

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

New York Independent System Operator, Inc.) Docket No. ER11-2224-009

**REQUEST FOR LEAVE TO ANSWER AND ANSWER OF THE
NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.**

Pursuant to Rules 212 and 213 of the Commission’s Rules of Practice and Procedure,¹ the New York Independent System Operator, Inc. (“NYISO”) submits this request for leave to answer and its limited answer to the *Limited Protest of the New York Transmission Owners*² (“Limited Protest”) filed on July 12, 2011. The Limited Protest addressed, among other things, the proposed winter-to-summer ratios (“WSRs”) that the NYISO included in its June 21, 2011 Compliance Filing (“June 2011 Compliance Filing”).³

This limited answer addresses a point that NYISO believes is essential to clarify the record and assist the Commission. The Limited Protest contains other arguments, statements, and characterizations with which the NYISO disagrees, but will not address here in deference to the Commission’s preference that answers to protests be limited in scope. The NYISO reiterates its request that the Commission accept the June 2011 Compliance Filing.

¹ 18 C.F.R. §§ 385.212 and 385.213 (2010).

² The “New York Transmission Owners” are Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Power Authority, New York Power Authority, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation.

³ The June 2011 Compliance Filing was submitted in accordance with the with the Commission’s May 19, 2011 Order on Rehearing *New York Independent System Operator, Inc.*, 135 FERC ¶ 61,170 (2011).

I. REQUEST FOR LEAVE TO ANSWER

The Commission's regulations authorize the NYISO to answer pleadings styled as "comments" as a matter of right.⁴ The Commission also has discretion⁵ to accept answers to protests, and has done so when they help to clarify complex issues, provide additional information, or are otherwise helpful in the Commission's decision-making process.⁶ The Commission should follow its precedent and accept the NYISO's limited answer in this instance. The NYISO has limited the scope of this answer so that it focuses exclusively on clarifying a narrow point and, absent this filing, the record may not be clear. This answer will therefore be helpful in the Commission's decision-making process.

II. ANSWER

The New York Transmission Owners, through the Affidavit of Michael D. Cadwalader (the "Cadwalader Affidavit"), identified that the NYISO's June Compliance Filing attributed WSRs to the NYISO's November 30, 2010 Demand Curve filing⁷ that were inconsistent with the WSR values actually stated in that filing.⁸ Specifically, the WSRs in Table 2 to the Affidavit of David Lawrence in the June Compliance Filing, which were

⁴ *Id.* at § 385.213(a)(3).

⁵ *Id.* at § 385.213(a)(2).

⁶ See e.g., *New York Independent System Operator, Inc.*, 108 FERC ¶ 61,188 at P 7 (2004) (accepting the NYISO's answer to protests because it provided information that aided the Commission in better understanding the matters at issue in the proceeding); *Morgan Stanley Capital Group, Inc. v. New York Independent System Operator, Inc.*, 93 FERC ¶ 61,017 at 61,036 (2000) (accepting an answer that was "helpful in the development of the record...").

⁷ *New York Independent System Operator, Inc.*, Tariff Revisions to Implement ICAP Demand Curves for Capability Years 2011/2012, 2012/2013, and 2013/2014, Docket No. ER11-2224-000 (filed November 30, 2010) (the "November Filing").

⁸ Cadwalader Affidavit at P 10.

attributed to the November Filing,⁹ are inconsistent with those presented by the NYISO in its November Filing.¹⁰ The NYISO has confirmed that the values in the June Lawrence Affidavit attributed to the November Filing were copied incorrectly. A revised Table 2 to the June Lawrence Affidavit is shown below. The revised Table 2 states the actual WSRs set forth in the November Filing and utilizes the revised value to compute the percentage difference.

	WSR – DCR Deliverability Study Assumptions	WSR – NYISO 11/30 Filing	% Difference
NYCA	1.045	1.052	+13.5%
NYC	1.089	1.098	-9.2%
LI	1.066	1.062	+6.5%

The revised table does not alter or affect the NYISO’s position stated in the June Compliance Filing, that the actual WSRs proposed in the November Filing are consistent with those computed based on assumptions used to perform the “deliverability test” that was part of the NYISO’s March 29, 2011 Compliance Filing. The WSRs proposed in the November filing are therefore appropriate and reasonable to use in the ICAP Demand Curves that are the subject of this Docket.¹¹ As noted in the June 2011 Lawrence Affidavit, the DCR Deliverability Test represents a snapshot covering the peak load period only, and ignores

⁹ June Compliance Filing at Attachment III, Lawrence Affidavit (“June 2011 Lawrence Affidavit”), Table 2.

¹⁰ November Filing at Lawrence Affidavit, Appendix A.

¹¹ June Compliance Filing at 4.

significant factors such as winter conditions and Special Case Resources.¹² Thus, the revisions to the table also do not alter the NYISO's position, as stated in the June Compliance Filing, that it would be unreasonable to use the WSRs based upon the DCR Deliverability Test, since WSRs are not used in any part of the Deliverability Test.¹³

III. SERVICE

This filing will be posted on the NYISO's website at www.nyiso.com. In addition, the NYISO will e-mail an electronic link to this filing to the official representative of each party to this proceeding, to each of its customers, to each participant on its stakeholder committees, to the New York Public Service Commission, and to the New Jersey Board of Public Utilities.

Respectfully submitted,

/s/Gloria Kavanah

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¹² June 2011 Lawrence Affidavit at P 12.

¹³ *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 in accordance with the requirements of Rule 2010 of the Rules of Practice and Procedure, 18 C.F.R. §385.2010.

Dated at Rensselaer, NY this 18th day of July, 2011

/s/ Joy Zimmerlin

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