than 20% (20.56%) of NYCA scheduled interchange occurred at the NYISO's direct current interconnection with Hydro Quebec.<sup>25</sup> The NYISO and Hydro Quebec operate asynchronously. As the Commission recognized in PP 19 and 22 of its Order on Rehearing in Docket No. ER08-1281<sup>26</sup> the direct current converters that interconnect the NYCA with Quebec precisely match actual power flows to scheduled power flows at Chateauguay, and no circuitous scheduling concern exists at that interface. It is not necessary for the NYISO to put in place a new Tariff rule specifying a source/sink pairing that must be used for transactions between the NYCA and Hydro Quebec in order to ensure that imports scheduled at Chateauguay (or Dennison) accurately represent expected power flows.

**d. Interchange Scheduled Between the NYCA and Ontario**

Almost 14% (13.92%) of NYCA scheduled interchange involved External Transactions scheduled directly between the NYCA and Ontario. The NYISO's currently effective circuitous scheduling path prohibitions already prevent power from being scheduled circuitously between the NYCA and Ontario.<sup>27</sup> The PJM MMU acknowledges that the NYISO's existing circuitous scheduling path prohibitions produce the correct result for Ontario/NYCA scheduled interchange on pages 5 and 6 of its Comments.

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<sup>25</sup> A small portion of the scheduled interchange with Hydro Quebec occurred over the Dennison Scheduled Line, which is controlled by a variable frequency transformer that is nearly as precise as a direct current converter.

<sup>26</sup> See Order on Rehearing at PP 19, 22 ("We also clarify that the interface pricing revisions at issue in this proceeding were not intended to apply to those interfaces for which unscheduled Lake Erie loop flows are not an issue.").

<sup>27</sup> See Sections 16.3.3.8(2) and (3) of (Attachment J to) the NYISO's OATT.



**e. Wheels Scheduled Through the NYCA Between Hydro Quebec and ISO-NE**

Approximately 2.25% of all scheduled interchange related to wheels of power between the NYISO's direct current interconnection with Hydro Quebec and ISO-NE. The NYISO's implementation of its circuitous scheduling path prohibitions already prevents the scheduling of a wheel between Hydro Quebec and ISO-NE via a circuitous scheduling path that includes the NYCA.<sup>28</sup> The NYISO prices Wheels Through using the difference in the LBMP between (i) the Proxy Generator Bus where the Wheel Through is scheduled to enter the NYCA, and (ii) the Proxy Generator Bus where the Wheel Through is scheduled to exit the NYCA. PJM uses the same method to price similar Wheels Through.

**f. Wheels Scheduled Through the NYCA Between PJM and Ontario**

Approximately 0.24% of NYCA scheduled interchange involved wheels through the NYCA between Ontario and PJM. The NYISO's Tariff does not prohibit Wheels Through the NYCA between PJM and Ontario. The NYISO prices Wheels Through using the difference in the LBMP between (i) the Proxy Generator Bus where the Wheel Through is scheduled to enter the NYCA, and (ii) the Proxy Generator Bus where the Wheel Through is scheduled to exit the NYCA. PJM uses the same method to price similar Wheels Through. The PJM MMU recognizes in its Comments that the NYISO is developing appropriate Proxy Generator Bus prices at its Ontario (Bruce) and PJM (Keystone) Proxy Generator Buses.<sup>29</sup> The PJM MMU should agree that the NYISO's treatment and pricing of wheels scheduled through the NYCA

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<sup>28</sup> The NYISO's implementation of the circuitous scheduling path prohibitions extends to any External Transaction that *includes* a prohibited path. *See* the NYISO's January 21, 2008 Exigent Circumstances Filing in Docket No. ER08-1281 at 25.

<sup>29</sup> *See* Comments at 1 and at 2 fn. 4 ("The NYISO's method for calculating such bus prices is comparable to PJM's").

between PJM and Ontario is appropriate and consistent with PJM's treatment of similar Wheels Through.

