

132 FERC ¶ 61,188  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;  
Marc Spitzer, Philip D. Moeller,  
John R. Norris, and Cheryl A. LaFleur.

New York Independent System Operator, Inc  
New York Transmission Owners

Docket No. OA08-52-008

ORDER ACCEPTING COMPLIANCE FILING

(Issued August 30, 2010)

1. On April 13, 2010, the New York Independent System Operator, Inc. (NYISO) submitted revisions to Attachment Y of NYISO's Open Access Transmission Tariff (OATT) in compliance with the Commission's October 15, 2009 Order<sup>1</sup> and the November 25, 2009 Notice of Extension of Time.<sup>2</sup> As discussed below, we accept NYISO's proposed tariff revisions effective April 13, 2010, as proposed.

**I. Background**

2. As relevant here, section 15.2 of NYISO's Attachment Y provides that cost allocation for regulated economic projects proposed in response to congestion is based on the principle that project beneficiaries should bear the cost responsibility.<sup>3</sup> Under

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<sup>1</sup> *New York Independent System Operator, Inc.*, 129 FERC ¶ 61,044 (2009) (October 15, 2009 Order), *order on compliance*, 132 FERC ¶ 61,028 (2010) (July 15, 2010 Order).

<sup>2</sup> On November 25, 2009, the Commission granted an extension of time to April 13, 2010, under Docket Nos. OA08-52-004 and -006, for NYISO to make a compliance filing regarding the use of Transmission Congestion Contract (TCC) revenues and bilateral contracts to offset Locational Based Marginal Price (LBMP) load savings, as required by the October 15, 2009 Order.

<sup>3</sup> Section 15.2.d provides that project costs are subject to allocation to project beneficiaries only if a super-majority (80 percent) of the project beneficiaries votes in support of the project.

section 15.4, after a proposed project has been shown to provide a net benefit to the system in terms of LBMP load savings, costs of the project are then allocated to load zones and then to beneficiaries within the load zones based on load savings. The load savings for a load zone will be equal to the difference between the zonal LBMP load cost without the project and the LBMP load cost with the project, net of reductions in TCC revenues and reductions from bilateral contracts.

3. In its October 15, 2009 Order, the Commission accepted, subject to a further compliance filing, NYISO's January 14, 2009 and May 19, 2009 filings to comply with the Commission's October 16, 2008 Order<sup>4</sup> on NYISO's proposed revisions to its transmission planning process filed pursuant to Order No. 890.<sup>5</sup> In its December 11, 2009 filing,<sup>6</sup> NYISO addressed most of the Commission's required modifications with the exception of: (1) the use of TCC revenues and bilateral contracts to offset LBMP load savings in calculating the benefits of an economic project for purposes of cost allocation and recovery; and (2) the metric to be used during the study phase of the NYISO economic planning process to determine the level of Installed Capacity<sup>7</sup> (ICAP) savings that would result from relieving congestion on the bulk power system. NYISO's April 13, 2010 compliance filing addresses these two remaining issues.

## **II. Notice of Filing and Responsive Pleadings**

4. Notice of NYISO's April 13, 2010 filing was published in the *Federal Register*, 75 Fed. Reg. 20,989 (2010), with comments, protests, and interventions due on or before

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<sup>4</sup> *New York Independent System Operator, Inc.*, 125 FERC ¶ 61,068 (2008) (October 16, 2008 Order), *order on reh'g*, 126 FERC ¶ 61,320 (2009), *order on reh'g and motion*, 129 FERC ¶ 61,045 (2009).

<sup>5</sup> *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, FERC Stats. & Regs. ¶ 31,241, *order on reh'g*, Order No. 890-A, FERC Stats. & Regs. ¶ 31,261 (2007), *order on reh'g*, Order No. 890-B, 123 FERC ¶ 61,299, (2008) *order on reh'g*, Order No. 890-C, 126 FERC ¶ 61,228 (2009).

<sup>6</sup> The Commission accepted NYISO's December 11, 2009 filing, subject to conditions, in its July 15, 2010 Order.

