

Background

Ravenswood's Motion

2. Ravenswood offers four reasons why it maintains that the above-captioned proceedings should be consolidated and that a settlement judge should be appointed. First, it argues that each of the proceedings is sufficiently advanced to the point that joint settlement judge procedures are appropriate. Second, it argues settlement would avoid extensive additional litigation. Third, it argues that the cases involve common issues and numerous common parties. Finally, it argues that settlement judge procedures have been successfully used in the recent past to resolve other disputes between NYISO and market participants. Ravenswood adds that its motion is supported by Reliant Energy, PSEG Energy Resources & Trade LLC, and the Independent Power Producers of New York, Inc.

Answers to Ravenswood's Motion

3. Answers opposing Ravenswood's motion were filed by New York Transmission Owners,¹ Consolidated Edison Company of New York, Inc. and Orange & Rockland Utilities, Inc. (collectively, ConEd/O&R), and by NYISO. New York Transmission Owners and NYISO each argue that, rather than speeding resolution of the pending issues, appointment of a settlement judge would actually delay resolution of the cases, especially if the matters are consolidated into one huge unwieldy proceeding.

4. New York Transmission Owners also argue that consolidation of the proceedings is unwarranted because, notwithstanding Ravenswood's arguments to the contrary, the cases involve different issues, different parties, and are at different stages of litigation.

5. ConEd/O&R and NYISO oppose consolidation for basically the same reasons advanced by New York Transmission Owners.

Discussion

6. The Reserves Proceeding (Docket Nos. ER00-1969, *et al.*) and the Energy Pricing Proceeding (Docket Nos. EL02-16, *et al.*) involve events that occurred in early 2000. Both the Reserves and Energy Pricing Proceedings involve NYISO's temporary extraordinary procedures -- which are no longer part of NYISO's tariff. The Capacity Proceeding (Docket No. EL05-17), on the other hand, involves a claim that NYISO has failed to require load serving entities in New York to hold or acquire sufficient installed

¹ Comprised of: Central Hudson Gas & Electric Corporation, Long Island Power Authority, New York Power Authority, New York State Electric & Gas Corporation, Rochester Gas and Electric Corporation, and Niagara Mohawk Power Corporation.

capacity in May-October 2002 in violation of the reliability rules of the New York State Reliability Council, NYISO's tariff, and two other rate schedules applicable to NYISO. In addition, the two former proceedings are before the Commission on remand from the D.C. Circuit, while the latter proceeding is a newly-filed complaint on which the Commission has taken no action as of yet. Accordingly, we agree with New York Transmission Owners, ConEd/O&R, and NYISO that consolidation of the proceedings is not warranted because the cases involve different issues, different parties, and are at different stages of litigation.

7. Moreover, we also agree with New York Transmission Owners and NYISO that, even if the cases are not consolidated, given the apparent lack of consensus on consolidation and the Commission's goal of issuing orders in these proceedings in the next few months, appointment of a settlement judge would likely only result in additional delays before the matters are decided by the Commission.

The Commission orders:

Ravenswood's motion for consolidation and for appointment of a settlement judge is hereby denied, as discussed in the body of this order.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.