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

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| **Midwest Independent Transmission System Operator, Inc. and International Transmission Company d/b/a ITC*Transmission*** | **Docket No. ER11-1844-002** |

# ANSWER OF NEW YORK INDEPENDENT SYSTEM OPERATOR, INC. IN OPPOSITION TO THE MOTION OF THE JOINT APPLICANTS TO LODGE PARS PERFORMANCE EVALUATION REPORTS

Pursuant to Rule 213 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213 (2013), the New York Independent System Operator, Inc. ("NYISO") submits this answer in opposition to the motion filed by the International Transmission Company d/b/a ITC*Transmission* ("ITC") and the Midcontinent Independent Transmission System Operator, Inc. ("MISO") (collectively, "Joint Applicants") to lodge in the evidentiary record in this proceeding the *Broader Regional Markets Informational Report* ("BRM Report") filed by the NYISO in Docket No. ER08-1281-000 on March 19, 2014, and the *Ontario-Michigan Interface PAR Performance Evaluation Report* ("Evaluation Report"), dated January 16, 2014 prepared by MISO, the Independent Electricity System Operator of Ontario ("IESO") and PJM Interconnection, Inc. ("PJM"). In this Answer the NYISO refers to the Joint Applicants' motion as their "Fourth Motion to Lodge."

The Commission should deny the Joint Applicants' Fourth Motion to Lodge because:

- A full evidentiary hearing was already held in this proceeding;
- Precedent demonstrates that denial is appropriate; and
- Granting the motion would be highly prejudicial to the NYISO and would violate due process.

## I. BACKGROUND

Presiding Administrative Law Judge Steven L. Sterner (the "Presiding Judge") engaged the parties in approximately eight months of proceedings to develop a complete evidentiary record in this Docket. The evidentiary record was closed in September of 2012[1] and was relied on by all of the parties to draft initial and final briefs, by the Presiding Judge to prepare his Initial Decision and for the parties to prepare and/or respond to briefs on exceptions to the Initial Decision. Since the record was closed, all of the parties to this proceeding have accepted the record as developed, except the Joint Applicants. The Joint Applicants have made three previous attempts to reopen the record in this proceeding: (1) a Motion to Supplement in November 2012 that was rejected; (2) a Motion to Lodge in December 2012 that was rejected; and (3) a Motion to Lodge that was submitted in May of 2013, was opposed by NYISO, PJM, FERC Trial Staff, the New York Transmission Owners and the PJM Transmission Owners, and that has been pending before the Commission for almost a year. These motions are summarized below.

On November 14, 2012, following the submission of reply briefs, MISO filed a Motion to Supplement the Record (the "MISO Motion to Supplement"). The MISO Motion to Supplement sought the admission of a MISO-produced summary of Michigan-Ontario PARs ("MI/ON PARs") operating data into the evidentiary record after the record had closed.[2] The NYISO and

[1] *Midwest Independent Transmission System Operator, Inc.*, 141 FERC ¶ 63,021 at P 52 (2012).

[2] *Motion of the Midwest Independent Transmission System Operator, Inc. to Supplement the Record*, Docket No. ER11-1844 (November 14, 2012).

FERC Trial Staff opposed the MISO Motion to Supplement.[3] The Presiding Judge rejected the motion in his *Order Denying Motion of the Midwest Independent Transmission System Operator, Inc. to Supplement the Record* ("December 2012 Order")[4] because MISO had not made the required showing of extraordinary circumstances to permit, pursuant to Rule 716, reopening the record to admit supplemental exhibits.

While the Presiding Judge stated that this reason alone was sufficient to deny the motion, the Order Denying Motion to Supplement also found that: (i) "the scales tipped in favor of administrative finality" when balanced against reopening the record;[5] (ii) MISO's motion "was replete with self-serving conclusory statements;"[6] (iii) granting the motion would violate due process and be highly prejudicial to the non-moving parties;[7] and (iv) the exhibits offered were not subject to the same scrutiny and cross-examination as evidence produced in discovery or as exhibits attached to sworn testimony.[8] The Joint Applicants did not challenge the Presiding Judge's ruling.

