

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;  
Nora Mead Brownell, Joseph T. Kelliher,  
and Suedeem G. Kelly.

New York Municipal Power Agency

Docket No. EL04-56-000

v.

New York State Electric & Gas Corporation

ORDER DISMISSING COMPLAINT AND ACCEPTING AGREEMENT

(Issued March 26, 2004)

1. On January 16, 2004, the New York Municipal Power Agency (NYMPA) filed a complaint against New York State Electric & Gas Corporation (NYSEG), alleging that NYSEG's transmission rates were excessive. NYMPA noted, however, that the parties had been in negotiations, and NYMPA explained that it was hopeful that the Parties would come to a consensual resolution shortly.
2. On January 20, 2004, NYSEG and NYMPA filed an agreement that resolves all issues raised in the complaint.
3. Notice of the submittals was published in the Federal Register, 69 Fed. Reg. 4502 (2004), with comments, protests and interventions due on or before February 9, 2004. On February 9, 2004, the New York Independent System Operator, Inc. (NYISO) filed a motion to intervene.
4. In light of the parties' consensual resolution of the matters raised in the complaint, we will dismiss the complaint. Moreover, we will accept the parties' agreement for filing, with the revised rates to become effective March 1, 2004, as requested, and NYISO is hereby directed, within thirty days from the date of issuance of this order, to amend Attachment H of the NYISO Open Access Transmission Tariff, under Part 35 of the Commission's regulations, 18 C.F.R. Part 35 (2004), to effect this resolution of NYSEG's transmission rates effective March 1, 2004.

By the Commission.

( S E A L )

Magalie R. Salas  
Secretary.