<sup>7</sup> In the New York system, Installed Capacity includes a generator or load facility that complies with the requirements in the Reliability Rules and is capable of supplying and/or reducing the demand for energy in the New York Control Area (NYCA) for the purpose of ensuring that sufficient energy and capacity are available to meet the Reliability Rules. The Installed Capacity requirement, established by the New York State Reliability Council, includes a margin of reserve in accordance with the Reliability Rules.

May 4, 2010. On May 4, 2010, Independent Power Producers of New York, Inc. (Independent Producers) filed comments. On May 19, 2010, NYISO and the New York Transmission Owners<sup>8</sup> filed an answer.

5. Pursuant to Rule 214 of the Commission's Rules of Procedure, 18 C.F.R. § 385.214 (2010), the notices of intervention and timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding.

6. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2010) prohibits an answer to a protest or to an answer unless otherwise ordered by the decisional authority. We will accept the answers filed in this proceeding because they have provided information that assisted us in our decision-making process.

### **III. NYISO's Compliance Filing**

#### **A. LBMP Load Savings Offsets**

7. The October 15, 2009 Order required NYISO to clarify the details of its proposal to reduce the load savings for a load zone by reductions in TCC revenues and reductions in bilateral contracts, which the Commission observed generally are at fixed prices not affected by changes in LBMPs.<sup>9</sup> Specifically, the Commission directed NYISO to identify the relevant provisions of the net reductions calculation in the NYISO manuals and incorporate those provisions into section 15.4.b of Attachment Y. In addition, the Commission directed NYISO to revise section 15.4.b to make explicit how and what bilateral contract data will be used to offset load savings.

#### **1. TCC Revenue Reductions**

8. In its April 13, 2010 filing, NYISO explains that transmission projects can result in reduced congestion rents and reduced prices for TCCs because of smaller differences between LBMPs at various locations on its system. Because revenues from the sale of TCCs are used to offset the costs that transmission owners collect from loads through

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<sup>8</sup> The New York Transmission Owners consist of: Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., the Long Island Power Authority, the New York Power Authority, New York State Electric & Gas Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation, and Niagara Mohawk Power Corporation d/b/a National Grid.

<sup>9</sup> October 15, 2009 Order, 129 FERC ¶ 61,044 at P 54 and n.43.

Transmission Service Charges<sup>10</sup> and the New York Power Authority (NYPA) Transmission Adjustment Charge,<sup>11</sup> a new transmission project can reduce the TCC revenues that are passed on to load. In addition, reductions in congestion resulting from transmission projects can reduce the revenues that loads derive from certain TCCs they hold that do not affect Transmission Service Charges or the Transmission Adjustment Charge. As a result, it is necessary to take the effect of a transmission project on these TCC revenues into account when forecasting the net impact that a transmission project will have on the amount that load in any given zone can expect to pay for the electricity it consumes.

9. To address the Commission's directives, NYISO proposes to include a detailed description of the ten-step approach it will use to forecast the reductions in TCC revenues for purposes of calculating net zonal benefits associated with a proposed project in a new Appendix B to Attachment Y that will be referenced in section 15.4.b(iii) of Attachment Y. Essentially, the approach forecasts the impact of a proposed project on TCC revenues and calculates the ultimate reduction to the TCC offsets to the Transmission Service Charges or the Transmission Adjustment Charges, and the reduction to other load benefits that would be realized, both with and without the proposed project.

## **2. Bilateral Contract Reductions**

10. To address the Commission's directive that NYISO provide details regarding how and what contract data it will use to offset LBMP load savings, NYISO proposes to amend section 15.4.b(v) to clarify that the contract information that will be used to calculate offsets to LBMP reductions consists of information on: (1) contracts that are not indexed to LBMP; (2) contracts that are partially indexed to LBMP (e.g., a contract that sets the price at a fixed level plus 80 percent of LBMP); and (3) generation owned by Load Serving Entities (LSEs). NYISO also adds section 15.4.b(v)(C) to Attachment Y to provide that bilateral contract information and information on LSE-owned generation submitted to NYISO must include: contract quantities; the quantity of energy provided to each load zone, for an LSE that serves more than one zone; the contract start and end dates; terms in sufficient detail to determine if pricing is not indexed to the LBMP, or, if pricing is indexed to LBMP, the manner in which prices are connected to LBMP; and

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<sup>10</sup> A Transmission Service Charge is a charge designed to ensure recovery of the embedded cost of a transmission owner's transmission system (section 1.48.a of the NYISO OATT).