On December 11, 2012, in this same docket, the Joint Applicants filed a Motion to Lodge a Commission Order from another Commission docket. The Joint Applicants moved to supplement the record with the Commission's December 10, 2012, ruling in Docket No. ER12-1761-001.[9] On December 18, 2012, the Presiding Judge issued his Initial Decision[10] based on

[3] *See Answer of NYISO in Opposition to Motion of Midwest Independent Transmission System Operator, Inc. to Supplement the Record*, Docket No. ER11-1844 (November 19, 2012); *Answer of Commission Trial Staff Opposing Motion of the Midwest Independent Transmission System Operator to Supplement the Record*, Docket No. ER11-1844 (November 29, 2012).

[4] *Midwest Independent Transmission System Operator, Inc.*, Order Denying Motion of the Midwest Independent Transmission System Operator, Inc. to Supplement the Record, Docket No. ER11-1844, at P 9 (December 3, 2012).

[5] *Id*. at P 10.

[6] *Id.* at P 12.

[7] *Id*. at P 13.

[8] *Id*.

[9] *PJM Interconnection, L.L.C.*, 141 FERC ¶ 61,200 (2012).

the full hearing, corresponding record, and all briefs filed by the parties. The Presiding Judge found that it was unjust, unreasonable, and unduly discriminatory to allocate the costs of the ITC Replacement PARs to NYISO and PJM customers. The Joint Applicants' December 11, 2012 Motion to Lodge Commission Order was denied by the Presiding Judge in the Initial Decision.[11] The Joint Applicants did not file an exception to the Presiding Judge's denial of that motion.

On May 23, 2013, the Joint Applicants filed yet another Motion to Lodge. On this occasion the Joint Applicants sought permission to lodge a portion of the Office of Enforcement's 2012 State of the Markets Report. The Joint Applicants moved to supplement the evidentiary record in this proceeding with a portion of the report that was presented to the Commission at its regular agenda meeting on May 16, 2013. The May 23, 2013 Motion to Lodge was opposed by NYISO, PJM, FERC Trial Staff, the New York Transmission Owners and the PJM Transmission Owners[12] and is still pending before the Commission.

The Fourth Motion to Lodge that is now before the Commission is the Joint Applicants' fourth post-hearing attempt to supplement the evidentiary record in this proceeding. Consistent with the Presiding Judge's unchallenged rulings on the Joint Applicants' first two attempts to supplement the record in this proceeding, the Commission should reject the Joint Applicants' fourth attempt to supplement the extensive evidentiary record, which was closed in September of 2012.[13]

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[10] *Midwest Independent Transmission System Operator, Inc.*, 141 FERC ¶ 63,021 (2012).

[11] Initial Decision at P 923.

[12] *See Answer of NYISO in Opposition to Motion to Lodge of the Joint Applicants*, Docket No. ER11-1844 (June 6, 2013); *Answer of PJM Interconnection, L.L.C. to Motion of the Joint Applicants to Lodge Office of Enforcement Report*, Docket No. ER11-1844 (June 7, 2013); *Answer of Commission Trial Staff In Opposition to Motion of Joint Applicants to Lodge Office of Enforcement Report*, Docket No. ER11-1844 (June 7, 2013); *The New York Transmission Owners' Answer in Opposition to the Joint Applicants' Motion to Lodge*, Docket No. ER11-1844 (May 30, 2013); *PJM Transmission Owner Group's Response in Opposition to Applicants' Motion to Lodge*, Docket No. ER11-1844 (June 5, 2013).

[13] Initial Decision at P 52.

## II. JOINT APPLICANTS HAVE FAILED TO SATISFY THE RULE 716 STANDARD FOR REOPENING THE RECORD

Rule 716 provides, "[t]o the extent permitted by law, the presiding officer or the Commission may, for good cause under paragraph (c) of this section, reopen the evidentiary record in a proceeding for the purpose of taking additional evidence."[14] Paragraph (c) allows the Commission to reopen the record in a proceeding after the initial decision for "good cause" if the Commission "has reason to believe that reopening of a proceeding is warranted by any changes in conditions of fact or of law or by the public interest."[15]

The Commission has explained how it applies the Rule 716 "good cause" standard in number of cases. In *System Energy Resources, Inc.* ("System Energy Resources"),[16] the Commission explained that it applies a general rule that "'the record once closed will not be reopened' absent a determination that extraordinary circumstances outweigh the need for administrative finality."[17] The Commission then applies the following test to determine when it is appropriate to reopen the evidentiary record:

> To persuade the Commission to exercise its discretion to reopen the record, the requesting party must demonstrate the existence of 'extraordinary circumstances.' The party must demonstrate a change in circumstances that is more than just material – it must be a change that goes to the very heart of the case. This policy against reopening the record except in extraordinary circumstances is based on the need for finality in the administrative process.[18]

The Joint Applicants' Fourth Motion to Lodge does not identify or demonstrate any change in fact, law or public interest, any extraordinary circumstances, or any change in

[14] 18 C.F.R. § 385.716 (2013).

