

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

New York Independent System Operator, Inc.)

Docket No. ER11-3595-000

MOTION TO INTERVENE AND COMMENTS IN SUPPORT
BY THE NEW YORK STATE RELIABILITY COUNCIL, L.L.C.

Pursuant to Rules 212 and 214 of the Federal Energy Regulatory Commission's ("Commission") Rules of Practice and Procedure, 18 C.F.R. §§ 385.212 and 385.214 (2010), the New York State Reliability Council, L.L.C. ("NYSRC"), moves to intervene in response to the May 18, 2011 submittal by the New York Independent System Operator, Inc. ("NYISO") in the above-captioned proceeding.¹

I. BACKGROUND

On May 18, 2011, the NYISO submitted revisions to its Open Access Transmission Tariff to conform its conflict of interest rules to the revised NYSRC Agreement. These proposed revisions were approved by the NYISO's Management Committee and the NYISO's independent Board of Directors in February and April 2011. The NYISO requests an effective date of July 18, 2011. On May 19, 2011, the Commission issued notice and comments are due by June 8, 2011.

¹ New York Independent System Operator, Inc. Proposed Amendments to the ISO Agreement and Code of Conduct, Docket No. ER04-449-023 (May 18, 2011) ("NYISO Filing").

II. COMMUNICATIONS

All communications, pleadings, and orders with respect to this proceeding should be sent to the following individuals:

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III. MOTION TO INTERVENE

The NYSRC was approved by an order issued by the Commission in 1998,² and subsequent Commission orders,³ as part of the restructuring of the electricity market in New York State and the formation of the NYISO. In its orders, the Commission approved the NYSRC Agreement among the members of the New York Power Pool, which established the NYSRC and described its responsibilities, and the NYISO/NYSRC Agreement which established the relationship between the NYISO and the NYSRC and outlined their respective responsibilities. The NYSRC's responsibilities include the development of reliability rules that are more stringent or more specific than Northeast

² *Cent. Hudson Gas & Elec. Corp.*, 83 FERC ¶ 61,352 (1998), *order on reh'g*, 87 FERC ¶ 61,135 (1999).

³ *Cent. Hudson Gas & Elec. Corp.*, 86 FERC ¶ 61,062 (1999); *Cent. Hudson Gas & Elec. Corp.*, 87 FERC ¶ 61,135 (1999); *Cent. Hudson Gas & Elec. Corp.*, 88 FERC ¶ 61,138 (1999).

Power Coordinating Council, Inc. (“NPCC”) and North American Electric Reliability Corporation (“NERC”) standards and criteria that are necessary to meet the special requirements of New York’s bulk electricity grid; the assessment of NYISO and market participant compliance with those reliability rules; and the adoption of the annual statewide installed capacity requirement. Given the NYSRC’s responsibilities related to electricity reliability within a significant portion of the NPCC region, it is in the public interest to approve this motion to intervene.

IV. COMMENTS

On December 29, 2009, the Commission approved revisions to the NYSRC Agreement that eliminated the prohibition against members of the NYSRC’s Executive Committee from also serving as members of NYISO committees.⁴ The revisions also expanded the prohibition against a member of the NYSRC Executive Committee from serving as a member of the NYISO Board of Directors to also prohibit an Executive Committee member from serving as an officer, employee or paid consultant of the NYISO.

The NYSRC explained in its filing that the prohibition against members of its Executive Committee from participating in NYISO Committees created difficulty in finding individuals with the substantial knowledge and/or experience in the reliable operation of bulk power electric systems, as required by the NYSRC Agreement⁵, to serve as members of the NYSRC Executive Committee. Many individuals with

⁴ *N.Y. State Reliability Council, L.L.C.*, Letter Order, Docket No. ER10-304-000 (Dec. 29, 2009).

⁵ NYSRC Agreement, Section 4.03, *available at* <http://www.nysrc.org/pdf/Agreements/NYSRC%20Agreement12292009.pdf>.

experience in the operation of bulk power electric systems also have an interest in the NYISO's activities and participate in one or more of its committees. Further, the NYSRC found that having NYSRC Executive Committee members with knowledge and understanding of the NYISO's administration of the New York State bulk power system and its competitive wholesale electricity markets is extremely valuable to the NYSRC in the exercise of its own responsibilities. The NYSRC further concluded that participation by members of the NYSRC Executive Committee in NYISO committees, which are open to all interested parties and have broad participation, would not be inconsistent with maintaining the separate and independent identities of the two entities.

In its current filing, the NYISO is seeking to revise the ISO Agreement and its Code of Conduct to conform those documents to the amendment of the NYSRC Agreement previously accepted by the Commission. As the NYISO noted in its filing, the proposed revisions have been approved by the NYISO's Management Committee and its Board of Directors. The NYSRC respectfully requests that the Commission accept the NYISO's proposed revisions to the ISO Agreement and Code of Conduct, so that the provisions in those documents and the NYSRC Agreement will be in conformity.

V. CONCLUSION

WHEREFORE, in view of the foregoing, the NYSRC respectfully requests that (1) it be permitted to intervene with all the rights that attend to such status; and (2) the Commission take action consistent with the comments set forth herein.

Respectfully submitted,

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Dated: June 8, 2011

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list in this proceeding in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure.

Dated at Washington, D.C. this 8th day of June 2011.

/s/
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