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January 7, 2010

VIA ELECTRONIC FILING

The Honorable Kimberly D. Bose, Secretary
The Honorable Nathaniel J. Davis, Sr., Deputy Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Re: ISO New England Inc., Docket No. ER10-186-000

Dear Secretary Bose and Deputy Secretary Davis:

Attached for electronic filing in the above-referenced docket is the *Motion for Leave to Answer and Answer of ISO New England Inc.* A copy of the foregoing has been served upon all parties included in the Commission's service list.

If you have any questions or concerns regarding this filing, please feel free to contact me. Thank you for your assistance in this matter.

Respectfully submitted,

/s/ Sherry A. Quirk
Sherry A. Quirk, Esq.

Counsel for ISO New England Inc.

Attachment

cc: Official Service List

“Tariff”).⁸ For the reasons set forth more fully below, the ISO requests that the Commission reject these comments and protests in their entirety and permit the Forward Capacity Auction (“FCA”) results to become final.

I. INTRODUCTION

This *Answer* responds to certain protests and comments regarding two major issues: the ISO’s determination to reject two Static De-List Bids for reliability reasons and the proration of Capacity Supply Obligations in the Boston Subarea. The ISO will also briefly address the comments filed by PSEG.

With respect to rejection of the Static De-List Bids for Salem Harbor Unit 3 and Salem Harbor Unit 4 (collectively, “Salem Harbor 3 and 4”), MMWEC claims that the statements made by the ISO in quarterly reports posted to the ISO’s website contain inconsistent statements about the need for the Salem Harbor Units and that the ISO should report on how and when the common mode failure for Mystic Unit 8 and Mystic Unit 9 (collectively, “Mystic 8 and 9”) will be resolved. As explained below, unlike the reliability determination for Salem Harbor 3 and 4, the quarterly reports were not reliability assessments and did not include an extensive second contingency analysis. Further, it is the ISO’s understanding that the only remaining common mode failure for the Mystic 8 and 9 generating units is a fuel supply issue, which is outside the ISO’s planning authority.

Regarding the proration of Capacity Supply Obligations in the Boston Subarea, Exelon and the Indicated Suppliers challenge the ISO’s authority to limit proration of Capacity Supply Obligations by price in the Boston Subarea. Even though the Commission considered and

⁸ The rules governing the Forward Capacity Market are primarily contained in Section III.13 of the Tariff, but also may include other provisions, including portions of Section III.12 (Calculation of Capacity Requirements) and portions of Section III.1.3.2 (Definitions).

rejected similar protests and comments regarding the first FCA, Exelon and the Indicated Suppliers claim that resources precluded from prorating by megawatt should be paid the FCA floor price of \$2.951/kW-month.

As discussed in this *Answer*, these protests and comments are without merit and should be rejected by the Commission. The FCA was conducted in accordance with the Commission-approved Tariff and Commission precedent. The comments and protests of Exelon and the Indicated Suppliers essentially challenge the rules themselves and the Commission's prior rulings thereon. PSEG admits that the auction was conducted in accordance with the Tariff, but proceeds to recommend changes to the Tariff. As the Commission has repeatedly found,⁹ the FCA Results Filing is not the appropriate forum to initiate a challenge to the approved rules, the design of the FCM or to suggest future improvements. Rather, in this proceeding the Commission must evaluate whether the results of the auction were produced in accordance with the Commission-approved Tariff. The FCA Results Filing was made pursuant to Section 205 of the Federal Power Act ("FPA"),¹⁰ and as the Commission has previously recognized, intervenors may not exceed the scope of a Section 205 proceeding by raising issues that should be made in a Section 206 complaint.¹¹

As the Commission has also previously held, issues concerning the design of the FCM should be raised first in the stakeholder process.¹² In this regard, the issues raised by Exelon, the

⁹ *ISO New England Inc.*, Order Accepting Filing, 123 FERC ¶ 61,290 (2008) ("2008 FCA Results Order"), Order Granting Rehearing for Further Consideration, Docket No. ER08-633-001 (Aug. 20, 2008); *ISO New England Inc.*, Order Accepting Results of Forward Capacity Auction, 127 FERC ¶ 61,040 (2009) ("2009 FCA Results Order").

¹⁰ 16 U.S.C. § 824d (2006).

