

127 FERC ¶ 61,005
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

April 2, 2009

In Reply Refer To:
New York Independent System
Operator, Inc.
Docket No. ER09-643-000

Ted J. Murphy
Counsel for New York Independent System Operator, Inc.
Hunton & Williams LLP
1900 K Street, NW
Washington, DC 20006-1109

Re: Proposed Tariff Amendments and Waiver Request

Dear Mr. Murphy:

1. On February 2, 2009, the New York Independent System Operator, Inc. (NYISO) filed a request for waiver from the Open Access Same-Time Information Systems (OASIS) standards adopted by the Commission in Order No. 676-C.¹ In this order, the Commission grants the requested waiver effective January 31, 2009, as discussed below.
2. On July 21, 2008, the Commission issued Order No. 676-C, which revised regulations to incorporate by reference the latest version (Version 001) of certain standards adopted by the WEQ of the NAESB. Specifically, Order No. 676-C required transmission providers to: (1) revise their OASIS business practice standards, (2) revise four business practice standards relating to reliability issues,

¹ *Standards for Business Practices and Communication Protocols for Public Utilities*, Order No. 676-C, FERC Stats. & Regs. ¶ 31,274 (2008), *order on reh'g*, Order No. 676-D, 124 FERC ¶ 61,317 (2008).

(3) add new standards on transmission loading relief for the Eastern Interconnection, (4) add new standards for public key infrastructure, and (5) add a new OASIS implementation guide.² Order No. 676-C contained provisions for an entity to seek a waiver from its requirements.

3. On October 1, 2008, NYISO submitted a request for a limited waiver of certain NAESB business practice standards under Order No. 676-C. In an order issued on December 5, 2008,³ the Commission granted NYISO's Order No. 676-C compliance filing and requested waivers.⁴ In that order, the Commission found that the revised WEQ business practice standards continue to pertain to systems that employ physical transmission reservations, a feature that is not applicable to NYISO's bid-based locational-based marginal pricing market.

4. Notice of NYISO's instant filing was published in the *Federal Register*, 74 Fed. Reg. 7414 (2009), with comments, protests and interventions due on or before February 23, 2009. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2008), timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding. The New York Transmission Owners (NYTOs) filed a timely motion to intervene.⁵ No protests or adverse comments were filed.

5. In its October 1, 2008 waiver filing, NYISO reserved the right to make additional waiver filings.⁶ NYISO explains that it is now seeking waivers of the WEQ-001-011, *et seq.*, and WEQ-001-012, *et seq.*, which govern Resales and Transfers of traditional point-to-point transmission reservations. NYISO explains

² Order No. 676-C, FERC Stats. & Regs. ¶ 31,274.

³ *New York Indep. Sys. Operator, Inc.*, 125 FERC 61,275 (2008).

⁴ The Commission granted NYISO waiver of the requirements of: (1) WEQ-001, Standards 001-2 – 001-10.8.7 and Appendices 001-A and 001-B; (2) WEQ-002, Standards 002-4.2.10, 002-4.2.11, 002-4.2.12, 002-4.3, and 002-4.4; (3) WEQ-003, Standard 003-0; (4) WEQ-004, Standards 004-3, 004-3.1, 004-8.2, 004-11.1(a), and Appendices 004-A and 004-C; and (5) WEQ-013, Standard 013-4.1.

⁵ The NYTOs consist of Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Power Authority, New York Power Authority, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation.

⁶ NYISO October 1, 2008 Filing, Docket No. ER09-11-000, at n.19.

that these standards relate to Order No. 890's requirement that transmission providers establish the OASIS functionality necessary to permit their customers to reassign transmission capacity reservations over OASIS and to support the public posting of capacity reassignments before they occur.

6. According to NYISO, under its transmission system, customers do not expressly reserve point-to-point transmission service. Therefore NYISO does not have transmission service reservations to reassign. NYISO states that to the best of its knowledge, its customers have never assigned a physical point-to-point transmission reservation.

7. The Commission grants NYISO's request for waiver of WEQ-001-011, *et seq.*, and WEQ-001-012, *et seq.* We find that these revised WEQ business practice standards pertain to systems that employ physical transmission reservations, a feature that is not applicable to NYISO's bid-based locational-based marginal pricing market. Since NYISO expressly maintains that it does not presently offer transmission service based on a reservations system, the Commission grants the requested waiver.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.