<sup>11</sup> The NYPA Transmission Adjustment Charge is a surcharge on all energy transactions designed to recover the annual transmission revenue requirement of NYPA which cannot be recovered through other transmission revenues (section 1.27.f of the NYISO OATT).

annual changes in the pricing methodology. NYISO states that it has also added sections 15.4.b(v)(A) and (B), respectively, to state that all information provided to NYISO must identify the source of the information and that all non-public contract information will be protected according to NYISO's Code of Conduct in section 4.0 of Attachment F of the OATT and Article 6 of NYISO's Market Administration and Control Area Services Tariff.

11. NYISO states that to address how contract data will be used, it developed a formula in new section 15.4.b(v)(D) to calculate "Adjusted" LBMP Savings. Adjusted LBMP Savings excludes any impact of a proposed project on load served under bilateral contracts that is either not indexed to LBMP<sup>12</sup> or is served by LSE-owned generation. To find the adjusted LBMP Savings, NYISO calculates the total annual energy forecasted to be consumed by load per year, minus factors that consider the impact of the project on load served under bilateral contracts and the energy forecasted to be served by LSE-owned generation, for all years, zones, and contract blocks. NYISO then multiplies that figure by the difference between the forecasted LBMP without and with the project in place, for each year and zone.

### **3. Calculation of Net Zonal Savings**

12. Once the impact on TCC revenues and LBMP is determined, NYISO will forecast the Net Zonal Savings that load within a load zone is expected to realize as a result of a project. NYISO proposes a formula in section 15.4.b(vi) that subtracts the forecasted reductions in TCC revenues from the Adjusted LBMP Savings for each load zone per year. Specifically, the Net Zonal Savings for each load zone is equal to the summation of the annual difference between the Adjusted LBMP Savings and the forecasted impact of the project on TCC revenues allocated per zone, over the ten year period that begins with the projected start of commercial operation of the project. NYISO calculates the present value of Net Zonal Savings by multiplying the summation of these annual differences by the discount factor applied to yearly cash flows.

### **Commission Determination**

13. We find that NYISO has complied with the October 15, 2009 Order's directive to clarify the details of its proposal to reduce the load savings for a load zone by reductions in TCC revenues and reductions in bilateral contracts that are not indexed to LBMP. In its proposal, NYISO has incorporated provisions of the reductions calculation into the net zonal savings determination of section 15.4.b(vi) of Attachment Y. NYISO proposes to provide a description of the reductions in TCC revenues in a new Appendix B to

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<sup>12</sup> The formula also adjusts for all contracts that are partially indexed to LBMP in proportion to the specific index in each such contract.

Attachment Y and to cross-reference Appendix B in section 15.4.b(iii) of Attachment Y. In addition, NYISO has revised section 15.4.b(v) of its tariff to make explicit what bilateral contract data will be used and how it will be used to offset LBMP load savings. Essentially, NYISO adjusts the LBMP load savings by excluding: (1) the impact of the project on load served by bilateral contracts that are not indexed to LBMP; and (2) load served by LSE-owned generation that is located in the same transmission zone as the customer's load. We agree with NYISO that these components should be excluded from load savings that arise from an economic project, as such loads cannot benefit from economic projects that reduce LBMP by alleviating congestion. Accordingly, we approve NYISO's proposed revisions as complying with the directives in the October 15, 2009 Order.

### **B. ICAP Cost Metric**

14. Under NYISO's proposed planning process, the cost of economic transmission projects will be allocated among those entities that benefit from the project, based on a cost/benefit analysis that incorporates a production cost savings metric. However, under NYISO's process, beneficiaries who would be responsible for funding economic projects may vote against the projects and may consider, in their voting determination, metrics in addition to production cost savings, including those that measure reductions in ICAP. In the October 15, 2009 Order,<sup>13</sup> the Commission directed NYISO to revise section 11.3.e(vi) of its Attachment Y to incorporate the megawatt impact methodology used in calculating the ICAP metric, which NYISO did in its December 11, 2009 filing.<sup>14</sup> The Commission also directed NYISO to make a compliance filing containing revised tariff sheets to reflect the new ICAP cost metric with the Commission once it completes the stakeholder process addressing that metric. NYISO's compliance with this latter directive is discussed below.

