

November 25, 2013

**By Electronic Delivery**

Honorable Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
888 First Street N.E.  
Washington, D.C. 20426

Re: *New York Independent System Operator, Inc.*, Proposed Tariff Amendments to Remove Attachment M-1 from the Market Administration and Control Area Services Tariff; Docket No. ER14-\_\_\_\_-000.

Dear Ms. Bose:

Pursuant to Section 205 of the Federal Power Act,<sup>1</sup> the New York Independent System Operator, Inc. (“NYISO”) hereby submits proposed tariff amendments to remove Attachment M-1 from its Market Administration and Control Area Services Tariff (“Services Tariff”). Attachment M-1 was the operating protocol for the planning, operation, control and scheduling of energy by the NYISO, PJM Interconnection, LLC, Consolidated Edison Company of New York (“Con Edison”), and Public Service Electric and Gas Company (“PSE&G”) to wheel 1000 MW from the New York/northern New Jersey border, through New Jersey, to New York City (the “1000 MW Wheel”). The 1000 MW Wheel originated as two contracts between Con Edison and PSE&G, dated May 22, 1975 (as amended May 9, 1978) and May 8, 1978. The two original contracts expired in 2012 but were rolled over pursuant to section 2.2 of the PJM Tariff, which allowed Con Edison to take firm point-to-point service pursuant to PJM service agreements.<sup>2</sup>

The NYISO proposes to remove Attachment M-1 from its Services Tariff because, on May 1, 2012, Attachment M-1 was superseded by Schedule C of Attachment CC to the NYISO’s Open Access Transmission Tariff (“OATT”). Attachment CC to the NYISO’s OATT is the Joint Operating Agreement Among and Between NYISO and PJM (“NYISO/PJM JOA”). The 1000 MW Wheel is now effectuated consistent with Schedule C to the NYISO/PJM JOA. Attachment

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<sup>1</sup> 16 U.S.C. § 824d (2010).

<sup>2</sup> *PJM Interconnection, L.L.C. and New York Independent System Operator, Inc.*, 132 FERC ¶ 61,221 (2010).

M-1 is superfluous, and should be removed to avoid possible confusion about the rules under which the 1000 MW Wheel is effectuated.

NYISO and PJM have made several filings with the Commission to implement the transition to the Schedule C operating protocol. PJM first submitted the Schedule C operating protocol, and requested removal of PJM's equivalent of Attachment M-1, on April 22, 2008.<sup>3</sup> On February 23, 2009, PJM filed a settlement on behalf of the Settling Parties<sup>4</sup> ("Settlement") which included the Schedule C operating protocol.<sup>5</sup> As part of the Settlement, the Settling Parties agreed to revise the Schedule C operating protocol and reaffirmed their request for an effective date of May 1, 2012. On September 21, 2011, the NYISO filed additional revisions to the Schedule C operating protocol which were accepted by the Commission in October 2011.<sup>6</sup> Pursuant to this series of filings and orders, the OATT Attachment CC, Schedule C operating protocol has been the effective "Operating Protocol" utilized by NYISO and PJM to implement the 1000 MW Wheel since May 1, 2012.

The NYISO requests that the Commission accept this proposal to remove Attachment M-1 from its Services Tariff and to revise two other Tariff sections to reflect the removal of Attachment M-1. Attachment M-1 was superseded on May 1, 2012 and is no longer necessary for the NYISO's planning, operation, control or scheduling of energy for the 1000 MW Wheel.

## **I. LIST OF DOCUMENTS SUBMITTED**

The NYISO submits the following documents:

1. This filing letter;
2. A clean version of the proposed revisions to the NYISO's OATT ("Attachment I");
3. A clean version of the proposed revisions to the NYISO's Services Tariff ("Attachment II");
4. A blacklined version of the proposed revisions to the NYISO's OATT ("Attachment III");

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<sup>3</sup> *PJM Interconnection, L.L.C.*, Federal Power Act Section 205 Filing, Docket No. ER08-858 (April 22, 2008).

<sup>4</sup> PJM, NYISO, Con Edison, PSE&G, PSEG Energy Resources & Trade LLC, and the New Jersey Board of Public Utilities ("NJBP") (collectively "Settling Parties").

<sup>5</sup> PJM filed the settlement agreement on February 23, 2009, in Docket Nos. ER08-858-000, ER08-867-000 and EL02-23-000.