[15] 18 C.F.R. § 385.716(c) (2013).

[16] *System Energy Resources, Inc.*, 96 FERC ¶ 61,165 (2001).

[17] *Id*. at p. 61,736 (citing *Transwestern Pipeline Company*, Opinion No. 238, 32 FERC ¶ 61,009 at p. 61,037 (1985), *reh'g denied*, Opinion No. 238-A, 36 FERC ¶ 61,175 (1986)).

[18] *Id*. at 10 (internal citations omitted).

circumstances that is (a) more than just material, and that (b) goes to the very heart of the case. The Joint Applicants' Fourth Motion to Lodge thus fails to satisfy the Rule 716 standard.

Rule 212(c)(1) of the Commission's Rules of Practice and Procedure requires a proponent to include ***in*** its motion "the facts and law which support the motion."[19] Joint Applicants are well aware of the obligation to demonstrate "a change in circumstances that is more than just material … that goes to the very heart of the case" in their Fourth Motion to Lodge. Paragraph 7 of the Presiding Judge's Order Denying MISO's Motion to Supplement clearly articulated this obligation.[20] The Joint Applicants' Fourth Motion to Lodge does not explain how the evidence they are asking the Commission to admit satisfies this standard. The Fourth Motion to Lodge must be denied.

## III. THE BRM REPORT AND EVALUATION REPORT DO NOT DEMONSTRATE EXTRAORDINARY CIRCUMSTANCES TO SUPPORT REOPENING THE EVIDENTIARY RECORD IN THIS DOCKET

The BRM Report and Evaluation Report do not demonstrate extraordinary circumstances to support reopening the evidentiary record in this docket.

### A. The BRM Report Does Not Demonstrate the Required Extraordinary Circumstances

A review of the nature and preparation of the BRM Report shows that it does not present extraordinary circumstances, as required by Rule 716.

The NYISO's BRM Report was submitted to the Commission as an informational update that was not subject to the same level of scrutiny as the evidentiary record in this proceeding. The NYISO is obligated to submit semiannual informational reports in Docket No. ER08-1281, in accordance with the Commission's December 30, 2010 *Order on Rehearing and Compliance*

[19] 18 CFR § 385.212(c)(1) (2013).

[20] December 2012 Order at P 7.

in Docket No. ER08-1281-005 and -006 ("December 2010 Order").[21] The NYISO is required, "in collaboration with its neighboring RTO/ISOs," including MISO (one of the Joint Applicants) to submit the informational reports.[22] The Commission does not issue public notices, solicit comments, or issue orders on these informational reports.[23]

In order to work with MISO to timely complete the "joint" BRM Report, the NYISO chose to avoid a time-wasting confrontation. Instead of requiring MISO to provide the large volume of data that would be necessary for NYISO to test the accuracy of MISO's claims regarding the MI/ON PARs, and fighting about the validity of every claim MISO made regarding the efficacy of the MI/ON PARs in reducing Lake Erie loop flow, NYISO permitted MISO to say what it wanted to about the MI/ON PARs, so long as the BRM Report explicitly recognized that NYISO had not tested the validity of, and was not accepting or agreeing with MISO's claims. The BRM Report specifically notes that the NYISO does not join in the pertinent section − Section I.B of the report.[24] Footnote 31 to the joint BRM Report that NYISO presented to MISO, IESO and PJM for their consideration states:

> All of the Lake Erie ISOs and RTOs agree that it would be counter-productive for NYISO and PJM to address the operation of the Michigan/Ontario PARs in this informational Report. On October 20, 2010, MISO and International Transmission Company d/b/a ITC*Transmission* ("ITC") submitted a Federal Power Act Section 205 filing to the Commission, in Docket No. ER11-1844, to allocate a portion of the cost of ITC's Bunce Creek PARs (two of the five Michigan/Ontario PARs) to customers in New York and PJM. On December 20, 2011, the FERC Chief Administrative Law Judge set Docket No. ER11-1844 for hearing before an Administrative Law Judge. The presiding Administrative Law Judge issued a post hearing initial decision on December 18, 2012, *Midwest Indep. Transmission Sys. Operator, Inc.*, 141 FERC ¶ 63,021 (2012), which remains pending before the Commission. All of the hearing parties (including

[21] *New York Independent System Operator, Inc.*, 133 FERC ¶ 61,276 at P 33 and Ordering Paragraph "D" (2010).

[22] *Id*. at P 33.

[23] *Id*. at FN 35. *See also, e.g., New York Independent System Operator, Inc.*, 133 FERC ¶ 61,030 at FN 44 (2010).

[24] BRM Report at 9.

> MISO, NYISO and PJM) are waiting for a Commission order on the Administrative Law Judge's initial decision.[25]

In developing the BRM Report, MISO did not oppose or question NYISO's position that it would be counter-productive for the parties to argue about the efficacy of the MI/ON PARs in the BRM Report. Footnote 31, quoted above, was included in NYISO's first draft of the BRM Report that was provided to MISO, IESO and PJM for review on March 5, 2014. MISO drafted the majority of the BRM Report section I.B where footnote 31 is located, but did not raise any concern about including footnote 31 in the BRM Report. This is confirmed by the e-mails exchanged between NYISO and MISO in relation to the preparation of the BRM Report, which are compiled in Appendix I to this answer.

However, on April 7, 2014, MISO joined ITC in submitting the Fourth Motion to Lodge, which states that "[i]t is troubling … that NYISO 'elected not to participate' in either the BRM Report's assessment of the PARs or in the joint MISO/IESO/PJM PARs evaluation study [*i.e.*, the Evaluation Report]."[26] MISO's statement in its Fourth Motion to Lodge is not consistent with MISO's repeated failure to object to NYISO's proposal to avoid confrontation in developing the BRM Report as documented in Appendix I to this answer. MISO's self-serving attempt to reinvent the history of the development of the BRM Report should not be countenanced by the Commission; it would be appropriate for the Commission to reject the Fourth Motion to Lodge for this reason alone.

[25] BRM Report at FN 31.

[26] Fourth Motion to Lodge at 3-4.

### B. The Unsubstantiated Nature of the Assertions Made in the Evaluation Report, and the Report's Unrevealed Assumptions, Also Merit Denial of the Fourth Motion to Lodge

The unsubstantiated statements in the Evaluation Report, and the unrevealed assumptions on which those statements are based, underline that the Joint Applicants' assertions about the MI/ON PARs have not been tested by discovery or hearing, and that the issuance of the Evaluation Report (or its content) does not meet the "extraordinary circumstances" standards of Rule 716.

In the process of developing the BRM Report, MISO did not provide to the NYISO any of the data that NYISO would require to assess the validity of the quantitative or qualitative assertions about the MI/ON PARs made in the Evaluation Report. In particular, NYISO has not seen the data set that MISO, IESO and PJM used to arrive at the conclusion that "[the MI/ON] PARs were able to keep Lake Erie loop flow within a +/-200 MW control band during 73.1% of the 15-minute periods during the one-year study period."[27] Nor does NYISO know the basis for the claim in the Evaluation Report that "The simulated loop flow calculated without PAR control would only have been within the [+/- 200 MW] control band for 43.4% of the year."[28] NYISO has no idea how the simulation was performed, or what assumptions were used.

The Evaluation Report appears to assume that ***all*** reductions in Lake Erie loop flow occurred due to the operation of the MI/ON PARs, and that none of the reduction occurred due to NYISO's implementation of Interface Pricing reforms, or due to NYISO's and PJM's joint implementation of market improvements that include Market-to-Market Coordination and Enhanced Interregional Transaction Coordination (15 minute scheduling), or due to any of the market improvements MISO and PJM have introduced at their common borders since 2008.

[27] Evaluation Report at 4.