**g. Wheels Scheduled Through the NYCA Via Other Paths**

Wheels Through the NYCA between ISO-NE and PJM accounted for approximately 0.16% of all NYCA scheduled interchange. Wheels Through the NYCA between ISO-NE and Ontario accounted for approximately 0.07% of all NYCA scheduled interchange. Wheels Through the NYCA between Hydro Quebec and Ontario accounted for approximately 0.06% of all NYCA scheduled interchange. Wheels Through the NYCA between Hydro Quebec and PJM accounted for approximately 0.05% of all NYCA scheduled interchange. The NYISO's implementation of the circuitous scheduling path prohibitions set forth in Section 16.3.3.8 of (Attachment J to) the NYISO's OATT prevents the circuitous scheduling of *each* of the identified wheels, so long as the scheduling path includes the NYCA.<sup>30</sup> As explained above, the NYISO prices these Wheels Through in the same manner that PJM would price a similar Wheel Through its Control Area.

**h. NYISO's Path Prohibitions Produce Results Consistent With the PJM MMU's Recommendation for More Than 99.75% of NYCA Interchange Scheduled in 2011 and 2012**

The source and sink control areas listed above accounted for *more than 99.75%* of all of the External Transactions that were scheduled into, out of, or through the NYCA in 2011 and 2012. For the reasons explained above, in each case the NYISO's application of its existing circuitous scheduling path prohibitions and its proposed interface pricing rules would produce the *same result* as the PJM MMU's recommendation. The appropriate treatment of the

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<sup>30</sup> See the NYISO's January 21, 2008 Exigent Circumstances Filing in Docket No. ER08-1281 at 25.

remaining 0.25% of interchange that was actually scheduled in the NYISO's Real-Time Commitment software in 2011 and 2012 is addressed below.

Approximately 0.24% of NYCA scheduled interchange involved External Transactions scheduled between the NYCA and the Midwest Independent Transmission System Operator ("MISO"). In P 16 of Attachment A to this Response, the NYISO's MMU explains that it is appropriate for the NYISO to take the scheduling path into account when pricing External Transactions scheduled between the NYISO and the MISO.

The other source/sink Control Area pairs were as follows:

- 500 MWh of interchange was scheduled between Alcoa Power Generating, Inc.'s Yadkin division (in North Carolina) and the NYCA. The scheduling path was through PJM. The interchange schedule made up approximately 0.0006% of all NYCA scheduled interchange.
- 200 MWh of interchange was scheduled between Southern Company and the NYCA. The scheduling path was through PJM. The interchange schedule made up approximately 0.0002% of all NYCA scheduled interchange.
- 100 MWh of interchange was economically scheduled between Oklahoma Gas & Electric and the NYCA in the NYISO's RTC, but the scheduled did not actually flow in real-time due to a checkout failure. The scheduling path was through Ontario. The interchange schedule made up approximately 0.0001% of all NYCA scheduled interchange in 2011 and 2012.

- The NYISO did not identify a single MW of interchange (Import, Export or Wheel-Through) that was directly scheduled between TVA and the NYCA in 2011 or 2012.<sup>31</sup>

The NYISO's review of *actual* transaction scheduling in 2011 and 2012 shows that it is entirely unnecessary, and would be a waste of time and resources, for the Commission to require the NYISO to implement the PJM MMU's recommendation that the NYISO be required to modify the circuitous scheduling path prohibition Tariff rules that are set forth in Section 16.3.3.8 of (Attachment J to) its OATT. The NYISO did not propose any changes to Section 16.3.3.8 of (Attachment J to) its OATT in its Compliance Filing. The PJM MMU's recommendation will not solve any problem that has actually been shown to exist. As explained in PP 10-22 of Attachment A to this Response, the NYISO MMU concurs with the NYISO's assessment of the PJM MMU's recommendation.

