

April 18, 2011

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

Re: *New York Independent System Operator, Inc.*, Compliance Filing, Docket No. ER10-3043-003, and Request for Expedited Commission Action

Dear Ms. Bose:

The New York Independent System Operator, Inc. (“NYISO”) submits this compliance filing in accordance with the Commission’s directive in its March 17, 2011 letter order¹ in the above docket. Specifically, the NYISO is submitting Attachment H to the Market Administration and Control Area Services Tariff (“Services Tariff”) in its entirety, as further explained below. Although the directive was in an order in Docket No. ER10-3043-003, the Commission’s directive was regarding the NYISO’s electronic record of Attachment H and not regarding the tariff revisions that were the subject of ER10-3043-003. For the reasons set forth in Section V below, the NYISO requests an abbreviated comment period and expedited Commission action on this compliance filing.

I. LIST OF DOCUMENTS SUBMITTED

1. This transmittal letter;
2. Services Tariff Attachment H showing (a) all of the changes pending before the Commission and (b) changes accepted by the Commission as of a future effective date (Attachment I); and
3. A clean version of Services Tariff Attachment H (Attachment II).

¹ *New York Independent System Operator, Inc.*, Letter Order, Docket No. ER10-3043-003 (issued March 17, 2011) (“March 2011 Order”).

II. COMMUNICATIONS

Robert E. Fernandez, General Counsel
Raymond Stalter, Director of Regulatory Affairs
*Gloria Kavanah, Senior Attorney
New York Independent System Operator, Inc.
10 Krey Boulevard
Rensselaer, NY 12144
Tel: (518) 356-6000
Fax: (518) 356-4702
rfernandez@nyiso.com
rstalter@nyiso.com
gkavanah@nyiso.com

*person designated to receive service

III. SERVICES TARIFF ATTACHMENT H SUBMITTAL

The March 2011 Order accepted the NYISO's compliance filing revisions subject to the condition that the NYISO submit Services Tariff Attachment H in its entirety. The March 2011 Order directed this compliance filing because the tariff records for Attachment H did "not appear as part of the NYISO's eTariff on file with the Commission."² The Order also directed the NYISO to cancel tariff record 262,³ which is the eTariff record number associated with the first section of Services Tariff Attachment H, filed on June 30, 2010.⁴

In compliance with the March 2011 Order, the NYISO is submitting Services Tariff Attachment H. The NYISO's proposed eTariff filing includes all Attachment H tariff language that has previously been accepted by the Commission and is effective. To ensure that the electronic tariff record is complete and accurate, the NYISO has included pending compliance filings and tariff modifications accepted by the Commission that have a future effective date.⁵ Proposed tariff revisions that are currently pending before the Commission, and accepted provisions that have not yet become effective, are

² March 2011 Order at p. 2.

³ eTariff record 262 is Section No. 23 which contains the title page and table of contents for Attachment H.

⁴ *See Compliance Filing of the New York Independent System Operator, Inc.*, Docket No. RM01-5-000.

⁵ *New York Independent System Operator, Inc.*, Letter Order, Docket No. ER11-2544-000 (issued February 10, 2011) Delegated Order (2011); wherein tariff revisions with "requested late June 2011 flexible date are accepted subject to a compliance filing specifying the effective date."

blacklined in Attachment I for ease of identification. The inclusion in blackline form of pending compliance filing language is consistent with the option offered in Order No. 714.⁶ Pending compliance deletions are marked with strikethrough and additions are marked with double underline. Endnote compliance filing details, including Order Date, Filing Date, and Proposed Effective Date, are located at the end of each section that includes pending compliance language. The NYISO has included the following in its proposed Services Tariff Attachment H eTariff records:

Docket No(s).	Date	Type	Affected Sections
EL07-39-004, -005 ER08-695-002, -003 ER10-2371-000 (originally filed as ER10-2210-000)	August 24, 2010 (originally filed on August 12, 2010)	Compliance filing	23.2, 23.4
EL11-2544-000	February 10, 2011	Order	23.3, 23.4

The attached does not include any new tariff changes. All of the provisions have either (1) already been accepted by the Commission and are effective, or in the case of the blacklined revisions associated with EL11-2544-000, will be effective on a date to be established; or, (2) have previously been filed by the NYISO with a proposed effective date as indicated in the transmittal letter in ER10-2371-000, noticed by the Commission, and the subject of comments by interested parties.

