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August 23, 2010

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

**Re: *New York Independent System Operator, Inc.*, Request to Withdraw August 12, 2010 Filing in Docket Nos. EL07-39-\_\_\_\_, and ER08-695-\_\_\_\_**

Dear Ms. Bose:

On August 12, 2010, the New York Independent System Operator, Inc. (“NYISO”) submitted its compliance filing in response to the May 20, 2010 order<sup>1</sup> directing modifications to the market power mitigation measures applicable to Installed Capacity in New York City in Attachment H of the Market Administration and Control Area Services Tariff. The NYISO’s filing was submitted via eTariff and the NYISO received a Notification of Acceptance on August 12, 2010.

On August 20, 2010, the NYISO received a phone call from FERC Staff informing it that the compliance filing was rejected because it was submitted using an incorrect filing type code. Specifically, FERC instructed NYISO to use Filing Code 80 (i.e., Compliance Filing). In order to facilitate this change, FERC Staff directed the NYISO to withdraw<sup>2</sup> the August 12, 2010 compliance filing and resubmit it using the proper codes in the eTariff system.

After discussions with FERC Staff and at FERC Staff’s request, the NYISO seeks to withdraw the August 12, 2010 compliance filing. Concurrently with this filing the NYISO is resubmitting its compliance filing, in its entirety without modification.

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, and to the electric utility regulatory agency of New Jersey. In

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<sup>1</sup> *New York Independent System Operator, Inc.*, 131 FERC ¶ 61,070 (2010).

<sup>2</sup> The NYISO is concurrently submitting a request to withdraw the August 12, 2010 filing.



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addition, the complete filing will be posted on the NYISO's website at [www.nyiso.com](http://www.nyiso.com). This is in accordance with 18 C.F.R. § 35.2(e).

The NYISO respectfully requests that the Commission accept this withdrawal for the reasons specified herein.

Respectfully submitted,

/s/Ted J. Murphy

Ted J. Murphy

Counsel to

the New York Independent System Operator, Inc.