

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

Astoria Generating Company, L.P., NRG)	
Power Marketing LLC, Arthur Kill Power)	
LLC, Astoria Gas Turbine Power LLC,)	
Dunkirk Power LLC, Huntley Power LLC,)	
Oswego Harbor Power LLC and TC)	
Ravenswood, LLC)	
)	
Complainants,)	Docket No. EL11-42-000
)	
vs.)	
)	
New York Independent System Operator,)	
Inc.)	
)	
Respondent)	

**MOTION OF THE NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.
FOR EXTENSION OF TIME TO SUBMIT ANSWERS,
FOR SHORTENED RESPONSE PERIOD AND FOR EXPEDITED ACTION**

Pursuant to Rules 212 and 2008 of the Commission’s Rules of Practice and Procedure,¹ the New York Independent System Operator, Inc. (“NYISO”) respectfully requests that the Commission grant a brief three business day extension of time, *i.e.*, until July 6, 2011, for all interested parties to submit their answers to the June 3, 2011 *Complaint Requesting Fast Track Processing* (“Initial Complaint”) and the June 16 *Amendment to Complaint and Request for Shortened Comment Period* (“Amended Complaint”) (collectively, the “Complaint”) in this proceeding. The NYISO also requests that the Commission shorten, or waive, the normal period

¹ 18 C.F.R. §§ 385.213 and 2008 (2011).

for responding to this Motion to the maximum extent possible so that the Commission may act expeditiously to issue an order granting the requested extension by June 29, 2011.

The NYISO is authorized to state that Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., the Long Island Power Authority, the New York Power Authority, the City of New York, and Hudson Transmission Partners, LLC agree and consent to this Motion.² In addition, the NYISO is authorized to state that the Complainants and the Bayonne Energy Center, LLC³ do not oppose the Motion.

I. MOTION FOR EXTENSION OF TIME

Under Rule 2008 the Commission may extend the deadline for answering the Complaint “for good cause, upon a motion made before the expiration of the period prescribed or previously extended.” There is good cause to grant a brief three business day extension for all interested parties to submit answers at this time.

The Initial Complaint was nearly sixty pages long and was supported by almost a hundred additional pages of testimony and supporting exhibits. The Amended Complaint adds more than twenty five pages of material. The Complaint as a whole makes numerous allegations that, under the Commission’s rules, require specific and detailed responses.⁴ As the NYISO has previously noted, the Complaint proposes changes to the NYISO’s tariff and raises numerous other complex questions.⁵ It touches on important legal and policy issues, including the proper roles of various entities, and the proper treatment of confidential information, in the

² All of these entities intend to intervene and submit or join answers in this proceeding.

³ Bayonne Energy Center, LLC also intends to intervene and submit an answer in this proceeding.

⁴ See 18 CFR § 385.213(c)(2)(i) (Respondents to complaints must “[a]dmit or deny, specifically and in detail, each material allegation of the pleading answered”)

⁵ See *Preliminary Answer of the New York Independent System Operator, Inc.*, Docket No. EL11-42-000 at 2-3 (June 6, 2011).

administration of market power mitigation measures. The proceeding is also likely to attract considerable attention and has the potential to significantly impact future capacity investments in New York City.

Given the importance and complexity of the issues it is critical that the Commission have the benefit of a complete record informed by fully-developed pleadings. The same considerations, however, dictate that the NYISO must take additional time to obtain senior management approvals before it may file its answer. The NYISO has made every possible effort to have its answer ready for submission by the June 30 deadline established by the *Notice of Revised Comment Dates* in this proceeding. It has proven unexpectedly difficult, however, to finalize a draft answer and arrange for the necessary internal approvals in light of the upcoming holiday weekend. A number of the entities that support this Motion have authorized the NYISO to state that they face similar difficulties that will hinder their ability to file answers immediately before or after the holiday.

Granting the NYISO's request to grant a brief three business day extension of time for all answers will not prejudice any party. As the NYISO has previously explained,⁶ the Commission's standard practice would have been to set a July 5 answer date for the Amended Complaint (as in fact the Commission initially did.) Extending the comment deadline to July 6 therefore should not make a material difference to the Commission's processing of the Complaint.

⁶ See *Preliminary Answer of the New York Independent System Operator, Inc. to Amendment to Complaint*, Docket No. EL11-42-000 (June 16, 2011).

II. MOTION FOR SHORTENED RESPONSE PERIOD AND FOR EXPEDITED ACTION

To the extent necessary, the NYISO respectfully requests that the Commission shorten, or eliminate, the normal period for answering motions so that it may issue an order extending the answer deadline for all parties as expeditiously as possible (and no later than June 29, 2011). Expedited action will give the NYISO, and the other parties, certainty regarding the answer deadline and enable them to plan their efforts accordingly.

III. CONCLUSION

For the reasons set forth above, the New York Independent System Operator, Inc. respectfully requests that the Commission: (i) grant an extension of time until July 6, 2011 for all parties to submit answers to the Complaint; (ii) shorten, or waive the normal response period to the maximum extent practicable so that the Commission may expeditiously issue an order granting the extension no later than June 29, 2011.

Respectfully submitted,

By: _____/s/_____

June 29, 2011

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CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing document to be served on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, D.C. this 29th day of June, 2011.

By: _____/s/_____

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