



modify their interconnection rules. A variety of parties sought rehearing of the August 6, 2004 Order, and the Commission denied rehearing.<sup>5</sup> Eleven months later, on May 4, 2006, New York Transmission Owners filed the pleading at issue here.

3. Notwithstanding New York Transmission Owners styling of its pleading as a “request for clarification,” it is in fact a request for rehearing with respect to the substantive issues it raises. Under section 313(a) of the Federal Power Act (FPA), a request for rehearing must be filed within 30 days after issuance of a final order in a proceeding.<sup>6</sup> The Commission and the courts have firmly established that the 30-day time period is jurisdictional and cannot be waived.<sup>7</sup> Thus, the Commission routinely dismisses requests for clarification that are essentially untimely requests for rehearing,<sup>8</sup> and we dismiss New York Transmission Owners’ request for clarification on this basis.

The Commission orders:

The request for clarification filed by New York Transmission Owners is hereby rejected.

By the Commission.

( S E A L )

Magalie R. Salas,  
Secretary.

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<sup>5</sup> The Commission granted clarification on several of the issues re-raised by New York Transmission Owners in its May 4, 2006 filing. *See* June 2 Order at P 13-14.

<sup>6</sup> 16 U.S.C. § 8251(a) (2000).

<sup>7</sup> *See e.g., New England Power Pool*, 89 FERC ¶ 61,022 at 61,076 & nn. 3-4 (1999) (citing numerous cases).

<sup>8</sup> *E.g., American Electric Power Service Corp.*, 95 FERC ¶ 61,130 at 61,411 (2001); *Mid-Continent Area Power Pool*, 89 FERC ¶ 61,135 at 61,387 n.18 (1999).