

130 FERC ¶ 61,064
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

January 22, 2010

In Reply Refer To:
New York Independent System
Operator, Inc.
Docket No. ER09-1612-002

Hunton & Williams, LLP
1900 K Street, NW
Washington, DC 20006-1109

Attention: Ted J. Murphy, Esq.
Counsel for New York Independent System Operator, Inc.

Reference: November 24, 2009 Motion to Defer Effective Date and Request for
Waivers

Dear Mr. Murphy:

1. On November 24, 2009, you submitted on behalf of New York Independent System Operator, Inc. (NYISO) a request to defer the effective date of tariff changes that were previously accepted to be effective as of October 20, 2009.¹ You state that a deferral of the effective date to November 12, 2009 is necessary because NYISO was unable to deploy the software required to implement the tariff revisions until November 12, 2009.

2. You explain that when the Commission issued its October 16, 2009 letter requesting additional information regarding the proposed tariff revisions,² NYISO postponed its scheduled software development to allow time to address any Commission concerns. In its response to the Commission's October 16, 2009 letter, NYISO submitted

¹ *New York Indep. Sys. Operator, Inc.*, Docket Nos. ER09-1612-000 and ER09-1612-001 (Nov. 4, 2009) (unpublished letter order) (November 4, 2009 Order).

² *Citing* October 16, 2009 Deficiency Letter, Docket No. ER09-1612-000 (October 16, 2009 Letter).

several substitute tariff sheets to address the Commission's concerns and requested an effective date of November 12, 2009.³ In the November 4, 2009 Order, the Commission accepted some of NYISO's proposed tariff revisions with an effective date of October 20, 2009, and others with an effective date of November 12, 2009.⁴ However, NYISO states that it intended for its request for a November 12 effective date to apply to all of the tariff revisions proposed in this proceeding and not only to those submitted in response to the October 16, 2009 Letter.

3. In support of its motion, NYISO states that in the past the Commission has agreed to defer the implementation date of software, and the effective date of related tariff revisions, when necessary to ensure that software is implemented properly. NYISO states that it would not be practicable to implement the enhanced credit standards with separate effective dates as this would require NYISO to rewrite the underlying software.

4. Notice of NYISO's motion was published in the *Federal Register* with interventions or protests due on or before December 4, 2009. None were filed.

5. We find that NYISO has adequately supported its request for deferral of the effective date of the subject tariff sheets to November 12, 2009. Accordingly, we grant NYISO's motion and permit the subject tariff sheets to become effective November 12, 2009, as requested.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

³ New York Independent System Operator, Inc. October 19, 2009 Response at 7.

⁴ See Appendix to November 4, 2009 Order for a list of the applicable tariff sheets.