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FILE NO: 55430.000072

August 24, 2010

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

**Re: *New York Independent System Operator, Inc.*, Resubmittal of August 12, 2010
Filing in Docket Nos. EL07-39-____ and ER08-695-____**

Dear Ms. Bose:

The New York Independent System Operator, Inc. (“NYISO”) is again resubmitting its August 12, 2010 compliance filing in response to the May 20, 2010 order¹ directing modifications to Attachment H of the NYISO’s Market Administration and Control Area Services Tariff. The NYISO is resubmitting its filing due to issues with its eTariff software, which prevented the NYISO from resubmitting the filing, in its entirety, on August 23, 2010.²

I. Communications and Correspondence

All communications and correspondence in this proceeding should be directed to:

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¹*New York Independent System Operator, Inc.*, 131 FERC ¶ 61,070 (2010).

²To the extent necessary to ensure that this compliance filing is deemed to be timely submitted, the NYISO requests waiver of any procedural deadline that the Commission may consider applicable.



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II. Documents Submitted

1. This resubmittal letter;
2. The August 12, 2010 filing letter explaining the proposed modifications;
3. Clean Attachment H Services Tariff sections reflecting the proposed changes in the current, electronic version of the NYISO's Services Tariff (*i.e.*, NYISO Tariffs, Market Administration and Control Area Services Tariff);
4. Redline Attachment H Services Tariff sections reflecting the proposed changes in the current, electronic version of the NYISO's Services Tariff;
5. Clean Attachment H Services Tariff sheets reflecting the proposed changes in the prior, sheet-based version of the NYISO's Services Tariff (*i.e.*, New York Independent System Operator, Inc., FERC Electric Tariff, Original Volume No. 2, ISO Market Administration and Control Area Services Tariff);
6. Redline Attachment H Services Tariff sheets reflecting the proposed changes in the prior, sheet-based version of the NYISO's Services Tariff;
7. Clean and Redline sheets reflecting a proposed subsequent revised version of Sheet No. 476.04A with a blank effective date; and
8. The Affidavit of Joshua A. Boles, Supervisor of Monitoring, Analysis, and Reporting for the Market Monitoring and Analysis Department.

III. Resubmittal

On August 23, 2010, the NYISO withdrew and resubmitted its August 12, 2010 compliance filing in response to the May 20, 2010 order ("August 12 Filing"), as directed by FERC Staff. Specifically, on August 20, 2010, FERC Staff informed the NYISO that the August 12 Filing was rejected because it was submitted using an incorrect filing type code. FERC Staff directed the NYISO to withdraw and resubmit the August 12 Filing using the proper code in the eTariff system.



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However, when the NYISO made its August 23, 2010 resubmittal it inadvertently omitted an attachment. In order to correct the omission, the NYISO attempted to follow the guidance provided in FERC's online document titled *FERC Staff Responses to Discussion Questions from eTariff@ferc.gov*.³ This guidance would have required a selection of filing type code 150 for submitting the attachment. Unforeseeable limitations within the NYISO's eTariff filing software, however, would not allow the NYISO to perform functions under that code. The NYISO has alerted its eTariff software provider of the issue, but the problem will take some time to resolve.

Due to the inability to submit the omitted attachment without refileing all of the documents, the NYISO determined that it must withdraw the August 23, 2010 resubmittal filing,⁴ and hereby again resubmits the August 12 Filing in its entirety.

IV. Effective Dates

As further explained in the attached August 12, 2010 filing letter, the NYISO requests a November 1, 2008 effective date for all of its proposed compliance tariff revisions, as consistent with ordering paragraph (B) of the May 20 Order, with one exception. For the tariff modifications in Section 23.4.5.7.5, the NYISO is requesting an effective date thirty days after the issuance of an order accepting the proposed language.

V. Service

The NYISO will send an electronic link to this filing to the official representative of each of its customers, to each participant on its stakeholder committees, to the New York Public Service Commission, and to the electric utility regulatory agency of New Jersey. In addition, the complete filing will be posted on the NYISO's website at www.nyiso.com. This is in accordance with 18 C.F.R. § 35.2(e).

³ See *Staff Responses to Discussion Questions from eTariff@ferc.gov* at 30, question 4 (i.e., Type of Filing Relation Question #4: "I forgot to include an attachment in a tariff filing. How do I correct this mistake?"), available at <<http://www.ferc.gov/docs-filing/etariff/responses-discussion-questions.pdf>>.

⁴ The NYISO is concurrently filing a request to withdraw the incomplete August 23, 2010 resubmittal.



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VI. Conclusion

The NYISO respectfully requests that the Commission accept this filing for the reasons specified herein.

Respectfully submitted,

/s/Ted J. Murphy

Ted J. Murphy

Counsel to

the New York Independent System Operator, Inc.