

May 21, 2019

VIA ELECTRONIC DELIVERY

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

**Termination of Niagara Generation, LLC and NetPeak Energy Group, LLC
from the ISO-Administered Markets**

Dear Secretary Bose:

The New York Independent System Operator, Inc. (“NYISO”) hereby provides notice to the Commission of the immediate termination of Niagara Generation, LLC (“Niagara Generation”) and NetPeak Energy Group, LLC (“NetPeak”) from the ISO-Administered Markets in accordance with Section 2.7.5.3 of the NYISO’s Open Access Transmission Tariff (“OATT”) and Section 7.5.3 of the Market Administration and Control Area Services Tariff (“Services Tariff”).

On April 8, 2019, the NYISO requested an updated list of affiliates from Niagara Generation and NetPeak pursuant to Section 2.15 of the OATT. After issuing additional requests for affiliate information and attempting to contact Niagara Generation and NetPeak, on May 13, 2019, the NYISO provided notice to the entities that their continued non-response to NYISO’s request constituted failure to perform a material covenant, which is a basis for an event of default under Section 7.5.1(xvii) of the Services Tariff.¹ Niagara Generation and NetPeak still have not provided a response to NYISO’s request for an updated list of affiliates to the NYISO and are in default under the NYISO’s tariffs.

This action by the NYISO is without prejudice to any of the NYISO’s other rights under applicable law. Moreover, nothing herein shall constitute a modification or amendment of, or election of remedies with respect to, any of the NYISO’s rights or remedies under the OATT, the Services Tariff, or applicable law, all of which the NYISO hereby expressly reserves in their entirety.

¹ Section 7.5.1(xvii) states that an event of default shall occur if a customer fails “to perform any material covenant set forth in the Tariff or a Service Agreement (other than the events that are otherwise specifically covered in this Section as a separate Event of Default), and such failure is not excused by Force Majeure or cured within five (5) business days after written notice thereof to the Defaulting Party.”

Honorable Kimberly D. Bose
May 21, 2019
Page 2

Please contact me at (518) 356-6185 if you have any questions or require additional information.

Sincerely,

/s/ Cheryl Hussey

Cheryl Hussey
Chief Financial Officer

Cc: Robert Fernandez
Karen Gach
Sheri Prevratil
Nicole Buell
Anna Cochrane
James Danly
Jignasa Gadani
Jette Gebhart
Kurt Longo
David Morenoff
Daniel Nowak
Larry Parkinson
Douglas Roe
Gary Will