

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

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|--|---|---------------------------|
| |) | Docket Nos. ER09-1682-000 |
| New York Independent System Operator, Inc. |) | ER09-1682-001 |
| |) | ER09-1682-002 |

**COMPLIANCE FILING OF THE
NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.**

The New York Independent System Operator, Inc. (“NYISO”) submits this compliance filing in response to the Order on Motion for Stay and Requests for Rehearing issued by the Federal Energy Regulatory Commission (“Commission”) on January 15, 2010 in the above docket (“January 15 Order”).¹ The January 15 Order directed the NYISO to provide “aggregated Bid Production Cost Guarantee payment data for each generator, and the calendar period and the total number of days within which the alleged conduct occurred”²

I. Aggregated BPCG and Dates Data

The data requested in the January 15 Order is set forth below. As specified in the January 15 Order, the data set forth below relates to Table 1 in each of the affidavits submitted by Mr. Joshua Boles, the NYISO's Supervisor, Monitoring, Analysis & Reporting Group, with the NYISO's September 4, 2009 filing in this docket, but with corrections as described in the NYISO's December 3, 2009 filing in this docket.³ The data submitted below was compiled by Mr. Boles, and is provided for each of the relevant Generators.

¹ *New York Independent System Operator, Inc.*, Order on Motion for Stay and Requests for Rehearing, Docket No. ER09-1682-000, *et al.* (Jan. 15, 2010).

² *Id.* at P 26.

³ *Id.* at P 25.

In the tables below, the entry for “Begin Date” sets forth the first date on Table 1 for which the NYISO identified conduct by the relevant Generator that resulted in a Bid Production Cost guarantee (“BPCG”) payment that exceeded the BPCG payment that would have been made to the Generator had the Generator bid its reference levels for the applicable bid parameters. Similarly, the entries for “End Date” specify the last date on Table 1 on which such conduct was reported for the relevant Generator.

The entries for “Number of Days with BPCG above the BPCG that would have been paid if the Generator Bid at its Reference Levels” sets forth the number of days on and between the dates identified above on which the relevant Generator received a BPCG payment that exceeded the BPCG payment that would have been made to the Generator had the Generator bid at its reference levels for the applicable bid parameters.

The entries for “Total Dollar Value of BPCG Payments above the BPCG that would have been paid if the Generator Bid at its Reference Levels” sets forth the total dollar value of the BPCG payments above the BPCG payments that would have been earned by the relevant Generator if it had bid at the applicable reference levels, rounded to the nearest dollar. The data provided below incorporates the corrections described in the NYISO's December 3, 2009 filing in this docket. The calculations used to produce the data submitted below were determined as described in the NYISO's filings and accompanying affidavits from Mr. Boles in this docket.

The requested data as described above is as follows:

Generator: Sterling

Begin Date = 8/17/2009 End Date = 8/21/2009

Number of Days with BPCG above the BPCG

that would have been paid if the Generator Bid at its Reference Levels = 5

Total Dollar Value of BPCG Payments above the BPCG

that would have been paid if the Generator Bid at its Reference Levels = \$522,992

Generator: Batavia

Begin Date = 8/10/2009 End Date = 8/22/2009

Number of Days with BPCG above the BPCG

that would have been paid if the Generator Bid at its Reference Levels = 11

Total Dollar Value of BPCG Payments above the BPCG

that would have been paid if the Generator Bid at its Reference Levels = \$1,096,149

Generator: Saranac

Begin Date = 8/2/2009 End Date = 8/22/2009

Number of Days with BPCGs above the BPCG

that would have been paid if the Generator Bid at its Reference Levels = 21

Total Dollar Value of BPCG Payments above the BPCG

that would have been paid if the Generator Bid at its Reference Levels = \$1,096,907

II. Conclusion

WHEREFORE, the New York Independent System Operator, Inc. respectfully requests that the Commission accept this filing as complying with the requirements of the January 15 Order.

Respectfully submitted,

/s/ Alex M. Schnell

Robert E. Fernandez, General Counsel

Alex M. Schnell

New York Independent System Operator, Inc.

William F. Young

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Inc.

Dated: January 20, 2010

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 Washington, D.C. this 20th day of January, 2010.

/s/ William F. Young
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