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<sup>13</sup> October 15, 2009 Order, 129 FERC ¶ 61,044 at P 81.

<sup>14</sup> In its December 11, 2009 filing to comply with the October 15, 2009 Order, NYISO incorporated its proposed megawatt impact methodology into section 11.3.e(vi)(A) of Attachment Y, which states that for the initial Congestion Analysis Resource Integration Study cycle, the ICAP metric will be based on a megawatt impact methodology that: (1) determines the base system loss of load expectation (LOLE) for the applicable horizon year; (2) adds the proposed economic project; and (3) calculates the LOLE for the system with the addition of the proposed economic project. If the system LOLE is lower than that of the base system, NYISO will reduce generation in all NYCA zones proportionally (i.e., based on the proportion of zonal capacity to total NYCA capacity) until the base system LOLE is achieved. That amount of reduced generation is the NYCA megawatt impact. *New York Independent System Operator, Inc.*, 132 FERC ¶ 61,028 (2010).

## 1. NYISO's Filing

15. NYISO states that it has concluded its stakeholder process on the ICAP cost metric and proposes two variants of this metric in a new section 11.3.e(vi)(B). NYISO clarifies that both metrics are calculated as part of NYISO's economic planning process,<sup>15</sup> but that the two variants are for informational purposes, i.e., only to provide market participants with additional information on the potential ICAP cost impacts of a new resource. NYISO states that these metrics are indicative measures of the additional potential benefits of new resources. NYISO adds that they are not precise determinants of capacity prices, and are not reflective of any bid price mitigation levels that may or may not apply, or other factors that may be relevant.

16. NYISO explains that the first variant of the ICAP cost metric focuses on the ICAP costs that are avoided by the proposed project, and is based on the megawatt impact methodology (MW-based Variant). NYISO proposes to calculate the ICAP cost metric by multiplying the forecasted cost per megawatt-year of ICAP by the megawatt impact quantity (i.e., the amount of generation displaced by the proposed project) determined under the megawatt impact methodology, as set forth in section 11.3.e(vi)(A). NYISO will perform this calculation separately for the New York City and Long Island localities, and for the Rest of State region. NYISO will make this calculation for the ten years following the proposed commercial operation date of the proposed project.

17. NYISO's proposed second ICAP metric variant uses the difference between the forecasted cost per megawatt-year of ICAP without the project in place, and the forecasted cost with the project in place (Price-based Variant). NYISO explains that the forecasted cost per megawatt-year without the project is as calculated in the MW-based Variant. NYISO determines the forecasted cost of ICAP with the project in place by

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<sup>15</sup> NYISO's economic planning process is part of its Comprehensive System Planning Process, which contains three major components: (1) local transmission planning; (2) regional reliability planning; and (3) regional economic planning. The economic planning process is conducted through NYISO's Congestion Assessment and Resource Integration Study (Congestion Study), which consists of a series of three congestion studies developed with market participant input and any additional studies for which individual market participants agree to pay. If, in response to the Congestion Study, a developer proposes a project to address congestion, then eligibility for regulated cost recovery will be determined on the basis of a New York Control Area-wide production cost benefit. Afterwards, a cost allocation mechanism will apply if a supermajority (80 percent of the vote, weighted in accordance with the share of benefits) of a project's beneficiaries agree that an economic project should proceed. NYISO will use the cost allocation mechanism based on a "beneficiaries pay" approach, where those who benefit from a transmission upgrade or project bear its costs.

accounting for both the impact of the project on the proxy minimum ICAP requirement and the increase in excess capacity availability over the projected proxy minimum ICAP requirement. NYISO explains that for the Rest of State region, NYISO will measure the cost impact of a project for each planning year by multiplying the difference in the ICAP market price with and without the project in place by fifty percent of the assumed amount of ICAP available in the Rest of State region, as calculated from Load and Capacity tables developed during the Congestion Study. For each locality (i.e. New York City and Long Island), NYISO will run the same calculation, but in the second step, where the proposed economic project is assumed to be in place, NYISO will subtract the greater of: the forecasted cost per megawatt-year in that locality; or the forecasted Rest of State ICAP cost per megawatt-year. NYISO clarifies that it multiplies the difference in ICAP costs by fifty percent because this percentage is an approximation of the quantity of capacity that would be subject to the ICAP spot market. NYISO states that the Price-based Variant would be calculated from the date of the project's commencement to the earlier of either the year the NYCA reaches an LOLE of 0.1 or ten years after the project's commencement date.

