

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

2/6/09

To: New York State Reliability Council, L.L.C.

Docket No. ER09-437-000

Re: Installed Capacity Requirement for the New York Control Area for the period May 2009 to April 2010 (2009 Capability Year).

Pursuant to authority delegated to the Director, Division of Tariffs and Market Development - East, under 18 C.F.R. 375.307, your submittal in the above referenced docket is accepted for filing and made effective February 17, 2009, as requested.

Notice of your filing was published in the *Federal Register* with interventions, comments, and protests due on or before January 9, 2009. Timely motions to intervene were filed by Dynegy Power Marketing, Inc.; Mirant Energy Trading, LLC, Mirant New York, LLC, and Mirant Bowline, LLC; the New York Association of Public Power; the New York Municipal Power Agency and Municipal Electric Utilities Association of the State of New York; New York Independent System Operator (NYISO); Niagara Mohawk Power Corporation d/b/a National Grid; and the New York Transmission Owners.¹ The New York State Public Service Commission filed a timely notice of intervention. The NYISO and the New York Transmission Owners filed comments in support of the filing. No adverse comments were received.

Under 18 C.F.R. 385.210, interventions are timely if made within the time prescribed by the Secretary. Under 18 C.F.R. 385.214, the filing of a timely motion to intervene makes the movant a party to the proceeding, if no answer in opposition is filed within fifteen days. The filing of a timely notice of intervention makes a State Commission a party to the proceeding.

This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, contract, or practice affecting such rate or service provided for in the filed documents; nor shall such action be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such action is without prejudice to any findings or orders which have been or may hereafter be made

¹ The New York Transmission Owners 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, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation.

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by the Commission in any proceeding now pending or hereafter instituted by or against your company.

This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. 385.713.

Sincerely,

Larry D. Gasteiger, Director
Division of Tariffs and Market
Development - East

Document Content(s)

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