

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

March 25, 2004

Docket Nos. ER97-2353-004
ER97-2353-005
ER97-2353-006
ER97-2353-012

New York State Electric & Gas Corporation
Attn: Jeffrey L. McKinney, Manager – Transmission
Service and Regulatory Matters
Corporate Drive – Kirkwood Industrial Park, P.O. Box 5224
Binghamton, NY 13902-5224

Dear Mr. McKinney:

1. This letter order addresses refund reports and revised rate schedule sheets you filed on behalf of New York State Electric & Gas Corporation (NYSEG) related to transmission services NYSEG provided to wholesale customers under its open access transmission tariff (OATT) and various grandfathered rates schedules. The submittals were to comply with the Commission's orders in this proceeding. See New York State Electric and Gas Corporation, Opinion No. 447, 92 FERC ¶ 61,169 (2000), order on reh'g, Opinion No. 447-A, 100 FERC ¶ 61,021, reh'g denied, Opinion No. 447-B, 101 FERC ¶ 61,037 (2002), order on reh'g, Opinion 447-C, 103 FERC ¶ 61,321 (2003). Notices of NYSEG's submittals were published in the Federal Register with interventions, comments and protests due on or before October 6, 2000 in Docket No. ER97-2353-004 (65 Fed. Reg. 58063 (2000)), October 10, 2000 in Docket No. ER97-2353-005 (65 Fed. Reg. 59411(2000)), December 21, 2001 in Docket No. ER97-2353-006 (66 Fed. Reg. 64037 (2001)), and July 21, 2003 in Docket No. ER97-2353-012 (68 Fed. Reg. 41333 (2003)).

2. The Municipal Electric Utilities Association of New York State (MEUA) filed timely comments and a protest of NYSEG's September 18, 2000 refund report in Docket No. ER97-2353-005. MEUA contends that it was impossible to determine from NYSEG's refund report how the refunds were calculated, or whether the refunds were correctly calculated in accordance with Opinion No. 447 and the Commission's regulations. Further, MEUA advises that it contacted NYSEG to obtain additional information on how the rate refunds were calculated but despite these efforts no additional information has been provided. MEUA did not protest NYSEG's other, later compliance filings, and no other comments or protests were received.

3. On October 26, 2000, NYSEG filed an answer stating that it promptly¹ provided MEAU with all refund data concerning transmission service directly provided by NYSEG to MEAU members under NYSEG's OATT. NYSEG also states that its transmission system also provides transmission service to MEAU members indirectly, through the New York Power Authority (NYPA). NYSEG further explains that, as per its usual practice, it only divulges data to its direct customers and thus it advised MEUA that, to obtain data on NYSEG's indirect transmission to NYPA, MEUA should either request that information from NYPA or else provide NYSEG with NYPA's authorization to release that information to MEUA. Finally, NYSEG states it understands that NYPA has already provided the pertinent refund data to MEUA.

4. The Commission accepts the refund reports and the rate schedule sheets submitted by NYSEG for filing. (The designations and effective dates for these rate schedule sheets are shown on the Enclosure). NYSEG has adequately explained why it did not provide MEUA with the backup data associated with rate schedules where NYPA was the customer (and also suggested ways in which they could obtain these data). Most importantly, in response to a deficiency letter, NYSEG provided additional supporting documentation in Docket No. ER97-2353-006 showing that it complied with our directives. We also note that no protests were filed concerning the subsequent and most recent refund report filed in Docket No. ER97-2353-012. Thus, the Commission finds that the filings comply with our orders and regulations. Accordingly, we will accept NYSEG's submittals for filing.

5. This letter order terminates the proceedings in Docket Nos. ER97-2353-004, ER97-2353-005, ER97-2353-006, and ER97-2353-012.

By direction of the Commission.

Linda Mitry,
Acting Secretary.

¹Within one business day of receiving a written request from MEAU.

New York State Electric & Gas Corp.
Docket Nos. ER97-2353-004 and -012
Rate Schedule Designations

Enclosure

<u>Designation</u>	<u>Description</u>
(1) FERC Electric Tariff, First Revised Volume No. 1 First Revised Sheet Nos. 103, 104, 106 thru 112, 135 and 137 (supersede original sheets)	Revised Tariff Sheets Opinion No. 447 Rates Effective November 27, 1997
(2) FERC Electric Tariff, First Revised Volume No. 1 First Revised Sheet Nos. 116B, 116C, 127B, and 127C (supersede original sheets)	Revised Tariff Sheets Retail Wheeling Effective November 18, 1999
(3) Electric Rate Schedule FERC Nos. 67, 70, and 80 Sixth Revised Sheet No. S-1 (supersede Fifth Revised Sheet No. S-1)	Amendments to Grandfathered Agreements with the New York Power Authority Effective November 27, 1997
(4) Electric Rate Schedule FERC No. 110 First Revised Sheet No. I-1 (supersedes Original Sheet No. I-1)	Amendment to Grandfathered Agreement with the New York Power Authority Effective November 27, 1997
(5) Rate Schedule FERC No. 110 Original Volume No. 1 Original Sheet Nos. 1 thru 35 (supersedes Rate Schedule No. 110, as supplemented)	Revised Rate Schedule to Comply with Opinion No. 447C with the New York Power Authority Effective December 13, 1988
(6) FERC Electric Tariff, First Revised Volume No. 1 Second Revised Sheet No. 135 (supersedes First Revised Sheet No. 135)	Revised Tariff Sheets to Comply with Opinion No. 447C Effective November 18, 1999