[28] *Id.*

"LEC flow is affected by several factors including PARs in multiple locations around Lake Erie (see Figure 1 [of Evaluation Report]). This [Evaluation] report considered data only for PARs on the Ontario-Michigan interface."[29]

In sum, NYISO does not know how the Evaluation Report's assertions about the effects of the MI/ON PARs were reached, or why the Evaluation Report failed to consider or address the impact these market measures had in reducing Lake Erie loop flow. The claims in the Evaluation Report have not been subjected to the level of analysis or scrutiny that a discovery and hearing process would permit. The issuance of the Evaluation Report (or its contents) cannot be said to constitute "extraordinary circumstances" that meet the requirements of Rule 716.

### C. The Evaluation Report Was Prepared to Satisfy a Particular Requirement for PJM and MISO

The Evaluation Report was designed to meet a particular requirement applicable to PJM and MISO. As stated in the Evaluation Report, the "study" summarized therein:

> is being performed now to address a Joint and Common Market (JCM) initiative that MISO/PJM evaluate the ability of the Ontario-Michigan PARs to manage [Lake Erie circulation ("LEC")] by having actual flow equal scheduled flow. If the Ontario-Michigan PARs are effective in managing LEC, the JCM initiative will recommend they be included in the MISO/PJM market flow calculations and in the historic allocation process.[30]

Because the Evaluation Report was designed to address a PJM-MISO requirement – the JCM initiative – there was no reason for NYISO to participate in the study that produced the Evaluation Report. As the Evaluation Report explains,[31] NYISO had previously participated in a joint effort with PJM, MISO and IESO to prepare the Regional Power Control Device

[29] Evaluation Report at 5.

[30] Evaluation Report at 5.

[31] Evaluation Report at 4-5.

Coordination Study ("RPCDC Study") published in 2011, [32] and has committed to participate in the effort to perform the Second Study expressly contemplated in the RPCDC Study. However, the Evaluation Report was **never** intended to be the Second RPCDC Study. The Evaluation Report itself recognizes that "[a]lthough the RPCDC Study recommended a follow-up study (Second Study) be performed after the Ontario-Michigan PARs enter service and operational data had been collected for a year, this report should not be considered as meeting that recommendation for three reasons."[33]

First, the Evaluation Report explains that

> one of the Ramapo PARs was out-of-service from February 2013 until late-December 2013. Since the one-year of operating data used in this analysis (8/1/12-7/31/13) contains seven months during which there was not a fully functioning set of PARs on the PJM-NYISO interface, *the data does not support an analysis on how the various power control devices around Lake Erie* [which includes the MI/ON PARs] *influence LEC* or could have their operations coordinated to minimize loop flows.[34]

Second, the Evaluation Report goes on to summarize that the "study should be considered a *limited scope study that will address a specific JCM initiative*" (as discussed above) and, third, the Second RPCDC Study is "still planned for the future."

The Joint Applicants have not presented any reason why the NYISO should have participated in the study that produced the Evaluation Report. More important (and of far greater relevance), the Joint Applicants have not demonstrated extraordinary circumstances that justify reopening the evidentiary record in this proceeding. The Fourth Motion to Lodge should be rejected by the Commission.

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[32] *See New York Independent System Operator, Inc.*, Report on Broader Regional Markets, Docket No. ER08-1281 (August 26, 2011).

[33] Evaluation Report at 4.

[34] Evaluation Report at 4 (emphasis added).

## IV. THE REPORTS THAT JOINT APPLICANTS SEEK TO ADMIT ARE OF NO PROBATIVE VALUE BECAUSE THEY CONTAIN UNTESTED CONCLUSIONS

The two reports that Joint Applicants seek to introduce into the evidentiary record contain unsupported, conclusory statements about the operation of the MI/ON PARs. Equally objectionable from the standpoint of Rule 716, the Evaluation Report contains only summary data. The Joint Applicants have not published the underlying source data. Accordingly, it is not possible for NYISO, the Commission, or any other interested party, to review the Joint Applicants' claims. The BRM Report includes one section (Section I.B.) that was drafted by MISO. It provides a selective summary of the information in the Evaluation Report. Neither the Evaluation Report nor the BRM Report contain a quantitative analysis of the impact that operation of the MI/ON PARs had on Lake Erie loop flow during the study period that the NYISO, or any other interested party, could review. NYISO has not been given the opportunity to conduct discovery regarding, or to cross-examine the individuals who prepared, the Evaluation Report.