¹¹ *ISO New England Inc.*, 112 FERC ¶ 61,060 at PP 13-14 (2006).

¹² *See, e.g., New England Power Pool and ISO New England, Inc.*, 109 FERC ¶ 61,252 at P 40 (2004) (encouraging parties who want to change tariff provisions to work through stakeholder process), *order on clarification*, 110 FERC ¶ 61,003 (2005); *State of Rhode Island Attorney General's Office v. ISO*

Indicated Suppliers, and PSEG are already being discussed in a stakeholder process that is poised to culminate in a filing by the ISO in February 2010.¹³ The Commission should not permit intervenors to seek advantage or to bias the outcome of the stakeholder process in their favor by separately presenting these issues to the Commission when a filing addressing those same issues is in the final stages of the stakeholder review in preparation for a filing with the Commission.

II. MOTION FOR LEAVE TO ANSWER

In this *Answer*, the ISO responds to certain comments and protests filed in response to the FCA Results Filing submitted on October 30, 2009, in accordance with the FCM rules. While the Commission's Rules of Practice and Procedure allow parties to respond to comments,¹⁴ as a general matter, the Commission's rules prohibit responses to protests.¹⁵ The Commission has the authority, however, to waive this prohibition for good cause.¹⁶ The Commission has found good cause to permit replies where they are otherwise prohibited in various circumstances, including

New England Inc., 107 FERC ¶ 61,242 at P 15 (2004) (Commission dismissing the Rhode Island Attorney General's petition and stating that to grant the petition before the stakeholder process had been undertaken would "inappropriately circumvent established procedures in New England"); *New England Power Pool*, 107 FERC ¶ 61,201 at P 12 (2004) (requiring NEPOOL to use its stakeholder process to examine financial assurance and billing policies); *New England Power Pool*, 107 FERC ¶ 61,135 at P 24 (2004) (accepting proposed amendments to the NEPOOL Market Rule and rejecting revisions proposed by an entity which had not attempted to utilize the stakeholder process); *New England Power Pool and ISO New England, Inc.*, 105 FERC ¶ 61,300 at P 39 (2003) (approving a transmission cost allocation plan and noting the extensive stakeholder process used to develop that plan, which the Commission expected would "help to minimize litigation and encourage actual needed transmission"), *order on reh'g*, 109 FERC ¶ 61,252 (2004).

¹³ *ISO New England and New England Power Pool Participants Committee*, 126 FERC ¶ 61,115 at PP 52-53 (2009).

¹⁴ See 18 C.F.R. § 385.213(a)(3) (2009).

¹⁵ *Id.* at § 385.213(a)(2).

¹⁶ *Id.* at § 385.101(e).

where the answer would assure a complete record in the proceeding,¹⁷ provide information helpful to the disposition of an issue,¹⁸ permit the issues to be narrowed or clarified,¹⁹ or aid the Commission in understanding and resolving issues.²⁰ The ISO believes that this *Answer* will clarify the issues, assure a more complete record in this proceeding, and otherwise assist the Commission in understanding and resolving the issues raised concerning the results of the FCA. For these reasons, the ISO respectfully requests that the Commission grant the ISO's motion to provide the following *Answer*.

III. ANSWER

A. THE ISO'S RELIABILITY ANALYSIS FOR THE SALEM HARBOR DE-LIST BIDS IS APPROPRIATE

Although generally supportive of the FCA results, MMWEC challenges the ISO's determination that Salem Harbor 3 and 4 are needed for reliability.²¹ Specifically, MMWEC claims that the ISO should address previous statements about the need for the Salem Harbor Units and efforts to address the common mode failure at the Mystic Units. As discussed in more detail below, the Salem Harbor de-list reliability review included a more extensive second contingency analysis than the quarterly reports cited by MMWEC. Specifically, as a detailed reliability assessment, the Salem Harbor de-list review included the loss of two overhead transmission lines. The quarterly reports, which were performed to update the status of ongoing

¹⁷ See, e.g., *Pacific Interstate Transmission Co.*, 85 FERC ¶ 61,378 at 62,444 (1998), *reh'g denied*, 89 FERC ¶ 61,246 (1999).

¹⁸ See, e.g., *CNG Transmission Corp.*, 89 FERC ¶ 61,100 at 61,287 n.11 (1999).

