

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

New York Independent System Operator, Inc.	)	
	)	Docket Nos. ER08-1281-010
	)	

**MOTION FOR LEAVE TO RESPOND, AND RESPONSE OF THE  
NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.**

Pursuant to Rule 213 of the Federal Energy Regulatory Commission’s (“FERC” or “Commission”) Rules of Practice and Procedure,<sup>1</sup> the New York Independent System Operator, Inc. (“NYISO”) submit the following response (“Response”) to the *Answer of the Independent Market Monitor for PJM* (“Answer”) that was submitted in the above-captioned Docket on April 3, 2012. The Answer was submitted in response to the NYISO’s *Request to Convene an On-the-Record Technical Conference, Request for Extension of Time to Submit Compliance Filing, and Request for Shortened Notice and Comment Period and Expedited Commission Action*, (“Request”) that was submitted in the above Docket on March 30, 2012.

**I. Request for Leave to Respond**

The NYISO respectfully requests leave to submit this Response. Although the Commission generally discourages responses to answers, the Commission has allowed responses when they help to clarify complex issues, provide additional information that will assist the Commission, correct inaccurate statements, or are otherwise helpful in developing the record in a proceeding.<sup>2</sup> The NYISO’s response meets this standard. The NYISO’s response does not

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<sup>1</sup> 18 C.F.R. § 385.213.

<sup>2</sup> See, e.g., *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 . . . .”); *New York Independent System Operator, Inc.*, 91 FERC ¶ 61,218 at 61,797 (2000) (allowing “the NYISO’s Answer of April 27, 2000, [because it was deemed] useful in addressing the issues arising in these proceedings . . . .”); *Central*

introduce new arguments, but instead is submitted for the limited purpose of clarifying certain factual matters, thereby assisting the Commission in its review and consideration of the issues presented in this proceeding. The NYISO therefore respectfully requests that the Commission exercise its discretion and accept this Response.

## **II. Response**

### **1. Summary of the PJM MMU's Answer**

The PJM Interconnection, LLC (“PJM”) market monitoring unit’s (the “PJM MMU”) argues that there is no need for a technical conference because the instructions to the NYISO in the Commission’s May 15, 2012 Order in Docket No. ER08-1281-010 (the “Order”) are clear. The PJM MMU argues that the NYISO should be required to explain its difficulties with interpreting the Order, in writing, before the Commission schedules the NYISO’s requested technical conference. Finally, the PJM MMU requests that if the Commission decides to hold a technical conference, the PJM MMU should be included on the technical conference agenda.

### **2. NYISO's Response to the PJM MMU's Answer**

The NYISO is the entity that is expected to implement the requirements of the Commission’s Order. The NYISO wants to ensure that it understands the Commission’s expectations, so that it does not develop and submit a compliance filing that is inconsistent with the Commission’s expectations.

The NYISO does not oppose the PJM MMU’s participation in the requested technical conference. Because the NYISO, not the PJM MMU, is the entity that is expected to comply with the Order, the NYISO requests an opportunity to respond to whatever comments, recommendations, or factual allegations the PJM MMU offers at the technical conference.

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*Hudson Gas & Electric Corp.*, 88 FERC ¶ 61,138 at 61,381 (1999) (accepting prohibited pleadings because they helped to clarify the issues and because of the complex nature of the proceeding).

In response to the PJM MMU's suggestion that the NYISO should explain its position in writing prior to the technical conference, the NYISO proposes that NYISO, PJM and Potomac Economics should all be required to submit their presentations and/or talking points by 5:00 on Tuesday, April 10<sup>th</sup>. Any/all other entities that are granted the opportunity to present at the technical conference (including, but not limited to, the PJM MMU) should be required to submit their presentations and/or talking points at least four business days prior to the date that the Commission establishes for the technical conference. That way, all participants will have reasonable notice of the matters that the other participants plan to discuss at the technical conference.

### **III. Conclusion**

WHEREFORE, the New York Independent System Operator, Inc. respectfully requests that the Commission (i) accept this Response to the PJM MMU's Answer, (ii) accept the NYISO's proposal for requiring written presentations to be submitted prior to the technical conference, and (iii) grant the relief the NYISO sought in its March 30, 2012 Request.

Respectfully submitted,

/s/ Alex M. Schnell

Robert E. Fernandez, General Counsel

Alex M. Schnell

New York Independent System Operator, Inc.

Dated: April 3, 2012

**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 Commission Rules of Practice and Procedure, 18 C.F.R. § 385.2010.

Dated at Rensselaer, New York this 3<sup>rd</sup> day of April, 2012.

/s/ Alex M. Schnell

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