As directed, the NYISO is cancelling tariff record 262. The NYISO has identified the following eTariff records that had contained sections of Services Tariff Attachment H: 264,⁷ 266,⁸ 268,⁹ 269,¹⁰ 270,¹¹ 271,¹² and 272.¹³ Due to software limitations, the foregoing record numbers also need to be cancelled and replaced with new record numbers in order to effectuate the March 2011 Order's directive. Accordingly, the NYISO is canceling these records as well. This cancelation will ensure that any previous

⁶ *Electronic Tariff Filings*, Order No. 714, 124 FERC ¶ 61,270 (September 19, 2008), at P 101.

⁷ Services Tariff Attachment H Section 23.1 - Purpose and Objectives.

⁸ Services Tariff Attachment H Section 23.2 - Conduct Warranting Mitigation.

⁹ Services Tariff Attachment H Section 23.3 - Criteria for Imposing Mitigation Measures.

¹⁰ Services Tariff Attachment H Section 23.4 - Mitigation Measures.

¹¹ Services Tariff Attachment H Section 23.5 - Other Mitigation Measures.

¹² Services Tariff Attachment H Section 23.6 - Dispute Resolution.

¹³ Services Tariff Attachment H Section 23.7 - Effective Date.

eTariff version of Attachment H is cancelled, consistent with the March 2011 Order's directive. The cancelled eTariff records will be replaced by new eTariff records containing the version of Services Tariff Attachment H submitted with this transmittal letter.

IV. EFFECTIVE DATE FOR TARIFF RECORDS

In accordance with the March 2011 Order, the NYISO requests a March 17, 2011 effective date for the eTariff records that comprise Services Attachment H. The Commission's specific directive was that the NYISO "refile ... its entire *NYISO MST, 23 MST Attachment H – ISO Market Power Mitigation Measures*, as a new set of tariff records, and cancel tariff record 262, effective as of the date of [the March 2011 order]." As indicated in Section V, however, with the exception of the blacklined language, the tariff language is effective. The proposed record effective date is merely the identified date the submitted tariff records would be effective.

V. REQUEST FOR EXPEDITED COMMISSION ACTION

The NYISO anticipates proposing further revisions to Services Tariff Attachment H in the near term. Therefore, were the Commission to rule on any such new filing or were revisions presently accepted but not yet effective to become effective before the Commission accepted the proposed Services Tariff Attachment H tariff records, the NYISO may be required to re-submit revised tariff records (*i.e.*, to incorporate the newly accepted provisions.) Accordingly, the NYISO is requesting expedited Commission action and an abbreviated comment period on this filing. Because the only issue potentially implicated by this submittal is whether the NYISO has accurately reproduced Attachment H based on prior Commission orders, and identified proposed compliance revisions pending before the Commission, the NYISO does not believe any party would be disadvantaged by a shortened comment period.

VI. SERVICE

This compliance filing will be posted on the NYISO's website at www.nyiso.com. In addition, the NYISO will email an electronic link to this filing to the official representative of each party to this proceeding, to each of its customers, to each participant on its stakeholder committees, to the New York Public Service Commission, and to the New Jersey Board of Public Utilities.

VII. CONCLUSION

The NYISO respectfully requests that the Commission accept this compliance filing of Services Tariff Attachment H attached hereto with an effective date for the new tariff records of March 17, 2011.

Respectfully submitted,

/s/Gloria Kavanah

Gloria Kavanah
Senior Attorney
New York Independent System Operator, Inc.
10 Krey Boulevard
Rensselaer, NY 12144
518.356.6103
gkavanah@nyiso.com

cc: Michael A. Bardee,
Gregory Berson
Connie Caldwell
Anna Cochrane
Jignasa Gadani
Lance Hinrichs
Jeffrey Honeycutt
Michael Mc Laughlin
Kathleen E. Nieman

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 18th day of April, 2011.

/s/ Joy Zimmerlin

Joy Zimmerlin
New York Independent System Operator, Inc
10 Krey Blvd
Rensselaer, NY 12114
(518) 356-6207