

November 6, 2013

**By Electronic Filing**

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

***Re: New York Independent System Operator, Inc., Docket No. ER13-2016-000,  
Notice of Implementation Real-Time Guarantee Payment Mitigation  
Software for Regulation Capacity and Regulation Movement Bids***

Dear Secretary Bose:

On July 23, 2013, the New York Independent System Operator, Inc. (“NYISO”) requested a temporary, limited waiver of Sections 23.3.3.3.1.1 and 23.3.3.3.1.2 of (Attachment H to) its Market Services Tariff (“Waiver Request”).<sup>1</sup> The Federal Energy Regulatory Commission (“Commission” or “FERC”) issued an order granting the NYISO’s Waiver Request on August 22, 2013 (“August Order”).<sup>2</sup> On October 4, 2013, the NYISO requested a twenty-two day extension of the temporary, limited waiver that the Commission granted in its August Order, from October 23, 2013 to November 14, 2013 (“Waiver Request Extension”). On October 24, 2013, the Commission issued a notice extending the waiver period until November 14, 2013.<sup>3</sup>

The NYISO committed, in both its Waiver Request and Waiver Request Extension, to provide notice to the Commission and to its Market Participants at least one week prior to implementing the necessary software improvements.

Consistent with the NYISO’s commitments and the Commission’s August Order, the NYISO is hereby notifying the Commission and Market Participants that it will incorporate Regulation Capacity and Regulation Movement Bids and reference levels into the Real-Time Guarantee Payment (“RTGP”) mitigation software on November 13, 2013.

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<sup>1</sup> Section 23 of (Attachment H to) the NYISO’s Market Services Tariff sets forth the NYISO’s Market Power Mitigation Measures.

<sup>2</sup> *New York Independent System Operator, Inc.*, 144 FERC ¶ 61,147 (2013).

<sup>3</sup> *New York Independent System Operator, Inc.*, Notice Extending Waiver Period, ER13-2016 (October 24, 2013).

The timing of the NYISO's implementation of RTGP mitigation software updates could be impacted by reliability or technical system conditions. If the NYISO determines that system conditions are not favorable for implementation on November 13, 2013, it will notify the Commission and Market Participants as soon as practicable.

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, to all parties listed on the Commission's official service list in Docket Nos. ER12-1653 and ER13-2016 and to the New Jersey Board of Public Utilities. In addition, the complete filing will be posted on the NYISO's website at [www.nyiso.com](http://www.nyiso.com).

The NYISO respectfully submits this notice to inform the Commission that the NYISO intends to incorporate Regulation Capacity and Regulation Movement Bids and reference levels into the NYISO's RTGP mitigation software on November 13, 2013.

Respectfully submitted,

/s/ James H. Sweeney

James H. Sweeney  
New York Independent System Operator, Inc.

cc: Michael Bardee  
Gregory Berson  
Anna Cochrane  
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David Morenoff  
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## **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 6<sup>th</sup> day of November, 2013.

/s/ Joy A. Zimmerlin

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