

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

**Midwest Independent Transmission)
System Operator, Inc.)**

Docket No. ER11-1844-000

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

Pursuant to Rules 212, 214 and 2008 of the Commission’s Rules of Practice and Procedure,¹ the New York Independent System Operator, Inc. (“NYISO”) respectfully moves to intervene and submits this request for extension of time for responses to the joint filing submitted on October 20, 2010 by the Midwest Independent Transmission System Operator, Inc. (“MISO”), and International Transmission Company, Inc. (“ITC”) proposing a method to allocate a portion of the cost of constructing and operating the ITC Phase Angle Regulating Transformers at Bunce Creek to the NYISO and PJM Interconnection, L.L.C. (“PJM”) regions, and to recover the allocated costs from the NYISO and PJM regions.

The NYISO requests a one-week extension from November 10, 2010 to November 17, 2010, for the reasons specified below. In addition, the NYISO respectfully requests that the Commission act expeditiously, so that the NYISO and other interested parties will know, as soon as reasonably possible, how much time they will have to prepare their comments and protests.

In support of its request the NYISO states as follows:

¹ 18 C.F.R. §§ 385.212, 385.214 and 385.2008 (2010).

I. COMMUNICATIONS

Copies of correspondence concerning this filing should be served on:

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II. MOTION TO INTERVENE

The NYISO is the independent body responsible for providing open access transmission service, maintaining reliability, and administering competitive wholesale markets for electricity, capacity, and ancillary services in New York State. In this proceeding, MISO and ITC propose to allocate a portion of the cost of transmission facilities located in Michigan to the “NYISO RTO region.”²

Because the joint MISO/ITC application proposes to allocate to the NYISO RTO region and to recover from the NYISO RTO region, costs that the NYISO has previously opposed on both legal and equitable grounds,³ and because the proposal would, apparently, compel the NYISO to participate in the billing and collection of the proposed new rate costs, the NYISO has a unique interest in this proceeding that cannot be adequately represented by any other entity and should be permitted to intervene with all the rights of a party.

² See proposed Schedule 36 at 1.

³ See the NYISO’s February 12, 2010 *Answer to Motion for Additional Relief*, filed in Docket No. ER08-1281.

III. REQUEST FOR EXTENSION OF TIME

The NYISO submits that a one week extension of time until November 17, 2010 will provide it and other interested parties with the time that they will need to analyze the joint MISO/ITC application and formulate responses. The application includes over a hundred pages of attachments that include affidavits, a rate schedule, and proposed operating rules that require careful analysis in order for the NYISO to prepare an adequate response.

The MISO/ITC application raises complex issues that the Commission is concurrently considering in its Notice of Proposed Rulemaking in Docket No. RM10-23-000, *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*.⁴ The application raises difficult questions concerning, among other things, whether MISO and ITC should be permitted to put a rate in place that appears to directly contradict aspects of the Commission's pending NOPR. Allowing a modest extension of time for interested parties to address these and other issues will help to ensure the development of a complete record that will facilitate the Commission's resolution of the issues in this proceeding.

Finally, the NYISO notes that ITC and MISO did not request expedited consideration of their filing, and indicated in their filing letter that they are still working with Hydro One and IESO "to finalize the various operating and contractual agreements."⁵ Once those agreements are finalized, ITC states that it intends to file the agreements with its application to the Department of Energy ("DOE"). ITC and MISO indicate that they expect to receive a decision from the DOE "during the first quarter of 2011" and will, at an unspecified later date, "make an informational filing with the Commission in this proceeding informing the Commission and the

⁴ Notice of Proposed Rulemaking, *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*, 131 FERC ¶ 61,253 (2010).

⁵ ITC/MISO filing letter at 17.

parties of the date on which the New PARs are activated.”⁶ Therefore, the NYISO submits granting a one-week extension of time to file comments and protests until November 17, 2010, will not adversely affect any party, including ITC or MISO.

IV. REQUEST FOR EXPEDITED ACTION

The NYISO respectfully requests the Commission act expeditiously and issue an order on this request as soon as possible. Expedited action is necessary to provide the NYISO, and other interested parties, certainty regarding the deadline for submitting comments.

V. CONCLUSION

WHEREFORE, for the foregoing reasons, the New York Independent System Operator, Inc. respectfully requests that the Commission accept its motion to intervene and extend the deadline for filing comments in the above-captioned proceeding from November 10, 2010 to November 17, 2010.

Respectfully submitted,

/s/ Alex M. Schnell
Alex M. Schnell
New York Independent System Operator, Inc.

⁶ *Id.*

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.

Dated at Rensselaer, New York this 2nd day of November, 2010

/s/ Alex M. Schnell

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