## **2. Independent Producers' Comments**

18. Independent Producers state that the MW-based Variant provides a reasonable estimate of the benefit of reducing the required capacity by the impact of the project; however, the Price-based Variant takes the estimate of capacity savings in an entirely different direction. They state that the Price-based Variant inappropriately assumes that the new project will add excess capacity to the market with the result that the market clears further down the demand curve. Independent Producers assert that this implicitly assumes that there will be no market reaction to the proposed project, yet many of the future merchant additions included in the economic planning analysis are projects that are still in the early part of their development and may be revised if a regulated economic transmission project renders a merchant project no longer economic.

19. Independent Producers also contend that the Price-based Variant is flawed because it is based upon estimating the consumer savings associated with suppressing the market clearing price. They argue that the claimed suppression is ephemeral because merchant additions would be revised so that the market rebalances at the point where capacity is economic, and that the metric's method for valuing the capacity benefit itself is inappropriate for determining whether a project is economic. Independent Producers point to NYISO's filing in Docket No. EL07-39-000 to implement uneconomic entry mitigation in the New York City capacity market, where NYISO stated:

As discussed by Dr. Patton in his affidavit, uneconomic entry would be a significant concern if it can depress prices in the NYC capacity market. That is, a buyer could build a plant that would lose money in the capacity market, but would more than recoup those losses by lowering capacity

auction prices by increasing supply and moving the market down the ICAP Demand Curve.<sup>16</sup>

Independent Producers contend that NYISO now proposes to apply the same metric to determine the benefits of a regulated economic transmission project. Independent Producers argue that considering the “benefit” of suppressing capacity prices is inappropriate in incenting new generation entry, and it is inappropriate for determining the benefits of regulated economic transmission projects.

20. Independent Producers conclude that, if the Commission allows NYISO to proceed with determining the Price-based Variant, it should require NYISO to revise the metric so that the case with the project added reflects the elimination of future capacity additions that become uneconomic as a result of the regulated economic transmission project.

### **3. NYISO’s Answer**

21. NYISO states that these ICAP metric variants were developed for the purpose of providing additional information for project beneficiaries to use in determining whether to vote for a project and not for any other purpose. NYISO asserts that together, these two variants capture more of the range of possible outcomes than either of the proposed metrics does standing on its own. NYISO clarifies that these variants are not part of the cost/benefit analysis of a proposed project that is performed in accordance with Attachment Y, nor are they part of the formal criteria that NYISO uses to determine whether a regulated economic project may be eligible for cost recovery. Thus, NYISO asserts, Independent Producer’s claim that NYISO uses these informational metrics “for determining whether a project is economic” is mistaken.<sup>17</sup>

22. NYISO further states that under section 15.6 of Attachment Y,<sup>18</sup> the use of informational metrics by the beneficiaries of economic projects is transparent, particularly where a proposed project is not approved. Thus, asserts NYISO, the

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<sup>16</sup> Independent Producers May 4, 2010 Comments at 5 (citing NYISO, Compliance Filing, Docket No. EL07-39-000, at 28 (filed October 4, 2007)).

<sup>17</sup> NYISO Answer at 4 (citing Independent Producers May 4, 2010 Comments at 4).

<sup>18</sup> Section 15.6 of Attachment Y (Voting by Project Beneficiaries) describes, in subsection (e), the process by which NYISO will report to the Commission the results of a project’s vote and a detailed explanation of beneficiaries’ rationale for their voting decision.

Commission will know the extent to which a project beneficiary relied on the two variants that comprise the ICAP Metric in voting for or against a proposed project. Given this transparency, NYISO believes that there is no reason to prevent beneficiaries from obtaining estimates of the potential impact of a proposed project on ICAP costs.