¹⁹ See, e.g., *PJM Interconnection, L.L.C.*, 84 FERC ¶ 61,224 at 62,078 (1998); *New Energy Ventures, Inc. v. Southern California Edison Co.*, 82 FERC ¶ 61,335 at 62,323 n.1 (1998).

²⁰ See, e.g., *Tennessee Gas Pipeline Co.*, 92 FERC ¶ 61,009 at 61,016 (2000).

²¹ MMWEC Protest at p. 1.

projects in the North Shore area and were posted for informational purposes, did not include the same extensive second contingency analysis. Additionally, it is the ISO's understanding that the only remaining common mode failure affecting Mystic 8 and 9 is the fuel supply with Distrigas, which is outside the ISO's planning authority.

1. The Salem Harbor Reliability Assessment Was More Extensive Than The Update In the Quarterly Reports

As described in Mr. Stephen J. Rourke's testimony submitted with the FCA Results Filing, the ISO evaluated eleven line-out conditions as part of the transmission operability analysis. Mr. Rourke testified that "[t]hese eleven line-out conditions were chosen to capture the impacts that the Salem Harbor Units had on the North Shore portion of the Boston Subarea."²² Mr. Rourke further testified that "[t]he result of the second contingency transmission operability analysis shows that there were seven combinations of the line-plus-line transmission contingencies that resulted in overloads of transmission facilities in the North Shore portion of the Boston Subarea."²³

MMWEC claims that the second contingency analysis used by the ISO to evaluate the need for the Salem Harbor de-list bids needs to be reconciled with quarterly reports posted on the ISO's website.²⁴ The quarterly reports that MMWEC refers to came out of a settlement on Reliability Must Run ("RMR") compensation for the Salem Harbor Units in Docket No. ER04-

²² FCA Results Filing, Rourke Testimony at p. 24, line 20, to p. 25, line 2.

²³ Rourke Testimony at p. 26, lines 3-6.

²⁴ MMWEC Protest at pp. 6-7. MMWEC implies that it does not have access to the CEII portions of Mr. Rourke's testimony, including line-out conditions. A CEII version of Mr. Rourke's testimony is posted to the NEPOOL Reliability Committee website and is available to MMWEC employees and consultants that have signed the Reliability Committee non disclosure agreement.

841, where the ISO agreed to prepare and post on the ISO's website quarterly status reports on factors affecting the need for the Salem Harbor Units.

MMWEC cites to certain statements in the quarterly reports that discuss the need for the Salem Harbor Units for North Shore area reliability.²⁵ According to MMWEC, these statements contradict Mr. Rourke's testimony that "the result of the second contingency transmission operability analysis shows that" the Salem Harbor Units are needed for reliability. MMWEC asks that the ISO reconcile the statements in the quarterly reports with Mr. Rourke's testimony.²⁶

The ISO recognizes the potential for confusion between the summary information provided in the quarterly reports and the recent, more detailed information provided in conjunction with the Salem Harbor Static De-List determination. The purpose of the quarterly reports was to provide a high level status update of projects and factors that could influence the need for the Salem Harbor Units. The second contingency analysis for the quarterly reports cited by MMWEC did not include a first contingency for the loss of any 345kV overhead transmission lines. Rather, the underlying contingency analysis supporting the quarterly reports assumed the transmission contingency to be a single system element that required a long repair time, such as an autotransformer or an underground line.

The Salem Harbor de-list review, on the other hand, was a thorough reliability review of the need for Salem Harbor 3 and 4 in accordance with Section III.13.2.5.2.5 of the Tariff and ISO New England Planning Procedure No. 10, Section 6. Consistent with other ISO reliability

²⁵ MMWEC Protest at p. 9.

²⁶ MMWEC Protest at pp. 3, 9.

reviews based on relevant reliability criteria,²⁷ the second contingency analysis for the de-list review included a first contingency for the loss of overhead transmission lines. As explained in Mr. Rourke's testimony, the results of the second contingency transmission operability analysis demonstrate the reliability need for the Salem Harbor Units to avoid overload violations in the North Shore portion of the Boston Subarea.²⁸

2. The Common Mode Failure Is a Fuel Supply Issue

Mr. Rourke testified that the largest source contingency in the Boston Subarea is the simultaneous loss of both Mystic Unit 8 and Mystic Unit 9.²⁹ Mystic Units 8 and 9 are located at the same plant and share critical, common facilities. As Mr. Rourke explained, the units are considered a single contingency when performing a line-generator transmission security analysis because of the potential for a single failure of common facilities leading to the loss of both units. MMWEC requests that the Commission direct the ISO to describe why the common mode failure at Mystic remains in place and what actions the ISO has undertaken to resolve the issue.