#### **D. Possible Compromise Solution**

The PJM MMU appears to be concerned that scheduling paths other than the eight scheduling paths identified in Section 16.3.3.8 of (Attachment J to) the NYISO's OATT could be used to schedule transactions over a contract path that is not consistent with the NYISO's expectation of how power will actually flow. The NYISO is not conceptually opposed to resolving the concern that the PJM MMU's Comments seek to address. The NYISO proposes the following compromise for the Commission's consideration.

If the Commission so instructs, the NYISO proposes to submit a further compliance filing in this Docket proposing to modify Section 16.3.3.8 of (Attachment J to) the NYISO's OATT in a manner that would permit the NYISO, acting in consultation with its MMU, to submit future

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<sup>31</sup> See Comments at 6-7.

compliance filings seeking authorization from the Commission to implement additional prohibited scheduling paths. If and when the NYISO, acting in consultation with its MMU, determines that particular scheduling paths are being used to schedule External Transactions in a manner that is not consistent with the manner in which power is actually expected to flow, the NYISO will submit a compliance filing in this Docket seeking permission to prohibit the inappropriate paths.

Under this compromise proposal, when and if the NYISO, acting in consultation with the NYISO MMU, makes the necessary determination, the NYISO will submit a compliance filing in this Docket: (1) proposing to add a new prohibited scheduling path; (2) explaining the scheduling behavior it has identified and why that behavior presents a concern or risk; and (3) explaining why the NYISO believes that the problem it has identified can be remedied or mitigated by adding one or more new circuitous scheduling path prohibitions. Any such compliance filing that the NYISO submits would be required to include, or be accompanied by, a discussion of the NYISO MMU's position regarding the NYISO's proposal to add a new prohibited scheduling path or new prohibited scheduling paths.<sup>32</sup>

In order to expedite the NYISO's ability to submit, and the Commission's ability to review and act on, a proposal to add a new prohibited scheduling path, the NYISO proposes to use a compliance filing mechanism similar to the filing rules that were proposed by the NYISO and accepted in Docket No. ER11-2547.<sup>33</sup> As explained in P 4 of Attachment A to this Reply, the NYISO MMU does not oppose the NYISO's proposed compromise solution.

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<sup>32</sup> The NYISO MMU's position could be explained in the NYISO's filing letter, be set forth in an accompanying affidavit, or be submitted by the NYISO's MMU as a companion filing to, or comments on, the NYISO's compliance filing in this Docket.

<sup>33</sup> See Section 4.4.4 of the NYISO's Market Administration and Control Area Services Tariff; *New York Independent System Operator, Inc.*, 134 FERC ¶ 61,186 (2011); NYISO's April 13, 2011 Compliance Filing in Docket No. ER11-2547 at 3-4; Letter Order accepting NYISO Compliance Filing issued in Docket No. ER11-2547

#### **IV. Conclusion**

WHEREFORE, for the foregoing reasons, the New York Independent System Operator, Inc. respectfully requests that the Commission (i) accept this Response to the PJM MMU's Comments, (ii) accept the Tariff revisions proposed in the NYISO's Compliance Filing, and either (iii) reject the relief requested in the PJM MMU's Protest, or (iv) instruct the NYISO to submit an additional compliance filing consistent with the compromise solution that the NYISO proposes in Section III.D of this Response.

Respectfully submitted,

/s/ Alex M. Schnell

Robert E. Fernandez, General Counsel  
Alex M. Schnell  
New York Independent System Operator, Inc.

Dated: February 25, 2013

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on July 21, 2011; NYISO's November 13, 2012 Compliance Filing in Docket No. ER11-2547; Letter Order accepting NYISO Compliance Filing issued in Docket No. ER11-2547-008 on December 18, 2012.

**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 Commission Rules of Practice and Procedure, 18 C.F.R. § 385.2010.

Dated at Rensselaer, New York this 25<sup>th</sup> day of February, 2013.

/s/ Alex M. Schnell  
Alex M. Schnell  
New York Independent System Operator, Inc.  
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# Attachment A

## Affidavit of Dr. David Patton

President, Potomac Economics