

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

AES Eastern Energy, L.P., AES Somerset, LLC,)	
AES Cayuga, LLC and Somerset Cayuga)	Docket No. EC12-93-000
Holding Company, Inc.)	
)	

MOTION TO INTERVENE OF
THE NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.

In accordance with Rules 212, and 214 of the Commission’s Rules of Practice and Procedure,¹ the New York Independent System Operator, Inc. (“NYISO”) respectfully moves to intervene in the above-captioned proceeding.²

I. BACKGROUND

On April 13, 2012, representatives of AES Eastern Energy, L.P., AES Somerset, LLC, and AES Cayuga, LLC (“AES Entities”) and Somerset Cayuga Holding Company, Inc. (“NewCo”), together the “Petitioners,” filed an Application requesting authorization, under Section 203 of the Federal Power Act, to transfer two coal-fired electric generation facilities from the AES Entities to NewCo as part of a bankruptcy settlement agreement filed in bankruptcy court on February 24, 2012 (“Settlement Agreement”).

In the filing the Petitioners requested a shortened notice period and Commission action on the Application on or before May 17, 2012. The Commission issued a notice on April 17,

¹ 18 C.F.R. §§ 385.212, and 385.214.

² Somerset Cayuga Holding Company, Inc. and its wholly-owned subsidiaries, *Joint Application for Authorization Under Section 203 of the Federal Power Act, Request for Expedited Action, and Request for Confidential Treatment*, Docket No. EC12-93-000 (April 13, 2012) (“AES Application”).

2012, setting a Comments Due date of May 4, 2012.

II. COMMUNICATIONS

Copies of correspondence concerning this filing should be served on:

Robert E. Fernandez, General Counsel
Raymond Stalter, Director of Regulatory Affairs
*Karen Georgenson Gach, Deputy General Counsel
*Kristin A. Bluvas, Attorney
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* Persons designated for service.

III. MOTION TO INTERVENE

The NYISO is a not-for-profit corporation responsible for providing open-access transmission service, administering open and competitive wholesale markets, and bringing together buyers and sellers of electricity, capacity, and ancillary services, in New York State. The NYISO is also responsible for the reliable operation of the bulk electricity grid, and both short-term and long-term planning for the bulk power system in New York State. The NYISO manages the flow of power over nearly 11,000 circuit-miles of transmission lines and centrally dispatches over 300 generating units. Accordingly, the NYISO has an interest in this proceeding, Petitioner's proceeding in federal bankruptcy court³ and Petitioner's proceeding at the New York

³ See Petitioners bankruptcy case pending before the United States Bankruptcy Court for the District of Delaware, jointly administered under Chapter 11, Case No. 11-14138.

State Department of Public Service.⁴ This interest cannot be adequately represented by any other party. The NYISO, therefore, should be permitted to intervene in this proceeding.

IV. CONCLUSION

WHEREFORE, for the foregoing reasons, the NYISO respectfully requests that the Commission grant this Motion to Intervene.

Respectfully submitted,

/s/ Kristin A. Bluvas
Attorney
New York Independent System Operator, Inc.

May 4, 2012

⁴ See *Verified Petition of AES Eastern Energy, L.P., AES Somerset, LLC, AES Cayuga, LLC and Somerset Cayuga Holding Company, Inc. For Expedited Approval Pursuant to Sections 69 and 70 of the New York Public Service Law and Related Approvals*, Case No. 12-E-0174 (April 13, 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 Rules of Practice and Procedure, 18 C.F.R. §385.2010.

Dated at Rensselaer, NY this 4th day of May, 2012

/s/ *Mohsana Akter*

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