

June 2, 2010

Electronically Submitted

Ms. Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington D.C. 20426

**Re: New York Independent System Operator, Inc., Statement of
Compliance with Requirements of May 6, 2010 Order;|
Docket No. ER09-1142-004**

Dear Ms. Bose:

Pursuant to the Federal Energy Regulatory Commission's ("Commission") May 6, 2010 Order on Clarification and Rehearing in the above docket ("May 2010 Order"),¹ the New York Independent System Operator, Inc. ("NYISO") respectfully submits this filing explaining that the proposed tariff revisions it submitted in its February 18, 2010 compliance filing,² satisfy the requirements of the May 2010 Order.

Paragraph 8 of the May 2010 Order directs the NYISO to "amend its tariff to provide that the MMU must respond to information and data requests from the Commission unless the Commission otherwise directs the requests for information and/or data requests to NYISO and/or the MMA." Ordering paragraph "B" instructs the NYISO to file a revised tariff provision "as directed in the text above" within 30 days.

On February 18, 2010 the NYISO submitted proposed Tariff revisions for the Commission's consideration in Docket No. ER09-1142-005 that satisfy the requirements of the Commission's May 2010 Order. In particular, in its compliance filing modifications to Section 3.3(3) on Sheet No. 580 of its Market

¹ *New York Independent System Operator, Inc.*, 131 FERC ¶ 61,114 (2010).

² The NYISO's February 18, 2010 Order No. 719 compliance filing is pending before the Commission in Docket No. ER09-1142-005.

Monitoring Plan, the NYISO proposed to revise its Market Monitoring Plan to clarify that the NYISO's internal Market Mitigation and Analysis Department's ("MMA's") duties include:

(3) responding to information and data requests the ISO receives from the FERC's Office of Enforcement staff and from the staff of the New York Department of Public Service consistent with the provisions of this Plan, the ISO's Code of Conduct, and any other provisions of the ISO's Tariffs that address the protection of Protected Information...

This proposed change makes clear that the MMA is responsible for participating in the NYISO's efforts to respond to data requests. It does not authorize the MMA to respond to information or data requests that the Commission or Commission Staff issue to the NYISO's external Market Monitoring Unit ("MMU"), Potomac Economics.

New Section 6.5.6, which the NYISO proposed to add to Sheet No. 620 of its Market Monitoring Plan as part of its February 18, 2010 compliance filing provides, in pertinent part:

6.5.6 The Market Monitoring Unit shall respond to information and data requests issued to it by the Commission or its staff.

Hence, the tariff language that the NYISO submitted in its February 18, 2010 compliance filing already includes a requirement that the MMU respond to both information and data requests that are issued to it by the Commission or by Commission Staff.

The NYISO submits that the two changes described above, that were proposed in the NYISO's February 18, 2010 compliance filing in Docket No. ER09-1142-005 and that are pending before the Commission in that sub-docket, satisfy the requirements specified in Paragraph 8 and Ordering Paragraph "B" of the May 2010 Order. The NYISO does not believe any further Tariff filing is appropriate or necessary in sub-docket ER09-1142-004, because compliance with

the requirements of the May 2010 Order will be achieved when the Commission considers and accepts the tariff revisions that are currently pending before it in Docket No. ER09-1142-005.

The NYISO respectfully requests that the Commission determine that the Tariff changes proposed in the NYISO's February 18, 2010 compliance filing in Docket No. ER09-1142-005 satisfy the requirements of the May 2010 Order.

Respectfully submitted,

/s/ Alex M. Schnell

Alex M. Schnell

New York Independent System Operator, Inc.

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 2nd day of June, 2010.

/s/ Alex M. Schnell

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