Specifically, MMWEC cites comments filed by the ISO in August 2005 relating to the RMR proceeding for Mystic Units 7, 8, and 9. In these comments, the ISO expressed concerns about certain common mode failures at the Mystic Units. Given these statements, MMWEC requests that the ISO specify in a report with the Commission why the common mode failure remains in place and how and when the common mode failure will be resolved.

The ISO has worked with Mystic and the affected transmission owners, NSTAR and National Grid, to resolve the common mode failure issues that affect the Mystic facilities. It is

²⁷ See NERC TPL-003 available at <http://www.nerc.com/page.php?cid=2|20>

²⁸ Rourke Testimony at p. 26, lines 3-8.

²⁹ *Id.* at p. 16, lines 13-18.

the ISO's understanding that modifications to the Mystic facilities have resolved all identified common mode failures of equipment at the Mystic facilities. These modifications include installation of a new redundant and independent electrical distribution feeder to the sole fuel supplier, Dstrigas; switching upgrades on NSTAR's 14 kV system; modifications to the condenser cooling motor controls at the Mystic facilities; and a thorough analysis of mechanical and electrical systems resulting in modifications to ten major systems at the Mystic facilities at significant cost.

Because Mystic 8 and 9 share the same fuel supply infrastructure, fuel supply remains a common mode failure concern at the plant. Dstrigas, which is located adjacent to the Mystic Units, is the sole fuel supply for the Mystic Units. Interruption of the natural gas supply from Dstrigas would cause an outage to both Mystic 8 and 9, which is why the units are considered a single contingency. The interruption of the gas supply has resulted in a common mode failure of Mystic 8 and 9 on four occasions between 2003 and 2009. Additionally, the Mystic Units are served by a single gas transmission pipeline, which because of its proximity to Dstrigas, does not have sufficient line pack to serve the Mystic plant for long periods of time after an interruption at the Dstrigas facility.

While the ISO continues to work with the appropriate entities to investigate this issue, it is unclear if the fuel supply issue can be resolved. Further, fuel supply issues are not within the planning authority of the ISO and the ISO is not the appropriate entity to report on how and if this issue will be resolved. Therefore, the Commission should dismiss MMWEC's request for an ISO report.

B. THE COMMISSION HAS ALREADY DETERMINED THAT THE ISO HAS THE AUTHORITY TO LIMIT PRORATION BY MEGAWATT

The Commission should reject the comments and protests of Exelon and the Indicated Suppliers regarding proration of resources in the Boston Subarea. Both Exelon and the Indicated Suppliers challenge the ISO's authority to preclude proration by megawatts. The Commission considered and rejected similar arguments in the first FCA.

The FCA Results Filing stated that when the minimum auction price is reached, the auction will conclude and load will pay only the Net Installed Capacity Requirement ("NICR") times the applicable floor price.³⁰ As the Commission explained, "[t]o ensure this result, ISO-NE is required by the FCM Settlement and the FCM rules to prorate either the price or capacity resources that cleared in the auction."³¹ The Commission also stated that any proration is subject to reliability review by the ISO.³² Mr. Rourke's testimony explained that given the potential for a shortfall in the transmission security margin in the Boston Subarea, the ability to prorate by megawatt will depend on the amount and location of resources in the Boston Subarea that request such proration.³³ Thus, as shown below, based upon the Tariff and the Commission's ruling thereon, the ISO is within its authority to limit proration by megawatts based upon its reliability review of resources.

1. The Tariff Language Is Clear

Despite the Commission's clear ruling on proration, Exelon and the Indicated Suppliers attempt to re-argue the issue of the ISO's authority to require proration by price. Exelon does not provide any support for its position other than to argue that restricting proration by price is

³⁰ FCA Results Filing at p. 5.

³¹ 2008 FCA Results Order at P 74.

³² *Id.* at P 75 *citing* Tariff Section III.13.2.7.3(b).

