

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

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| <b>TC Ravenswood, LLC</b>                         | ) | <b>Docket No. ER10-1359-000</b> |
|   | ) |                                 |
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| <b>TC Ravenswood, LLC</b>                         | ) |                                 |
| <b>v.</b>   | ) | <b>Docket No. EL10-70-000</b>   |
| <b>New York Independent System Operator, Inc.</b> | ) |                                 |
|   | ) | <b>(not consolidated)</b>       |

**MOTION TO HOLD PROCEEDINGS IN ABEYANCE, REQUEST TO SUSPEND  
FILING DEADLINES, AND REQUEST FOR EXPEDITED ACTION**

Pursuant to Rule 212 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”),<sup>1</sup> the New York Independent System Operator, Inc. (“NYISO”) hereby submits this motion to hold the above-captioned proceedings in abeyance for sixty days from the date that this motion is filed. Granting this request will allow the parties to these proceedings to continue to pursue the settlement negotiations that are currently underway. Additionally, the NYISO requests that the Commission suspend all filing deadlines in these proceedings, pending the outcome of the settlement discussions. The NYISO polled TC Ravenswood concerning this motion and has communicated its intent to make this motion with all other parties to these dockets. TC Ravenswood was supportive; the NYISO received an affirmative response from US Power Generating and no opposing comments from any of the other Parties.

The NYISO also requests that the Commission act expeditiously on this motion, so that parties can continue to focus on their settlement negotiations instead of on making filings to preserve their litigation positions.

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<sup>1</sup> 18 C.F.R. § 385.212 (2009).

## **I. Background**

The above referenced dockets concern filings by TC Ravenswood, LLC (“TCR”) regarding the costs of “Minimum Oil Burn Service” that is currently provided under the auspices of the NYISO’s Market Administration and Control Area Services Tariff (“Services Tariff”) in compliance with New York State Reliability Council (“NYSRC”) Rule I-R3. Docket No. ER10-1359-000 concerns a proposed prospective rate schedule for recovery of certain costs by TCR for the Summer of 2010 and beyond. Docket No. EL10-70-000 concerns a complaint filed by TCR regarding the recovery of costs incurred during the Summer of 2009. A number of entities have intervened and filed comments or protests in these proceedings, including the NYISO, the New York State Public Service Commission, the City of New York, the Consolidated Edison Company of New York, Inc., the other New York Transmission Owners, Astoria Generating Company, L.P., and the Independent Power Producers of New York.

On July 21, 2010, TCR requested that the Commission defer action in the above-captioned proceedings, explaining that the parties had expressed an interest in settlement. Subsequently, the parties engaged in informal settlement discussions that have made progress and appear to have the potential to successfully resolve the disputed issues.

## **II. Request to Hold Proceedings in Abeyance**

Holding the proceedings in abeyance for sixty days would allow the parties to continue their attempts to negotiate a resolution to the issues that are currently before the Commission. Commission policy strongly favors the negotiated settlement of contested proceedings that “provide the opportunity to eliminate the need for more lengthy proceedings.”<sup>2</sup> Thus, there is

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<sup>2</sup> See, e.g., *Massachusetts Mun. Wholesale Elec. Co. v. Power Auth. of the State of New York*, 105 FERC ¶61,102 at P 38 (2005) (stating that “[t]he Commission strongly favors settlement agreements, which provide the opportunity to eliminate the need for more lengthy proceedings if the parties reach an agreement on the issues that is in the public interest.”).

good cause to grant this motion, as it would be consistent with the Commission's policy. A settlement would eliminate the need for further contested proceedings on these issues and avoid the associated additional time and expense. A comprehensive settlement could also prevent comparable disputes over compensation for "Minimum Oil Burn Service" from arising in the future.

Further, the NYISO requests that the Commission suspend the filing deadlines for all responsive pleadings in these proceedings. In the event that settlement discussions prove unsuccessful, the NYISO asks that the Commission allow parties to answer any currently pleadings and not deem such submittals untimely.<sup>3</sup> Tolling the time to file responsive pleadings to currently pending filings will allow parties to focus their efforts on the continuing negotiations.

The NYISO also requests expedited consideration of this motion, so that the parties can plan their continuing work and discussions.

### **III. Conclusion**

Wherefore, the New York Independent System Operator respectfully requests that the Commission grant this motion and hold the above-captioned proceedings in abeyance for sixty days.

Respectfully submitted,

/s/ Ted J. Murphy  
Ted J. Murphy  
Counsel to the  
New York Independent System Operator, Inc.

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<sup>3</sup> Should it become apparent to all parties, well before the 60-day period has expired, that further discussions or negotiations on a potential settlement of the issues would no longer be fruitful, the NYISO will so notify the Commission and request that the Commission terminate the suspension period within 15 days of such a filing.

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document on the official service list compiled by the Secretary in these proceedings.

Dated at Washington, DC, this 16th day of August, 2010.

/s/ Ted J. Murphy  
Ted J. Murphy  
Hunton & Williams LLP  
1900 K Street, NW  
Suite 1200  
Washington, DC 20426  
(202) 955-1500