### **Commission Determination**

23. We find that NYISO's two proposed ICAP cost impact metric variants in new section 11.3.e(vi)(B) of Attachment Y comply with the Commission's October 15, 2009 Order to file revised tariff sheets to reflect the new ICAP cost metric once it completes the stakeholder process addressing that metric. NYISO explains that the MW-based Variant of the ICAP metric focuses on the ICAP costs that are avoided by the proposed project and is based on the megawatt impact methodology. NYISO's proposed Price-based Variant of the ICAP metric focuses on the difference between the ICAP market price with the proposed project in place and the ICAP market price without the proposed project in place. We agree with NYISO that these two variants reasonably estimate the capacity savings from a proposed economic project and together capture more of the range of possible outcomes than either of the proposed metrics does standing on its own. Therefore, we accept NYISO's proposed section 11.3.e(vi)(B) as in compliance with the October 15, 2009 Order and address comments below.

24. Independent Producers argue that NYISO's Price-based Variant inappropriately assumes that the new project will add excess capacity to the market with the result that the market clears further down the demand curve because it assumes that there will be no market reaction to the proposed project.

25. Although future merchant projects may be revised, we reject Independent Producers' argument that the Price-based Variant should reflect the elimination of future capacity projects that become uneconomic. We find that such elimination would be inconsistent with the assumptions used in NYISO's Congestion Study. Under NYISO's baseline system,<sup>19</sup> the Congestion Study must assume a reliable system based upon solutions identified in NYISO's most recent Comprehensive Reliability Plan. Specifically, the baseline system for NYISO's Congestion Study incorporates viable market-based solutions to meet identified reliability needs. Because this Congestion Study is used by developers as a basis to propose actual projects, NYISO's baseline assumptions are a fundamental part of NYISO's economic planning process.

26. In addition, we find that NYISO's economic planning process provides for the consideration of the economic impacts of reliability solutions. Under section 11.3.b,

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<sup>19</sup> Section 11.3b of Attachment Y describes the baseline system for NYISO's economic planning process.

NYISO must develop methodologies to scale back market-based reliability solutions to the minimum needed to meet the identified reliability needs, if more have been proposed than are necessary to meet those needs. Further, section 11.3.c of Attachment Y states that NYISO's Congestion Study may consider the economic impacts of advancing a regulated backstop solution for reliability needs.

27. We also find that the ICAP metric is not intended to be used by the economic project developer or NYISO in evaluating projects.<sup>20</sup> Instead, the ICAP metric is intended to be used by stakeholders and beneficiaries for informational purposes only, i.e., to consider whether a project will be beneficial to them and thus should gain their vote in the project planning phase. Section 15.3.f of Attachment Y expressly provides that the additional metrics will "estimate the potential benefits of the proposed project, for information purposes only." As NYISO clarifies, these variants are not part of the cost/benefit analysis of a proposed project that is performed in accordance with Attachment Y; nor are they part of the formal criteria that NYISO uses to determine whether a regulated economic project may be eligible for cost recovery.

28. Finally, Independent Producers argue that the proposed Price-based Variant's method for valuing capacity benefits, i.e., by reference to a projected reduction in ICAP market prices, is itself an improper measure for determining whether a project is economic. In support of this claim, Independent Producers assert that NYISO previously acknowledged that valuing projects based on the suppression of capacity prices was inappropriate in its filing to implement uneconomic entry mitigation in the New York City capacity market, citing the testimony of Dr. Patton. However, price suppression due to uneconomic entry is an entirely different matter than determining the price on the demand curve that should be used in estimating the financial impact that proposed economic projects<sup>21</sup> may have on ICAP costs. The prices to be used by NYISO in the Price-based Variant are simply the result of projected increases in available capacity with the project in place; they do not result from the potential exercise of market power by any economic project developer.

29. Accordingly, we accept NYISO's revised tariff sheets, which reflect the new ICAP cost metric.

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<sup>20</sup> The only exception is when the developer is also a beneficiary who would be allocated a share of the costs.

<sup>21</sup> Section 15.3 of Attachment Y provides that to be eligible for cost allocation and recovery, the benefits of a proposed regulated economic project must exceed its costs.

The Commission orders:

NYISO's compliance filing is hereby accepted, effective April 13, 2010, as discussed in the body of this order.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.