³³ Rourke Testimony at p. 29, line 21 to p. 30, line 3.

unduly discriminatory. The Indicated Suppliers attempt to justify their position through pages of argument, which completely contradict the Commission's previous ruling on this issue. Specifically, the Indicated Suppliers claim that "suppliers in the Boston sub-area have the right under the Tariff to elect MW Prorating and any effort to impose Price Prorating unilaterally on such suppliers would be a violation of the Tariff."³⁴

In a footnote, the Indicated Suppliers acknowledge that the Commission has already accepted the ISO's authority to restrict prorating by price in the FCA Results Order. Indicated Suppliers state that "to the extent the same reasoning would apply here, the prior order was wrongly decided...."³⁵

In the first FCA results filing, the ISO determined that due to the low transmission security margin, it would be highly unlikely that the ISO will allow prorating by megawatt in the Connecticut Subarea. Similar to the Indicated Suppliers' arguments, PSEG claimed that the Tariff does not provide the ISO with the authority to require prorating by price. In response, the Commission held:

If, as is likely with Connecticut resources, allowing resources to prorate their MWs would violate reliability criteria, including the transmission security margin, the FCM rules are clear that such resources will only be allowed to prorate the price they receive and not their MW obligation.³⁶

The Commission has clearly held that the ISO has the authority to limit prorating by price. Exelon and the Indicated Suppliers' arguments should be rejected.

³⁴ Indicated Suppliers Protest at p. 8.

³⁵ *Id.* at fn 23.

³⁶ 2008 FCA Results Order at P 75 (*reh'g pending*).

2. The Relief Requested Would Violate The Tariff

Exelon and the Indicated Suppliers also argue that resources not allowed to prorate by megawatt should be paid the Capacity Clearing Price. According to Indicated Suppliers, “any payments in excess of the Capacity Clearing Price times the net ICR to suppliers whose MW Prorating elections are rejected are simply out-of-market payments like those to other suppliers whose de-list bids are rejected for reliability reasons.”³⁷ This argument directly contradicts the ISO Tariff and Commission precedent. In the first FCA, PSEG argued that resources not allowed to prorate by megawatt were required to be paid the Capacity Clearing Price.³⁸ The Commission rejected PSEG’s argument finding that it “would violate section III.13.2.7.3(b) of the ISO-NE Tariff and the FCM Settlement, which prohibit ISO-NE from purchasing more capacity than what is equal to the ICR times the clearing price.”³⁹

Indicated Suppliers argue that price proration is contrary to the principles of the FCM because resources that are needed the most are paid the least, and that this undercuts the purpose of the FCM to appropriately value capacity resources by location.⁴⁰ The Indicated Suppliers further request that the Commission require that compensation to resources not allowed to prorate by megawatt for the 2012-2013 Capacity Commitment Period be subject to the outcome of the ongoing stakeholder process.⁴¹ However, the ongoing stakeholder process is addressing both the substantive issues raised by the Indicated Suppliers and the timetable for addressing them. The Indicated Suppliers should not be permitted to argue for a potentially different

³⁷ Indicated Suppliers Protest at p. 11.

³⁸ Motion to Intervene, Protest and Comments of the PSEG Power Companies, Docket No. ER08-633-000 at p. 8 (filed April 17, 2008).

³⁹ 2008 FCA Results Order at P 74.

⁴⁰ Indicated Suppliers Protest at p. 15.

⁴¹ *Id.* at pp. 9-10.

timetable in this proceeding, which only relates to the FCA auction results. The Commission should reject this request and not permit the Indicated Suppliers to bias the outcome of the stakeholder process or any filing of rule changes resulting from that process. The ongoing stakeholder process, and the filing to be made in February 2010 are the appropriate venues for the arguments that Exelon and the Indicated Suppliers presented here.

3. No Additional Proration Filing Is Necessary

Both Exelon and the Indicated Suppliers request that the ISO be required to file the proration results. Exelon claims that a filing with the Commission is necessary so that parties may “exercise their procedural rights to defend their interests.”⁴² No such filing is necessary.⁴³ There are no provisions in the Tariff or rules or procedures that require a filing. Additionally, Exelon and other parties always have the right under Section 206 of the FPA to challenge the provisions of Market Rule 1 as unjust and unreasonable. Such challenges may not legally be made under the guise of protests to a Section 205 filing but must be presented as complaints regarding existing FERC-approved tariff provisions that must meet the standard of Section 206 of the FPA. They must be brought by their proponents to the Commission in broad daylight so identified and supported, to be noticed and addressed in their own proceedings. This proceeding is not the appropriate forum for such challenges, as the Commission has held in prior, analogous cases. For example, in another proceeding involving an ISO filing pursuant to Section 205 of the FPA, the Commission rejected efforts to expand the scope of the

⁴² Exelon Comments at p. 5.