<sup>6</sup> *New York Independent System Operator, Inc.*, Docket No. ER11-4585-000 (unpublished letter order issued October 28, 2011).

5. A blacklined version of the proposed revisions to the NYISO's Services Tariff ("Attachment IV"); and
6. PJM's concurrence letter, concurring with the proposed revisions to OATT Section 35.21, the NYISO/PJM Joint Operating Agreement (Attachment V).

## **II. COPIES OF CORRESPONDENCE**

Correspondence concerning this filing should be served on:

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## **III. PROPOSED TARIFF REVISIONS**

The NYISO proposes the following revisions to its Tariffs:

- Services Tariff Section 28 – NYISO proposes to remove this section of the Services Tariff (Attachment M-1) in its entirety because it has been superseded by OATT Attachment CC, Schedule C, which is Section 35.22 of the NYISO's OATT.
- Services Tariff Section 30.4.6.5.2 – NYISO proposes to remove this section of the Services Tariff in its entirety. This Section outlined the NYISO's Market Monitoring Unit's ("MMU") responsibilities that were required under Attachment M-1 to the Services Tariff (Section 28). These 1000 MW Wheel-specific market monitoring obligations were not retained when the Tariff rules governing the wheel transitioned to Schedule C to Attachment CC to the OATT.<sup>7</sup> The proposed revision updates the MMU's responsibilities, consistent with the changes that were made when Schedule C of

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<sup>7</sup>See *New York Independent System Operator, Inc.*, Compliance Filing, Docket No. ER11-4585 (September 21, 2011); *New York Independent System Operator, Inc.*, Docket No. ER11-4585-000 (unpublished letter order issued October 28, 2011). See also *PJM Interconnection, L.L.C. and New York Independent System Operator, Inc.*, 132 FERC ¶ 61,221 (2010).

Attachment CC to the OATT took effect as the governing rules for implementing the 1000 MW Wheel.

- OATT Section 35.21 –OATT Section 35.21 lists various agreements between the NYISO and PJM. NYISO proposes to remove the reference to Services Tariff Section 28 from the list. Since the Operating Protocol for the Implementation of Con Ed – PJM Transmission Service Agreements is now part of the NYISO/PJM Joint Operating Agreement it does not need to be listed with other agreements. Because this change affects the NYISO/PJM JOA, NYISO has obtained and submits with this filing a Certificate of Concurrence that PJM provided.<sup>8</sup>

The tariff revisions proposed in this filing are submitted herewith in both clean and blacklined versions.

#### **IV. EFFECTIVE DATE**

The NYISO respectfully requests that the tariff revisions proposed in this filing be permitted to become effective on January 29, 2014; more than 60 days after the date of this filing.

#### **V. STAKEHOLDER APPROVAL**

The NYISO's Management Committee unanimously approved, with one abstention, the tariff revisions proposed in this filing on September 30, 2013. On October 14, 2013, the NYISO Board of Directors approved the proposed tariff revisions for filing with the Commission.

#### **VI. SERVICE LIST**

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 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).

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<sup>8</sup> Order No. 714, *Electronic Tariff Filings*, ¶ 31,276 (2008), and Section 35.1 of the Commission's regulations, 18 C.F.R. § 35.1(a), allow multiple public utilities that are parties to the same tariff (*e.g.*, a joint tariff such as the JOA) to designate one of the public utilities as the designated filer of the joint tariff. The designated filer submits a single tariff filing for inclusion in its database that reflects the joint tariff, along with the requisite certificates of concurrence from the other parties to the joint tariff. NYISO is the designated filing party for the JOA. Therefore, NYISO is submitting the JOA modifications in the instant filing along with PJM's Certificate of Concurrence. The designation of the NYISO as the designated filer for the JOA is for administrative convenience and in no way shall limit PJM's filing rights under the Federal Power Act as they relate to the JOA.

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## VII. CONCLUSION

WHEREFORE, for the foregoing reasons, the New York Independent System Operator, Inc. respectfully requests that the Commission accept the proposed tariff changes identified in the Attachments hereto, with an effective date of January 29, 2014.

Respectfully submitted,

/s/ James H. Sweeney

James H. Sweeney

New York Independent System Operator, Inc.

cc: Michael A. Bardee  
Gregory Berson  
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