

135 FERC ¶ 61,072
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.

Docket No. ER11-2454-000

ORDER GRANTING WAIVER

(Issued April 25, 2011)

1. On March 9, 2011, the New York Independent System Operator, Inc. (NYISO) submitted a request in the captioned proceeding seeking to temporarily defer its obligation to implement tariff revisions previously accepted in this proceeding and for waiver of Part 35 of the Commission's Regulations,¹ and any other notice or filing requirements, to do so.² NYISO states that its request to temporarily defer the implementation of these tariff changes is required due to unanticipated software development delays. As discussed below, we grant the request.

2. NYISO states that the February 4, 2011 Letter Order accepted NYISO's proposed tariff revisions modifying the demand curves applicable to NYISO's regulation and operating reserves market to better reflect the value of energy during shortage conditions and improve consistency between its tariff and operational practices, to be effective March 15, 2011. However, NYISO states that it has recently determined that it will be unable to implement these provisions on March 15, 2011, because the software necessary to do so is integrated with and dependent upon other software that requires further testing to establish its functionality, i.e., the software changes supporting the implementation of NYISO's proposed enhanced interregional transaction scheduling (EITC) provisions in Docket No. ER11-2547-000.

¹ 18 C.F.R. Part 35 (2010).

² See *New York Independent System Operator, Inc.*, Docket No. ER11-2454-000 (Feb. 4, 2011) (delegated letter order) (February 4, 2011 Letter Order).

3. NYISO states that because it will not be able to implement its EITC revisions on March 15, 2011 (for the reasons explained in its waiver request for waiver in Docket No. ER11-2547-000), it will also not be able to implement the tariff revisions accepted for implementation in this proceeding.
4. NYISO states that it expects to complete the work necessary to verify the functionality of its software in time to implement the EITC software no later than May 10, 2011, and possibly as early as April 26, 2011. Accordingly, the NYISO requests that the Commission defer the effective date of its tariff provisions approved in this proceeding until the earlier of May 10, 2011, or a date to be specified two weeks in advance of the actual implementation, but no earlier than April 26, 2011.
5. No answers in response to NYISO's request were submitted.
6. In an order issued March 14, 2011, the Commission conditionally accepted NYISO's proposed EITC provisions in Docket No. ER11-2547-000, effective March 15, 2011, and, for the same reasons respecting its computer functionality as NYISO raised in the instant request, granted waiver to permit NYISO to defer implementation of those tariff revisions until the earlier of two weeks after it notifies the Commission of the implementation date, or May 10, 2011.³ For the same reasons, we find good cause to grant the instant request for waiver and, consistent with the March 14, 2011 Order, permit NYISO to defer implementation of its tariff revisions in the instant proceeding until the earlier of May 10, 2011, or two weeks after it notifies the Commission of the implementation date, but no earlier than April 26, 2011, as requested.

The Commission orders:

NYISO's request for deferral of implementation of the subject tariff provisions and related waivers is hereby granted, as discussed in the body of this order.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

³ *New York Independent System Operator, Inc.*, 134 FERC ¶ 61,186 (2011) (March 14, 2011 Order).