

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

New York Independent System Operator, Inc.)

Docket No. ER10-3043-000

**ANSWER TO MOTION FOR EXTENSION OF TIME AND
MOTION TO AMEND REQUEST FOR EXPEDITED COMMISSION ACTION
OF THE NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.**

Pursuant to Rules 212¹ and 213² of the Federal Energy Regulatory Commission's ("Commission") Rules of Practice Procedure, the New York Independent System Operator, Inc. ("NYISO") hereby files this: (1) answer to the Motion for Extension of Time filed by Consolidated Edison, Inc., Orange and Rockland Utilities, Inc., New York Power Authority and the City of New York ("Extension Supporters"); and (2) motion to amend its request for expedited action on the September 27, 2010 filing proposing enhancements to In-City Buyer-Side Capacity Mitigation Measures ("September 27 Filing").

I. ANSWER TO MOTION FOR EXTENSION OF TIME

On September 29, 2010, the Commission issued a notice setting an October 12, 2010 comment deadline in this proceeding. On September 30, 2010, Consolidated Edison, Inc., Orange and Rockland Utilities, Inc., New York Power Authority and the City of New York filed a motion to request an extension of time until October 22, 2010 to comment on the September 27 Filing. The answer represented that the NYISO does not object to the requested extension. That representation is accurate, subject to the clarifications specified below.

The NYISO does not object to the requested extension because circumstances have changed since the September 27 Filing. The NYISO originally requested that the normal

¹ 18 C.F.R. § 385.212 (2010).

² 18 C.F.R. § 385.213.

comment period be shortened to the extent necessary to allow the Commission to issue an order no later than October 27, 2010. The NYISO requested an order by that date in order to allow implementation of the proposed tariff improvements coincident with potential new entrants' consideration of Project Cost Allocations issued after NYISO Operating Committee approval of the Annual Transmission Reliability Assessment ("ATRA") and the Class Year Deliverability Study. That coincident timing is specifically contemplated by the proposed tariff revisions, which were recommended for filing by NYISO's Management Committee in its stakeholder process, and by its Board of Directors. The Operating Committee meeting was expected to be held on November 4, 2010.

Subsequent to the September 27 Filing, the Operating Committee meeting was unexpectedly postponed and rescheduled for November 18. Given the additional time provided by the rescheduling of the Operating Committee meeting, the NYISO will be able to implement the proposed tariff enhancements before the start of the "Initial Decision Period" for Class Years 2009 and 2010, so long as the Commission accepts the proposed revisions by no later than November 10. The NYISO therefore does not object to the Extension Supporters' request so long as granting an October 22, 2010 comment date will not prevent the Commission from issuing an order by November 10.³

II. MOTION TO AMEND REQUEST FOR EXPEDITED ACTION

For the reasons specified above, the NYISO respectfully moves to amend the September 27 Filing's request for expedited action and asks that the Commission act expeditiously to issue an order by November 10, instead of October 27.

³ The NYISO also requests, to the extent that the Commission exercises its discretion under 18 C.F.R. § 385.213 to allow answers to responsive pleadings, that the time period for submitting answers be shortened as necessary to permit the issuance of an order by November 10.

The NYISO continues to request that most of the proposed tariff enhancements become effective one day after the Commission issues its order. Therefore, if the Commission were to issue an order on November 10, 2010, most of the proposed modifications would become effective on November 11, 2010. As in the September 27, 2010 Filing, the only exceptions would be the changes to the portions of proposed new Sections 23.4.5.7.3 and 23.4.5.7.3.3 that would establish information and data submission requirements and new Section 23.4.5.7.3.4 which would define the consequences of non-compliance with those obligations. The NYISO is still requesting that those revisions take effect on September 28, 2010 to eliminate any possible ambiguity regarding its authority to collect needed information in advance of November.

III. CONCLUSION

Wherefore, the New York Independent System Operator, Inc. requests that the Commission take action as requested herein.

Respectfully Submitted,

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

October 1, 2010

CERTIFICATE OF SERVICE

I hereby certify that I have this 1st day of October 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 18 C.F.R. § 385.2010 (2010).

By: /s/ Vanessa A. Colón

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