⁴³ 2008 FCA Results Order at PP 74-75 (*reh’g pending*).

proceeding to include matters more properly raised in a complaint under Section 206.⁴⁴

In *ISO New England*, the Commission accepted the ISO's filing of a report and cost schedule pursuant to Section 205 and held that a party's request regarding certain issues was more appropriately presented in a Section 206 complaint proceeding:

The Commission finds that the Capital Projects Report and schedule of unamortized costs of funded capital expenditures filed by ISO-NE fully meet the requirements of Section IV.B.6.2 of ISO-NE's tariff. We agree with ISO-NE that MMWEC is seeking, through its request that ISO-NE perform cost-benefit analyses for all future major proposed capital expenditures, to alter the reporting requirements of ISO-NE's tariff. As ISO-NE correctly notes, such a request is outside of the scope of this section 205 proceeding, which concerns only the quarterly reports submitted pursuant to the tariff. MMWEC's protest, which expresses concerns regarding the current reporting requirements in section IV.B.6.2 of ISO-NE's tariff and does not raise concerns with the actual reports at issue in this docket, is more properly filed in a complaint proceeding under section 206 of the FPA.⁴⁵

In this case, the ISO's FCA Results Filing was tailored to address only the results of the auction, and any arguments in excess of the scope of that filing should be rejected.

C. PSEG'S CHALLENGES TO THE FCM DESIGN ARE OUTSIDE THE SCOPE OF THIS PROCEEDING

PSEG raises numerous challenges to the design of the FCM. The Commission should dismiss these comments on the grounds that they raise issues beyond the scope of this proceeding, as previously determined by the Commission. As the Commission found in the 2008 FCA Results Order, this proceeding "relates solely to the results of the ... FCA."⁴⁶ PSEG does not challenge the ISO's application of the FCM rules in conducting the auction. Indeed, the first page of the PSEG comments states that the "we have no reason to believe that the third forward

⁴⁴ *ISO New England Inc.*, 112 FERC ¶ 61,060 at PP 13-14 (2006).

⁴⁵ 112 FERC ¶ 61,060 at P 13 (citations omitted).

⁴⁶ 2008 FCA Results Order at P 17.

capacity auction was not conducted in accordance with FCM market rules....”⁴⁷ In the 2008 FCA Results Order, the Commission rejected similar attempts to “relitigate” the market rules, and required the challengers to seek redress through participation in applicable stakeholder or other processes in which issues concerning the market rules are appropriately addressed.⁴⁸ Given PSEG’s admission and the limits imposed by the Commission on the proper scope of an FCA results proceeding, the Commission should dismiss PSEG’s Comments in their entirety.

Indeed, as PSEG acknowledges, the very issues that it has raised are currently being considered in a stakeholder process in which PSEG is actively participating. When the ISO makes its filing in February 2010 of rule changes that emerge from the stakeholder process, PSEG will have the opportunity to weigh in with the arguments that it has advanced here. PSEG's pleading, therefore, is premature and should be rejected.

⁴⁷ PSEG Comments at p. 1.

⁴⁸ 2008 FCA Results Order at P 17; 2009 FCA Results Order at PP 16, 28-30.

IV. CONCLUSION

For the foregoing reasons, the ISO respectfully requests that the Commission grant the ISO's Motion for Leave to Answer and Answer, consider the additional facts and arguments set forth herein, and accept the FCA Results Filing without condition or modification.

Respectfully submitted,

ISO NEW ENGLAND INC.

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Dated: January 7, 2010

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon the parties designated on the official service list for the above-captioned docket in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure. 18 C.F.R. § 385.2010 (2009).

Dated at Washington, D.C. on this 7th day of January, 2010.

/s/ E-filed _____
Sherry A. Quirk
Attorney for ISO New England Inc.