Joint Applicants have failed to provide any support for admission of the reports attached to the Fourth Motion to Lodge as evidence in this proceeding. To provide value to this proceeding, the Joint Applicants would have to provide data that contains a level of factual detail comparable to the data set forth in Exhibit NYI-66. That Exhibit, which was admitted by joint stipulation of MISO and the other parties and the facts of which were addressed in NYISO's briefs, contains data – *for every five minute interval* – on:

- 5 minute IESO-ITC average flow;
- 5 minute IESO-ITC average schedule;
- 5 minute average adjusted loop flow;
- 5 minute average adjusted loop flow;

- total PAR offset;
- actual loop flow;
- tap move performed;
- IDC status;
- B3N actual tap;
- L4D actual tap;
- L51D actual tap; and
- J5D actual tap.

Without this data, the statements in the Evaluation Report cannot be verified and are of no probative value. The unverified information included in the Evaluation Report and the summary of the Evaluation Report included in Section I.B of the BRM Report say very little about the actual ability of the MI/ON PARs to control Lake Erie loop flow.

If Lake Erie loop flow decreased over the period of time covered in the Evaluation Report it could be due to any combination of the following factors: more efficient intra-regional dispatch, more efficient inter-regional scheduling (NYISO and PJM jointly implemented interregional scheduling enhancements (15-minute scheduling) on June 27, 2012[35]), reduced demand for electric power, fewer transactions being scheduled between the regions that surround Lake Erie, NYISO's and PJM's implementation of Market-to-Market Coordination in January 2013, implementation of other market based solutions or possibly due to the operation of the MI/ON PARs.

Rule 716 does not permit reopening of a proceeding unless "warranted by … changes in conditions of fact or of law or by the public interest," and as explained by the Commission:

[35] *See* Letter Order issued in Docket No. ER11-2547-006 on October 12, 2012 (granting June 27, 2012 effective date for tariff revisions related to NYISO's implementation of 15 minute scheduling with PJM).

> To persuade the Commission to exercise its discretion to reopen the record, the requesting party must demonstrate the existence of "extraordinary circumstances." The party must demonstrate a change in circumstances that is more than just material – it must be a change that goes to the very heart of the case. This policy against reopening the record except in extraordinary circumstances is based on the need for finality in the administrative process.[36]

The Fourth Motion to Lodge does not meet the Commission standard, as BRM Report Section I.B and the Evaluation Report contain only unverified self-serving statements that are based on admittedly incomplete data. Accordingly, the Fourth Motion to Lodge utterly fails to present "more than just material" "changes in the facts" or other "extraordinary circumstances" that justify reopening the record. The Fourth Motion to Lodge does not even attempt to address how the BRM Report or Evaluation Report satisfy the Rule 716 criteria. The "need for finality in the administrative process" is manifest in this proceeding, since the record closed more than one and a half years ago and the Presiding Judge's Initial Decision was issued more than one year ago.

The NYISO used the exhibits that were in the evidentiary record to formulate the arguments that it included in its initial and reply briefs. The Joint Applicants cannot use reports based on unverified, incomplete and untested data to augment a record that closed more than a year and a half ago. Granting the Joint Applicants' Fourth Motion to Lodge would be prejudicial, and the lack of an adequate opportunity to respond would be a denial of due process.[37]

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[36] *System Energy Resources, Inc.*, 96 FERC ¶ 61,165 at 10 (2001) (internal citations omitted).

[37] As explained by the Commission, "In *Office of Consumers' Counsel, Ohio v. FERC*, the United States Court of Appeals for the District of Columbia Circuit has held that, in a case in which an Administrative Law Judge has conducted a hearing, the Commission should not rely on new evidence presented in a post-hearing pleading, without giving other parties an opportunity to respond." *Northwest Pipeline Corp.*, 92 FERC ¶ 61,287 at pp. 62,014-15 (2000) (footnote omitted).

## V. CONCLUSION

Wherefore, for the reasons explained in this answer, the Commission should reject the Joint Applicants' Fourth Motion to Lodge because granting it would be contrary to Commission precedent, be highly prejudicial and would deny the NYISO due process of law.

Respectfully submitted,

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April 22, 2014

**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 22nd day of April, 2014.

*/s/ John C. Cutting*

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