

129 FERC 61,271
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

December 28, 2009

In Reply Refer To:
New York Independent System
Operator, Inc.
Docket No. ER09-1142-003

Hunton & Williams, LLP
1900 K Street, NW
Washington, DC 20006-1109

Attention: Ted J. Murphy, Esq.
Attorney for New York Independent System Operator, Inc.

Reference: November 30, 2009 Motion to Defer Effective Date and Request for
Waivers

Dear Mr. Murphy:

1. On November 30, 2009, you submitted on behalf of New York Independent System Operator, Inc. (NYISO) a request to defer the effective date of tariff changes that were conditionally accepted to be effective as of the date of issuance of the November 20, 2009 Order in this proceeding.¹ You request that the tariff sheets become effective January 1, 2010.

2. NYISO states that a deferral of the effective date of the tariff revisions is necessary to allow NYISO time to make certain process changes and other adjustments that are required before implementation of the tariff revisions conditionally accepted by the Commission in relation to NYISO's compliance with the Commission's Order No. 719.² In addition, NYISO states that, when NYISO made its compliance filing in

¹ *New York Independent System Operator, Inc.*, 129 FERC ¶ 61,164 (2009) (November 20, 2009 Order).

² *Wholesale Competition in Regions with Organized Electric Markets*, Order No. 719, 73 Fed. Reg. 64100 (Oct. 28, 2008), FERC Stats. & Regs. ¶ 31,281 (2008).

this proceeding on May 15, 2009, it requested an effective date fifteen days after issuance of an order accepting the revisions to give it time to complete preparatory work to effectuate the proposed tariff revisions related to demand response, long-term power contracting, and market monitoring.

3. In support of its motion, NYISO states that circumstances it did not envision when it made its May 15, 2009 filing justify postponing the effective date until January 1, 2010. Namely, NYISO states that it has executed a new contract with Potomac Economics, Ltd. (Potomac) to continue to serve as NYISO's Market Monitoring Unit (MMU). NYISO states that the new contract begins on January 1, 2010 and NYISO's stakeholder budget process has approved funding for the MMU to perform its functions as of that date. NYISO submits that if the tariff revisions are made effective prior to January 1, 2010, it will have to secure Potomac's agreement and find the funds necessary to pursue the enhanced MMU functions for the last part of 2009. To the extent applicable, NYISO requests waiver of the requirements set forth in Part 35 of the Commission's regulations.³

4. Notice of NYISO's motion was published in the *Federal Register*, 74 Fed. Reg. 65528 (2009), with interventions or protests due on or before December 11, 2009. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2009), the notice of intervention and timely, unopposed motions to intervene serve to make the entities filing them parties of this proceeding. No interventions or protests were filed.

5. We find that the deferral of the effective date of the subject tariff sheets to January 1, 2010, is just and reasonable. Accordingly, we grant NYISO's motion and permit the subject tariff sheets to become effective January 1, 2010, as requested.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

³ 18 C.F.R. Part 35 (2009). We find that waiver of Part 35 is unnecessary in these circumstances.