

**UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY**

International Transmission Company d/b/a/) Docket No. PP-230-4
ITC*Transmission*)

**MOTION TO INTERVENE OF THE
NEW YORK TRANSMISSION OWNERS**

Pursuant to Rules 212 and 214 of the Rules of Practice and Procedure, 18 C.F.R. §§ 385.212 and 385.214 (2010), 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, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation (referred to herein as the “New York Transmission Owners”), individually and collectively move to intervene in the above-captioned proceeding and request an opportunity to comment on International Transmission Company’s d/b/a/ ITC*Transmission* (“ITC”) phase-angle regulating transformers operating agreements when those documents are submitted as part of ITC’s request to amend Presidential Permit PP-230-3.

I. BACKGROUND

On September 26, 2000, the Department of Energy (“DOE”) issued a Presidential Permit to ITC authorizing it to construct, operate, maintain and connect electric transmission facilities at the international border of the United States and Canada pursuant to Presidential Permit No. PP-230-3. On January 5, 2009, ITC applied to the DOE to amend Presidential Permit No. PP-230-3 (“Amendment Application”) to authorize it to replace two phase shifting transformers and a third

transformer (“replacement PARs”). On February 10, 2009, the DOE issued notice of the Amendment Application in the Federal Register noting that it is accepting comments, protests or requests to intervene by March 12, 2009.¹

II. COMMUNICATIONS

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

(1) ***Counsel to the New York Transmission Owners:***

Elias G. Farrah
Nina H. Jenkins-Johnston
Dewey & LeBoeuf LLP
1101 New York Avenue, N.W.
Washington, DC 20005-4213

Paul L. Gioia
Dewey & LeBoeuf LLP
One Commerce Plaza, Suite 2020
99 Washington Avenue
Suite 2020
Albany, NY 12210-2820

(2) ***Company Representatives Listed on Attachment A at the end of the filing.***²

III. DESCRIPTION OF PETITIONERS

The New York Transmission Owners are comprised of the eight electric systems in the State of New York that own the transmission facilities operated by the New York Independent System Operator, Inc. (“NYISO”). The New York Transmission Owners recover their costs of operating those facilities under the NYISO Open Access Transmission Tariff (“OATT”) and the NYISO Market Administration and Control Area Services Tariff (“Services Tariff”). The NYISO commenced operations under the OATT and Services Tariff on November 18, 1999. As

¹ Application to Amend Presidential Permit; International Transmission Company, d/b/a ITC Transmission, 74 Fed. Reg. 6606 (Feb. 10, 2009).

² Waiver of the Commission’s Regulations (18 C.F.R. § 385.203) is requested to the extent necessary to permit the inclusion on the service list of all of the parties on Attachment A.

explained below, the New York Transmission Owners stand to be directly affected by the operation of the replacement PARs at issue in this proceeding for two reasons. First, the operation of the replacement PARs will affect the operations of the NYISO transmission system. Second, ITC has proposed to allocate a portion of the costs of the replacement PARs to the NYISO, which would then seek to pass through the costs to load serving entities such as the New York Transmission Owners. No other party can adequately represent the New York Transmission Owners' interest. Accordingly, it is in the public interest to permit this intervention.

IV. GROUNDS FOR LATE INTERVENTION

The New York Transmission Owners are parties to a FERC proceeding in Docket No. ER11-1844 whereby ITC is seeking to allocate the costs of the replacement PARs to neighboring regions, including New York. The New York Transmission Owners became aware during a recent settlement conference in Docket No. ER11-1844 that ITC intends to submit the following operating agreements as part of the Amendment Application in PP-230-3: (i) the operating agreement between MISO and ITC that addresses shifting control over the replacement PARs to ITC, (ii) the operating agreement between ITC and Hydro One in which they discuss amending their interconnection agreement to put the replacement PARs in service on the Canadian side, and (iii) the Independent Electricity System Operator's ("IESO") operating agreement. ITC indicated during the settlement conference that once the Presidential Permit is approved, the PARs will begin to operate and charges will be imposed on all parties. ITC has agreed to provide the parties in FERC Docket ER11-1844 copies of these operating agreements.

Since these operating agreements impact the operation of the replacement PARs and, thereby impact other systems, including the NYISO, all potentially affected parties should be

granted leave to submit information and comments on the agreements to DOE for its consideration in evaluating the Amendment Application.³

The New York Transmission Owners do not request any procedural accommodations, agree to accept the record of this proceeding as it stands, and seek only the opportunity to intervene and comment on the operating agreements once they are filed with the DOE as part of the Amendment Application. Accordingly, the New York Transmission Owners submit that no party would be prejudiced by a grant of late intervention in this proceeding. The New York Transmission Owners therefore should be permitted to intervene.

V. CONCLUSION

WHEREFORE, in view of the foregoing, the New York Transmission Owners respectfully request that they be permitted to intervene with all the rights that attend to such status.

Respectfully submitted,

Paul L. Gioia
Dewey & LeBoeuf LLP
One Commerce Plaza
99 Washington Avenue
Suite 2020
Albany, NY 12210-2820
Email: pgioia@dl.com

/s/ Elias G. Farrah by NJJ
Elias G. Farrah
Nina H. Jenkins-Johnston
Dewey & LeBoeuf LLP
1101 New York Avenue, N.W.
Washington, DC 20005-4213
Email: efarrah@dl.com
njjohnston@dl.com

Counsel to the New York Transmission Owners

³ The DOE has stated that it considers (i) the environmental impacts of the proposed project pursuant to the National Environmental Policy Act of 1969; (ii) a project's impact on electric reliability; and (iii) any other factors that DOE deems relevant to the public interest. See Record of Decision, *Montana-Alberta Tie Ltd.*, Docket No. PP-305, 73 Fed. Reg. 67860 (Nov. 17, 2008).

/s/ John Borchert by NJJ

John Borchert
Manager of Electric Engineering Services
Central Hudson Gas & Electric Corporation
284 South Avenue
Poughkeepsie, NY 12601
Email: jborchert@cenhud.com

/s/ Neil H. Butterklee by NJJ

Consolidated Edison Company of New York, Inc.
Orange and Rockland Utilities, Inc.
Neil H. Butterklee, Esq.
Assistant General Counsel
Consolidated Edison Co. of New York, Inc.
4 Irving Place
Room 1815-s
New York, NY 10003
Email: butterkleen@coned.com

/s/ Joseph Nelson by NJJ

Joseph Nelson, Esq.
Van Ness Feldman, P.C.
1050 Thomas Jefferson Street, N.W.
7th Floor
Washington, DC 20007
Email: JBN@vnf.com

/s/ Andrew Neuman by NJJ

New York Power Authority
Andrew Neuman, Esq.
New York Power Authority
123 Main Street
White Plains, NY 10601-3170
Email: andrew.neuman@nypa.gov

Jacqueline Hardy
Long Island Power Authority
Assistant General Counsel
333 Earle Ovington Boulevard
Suite 403
Uniondale, NY 11553
Email: jhardy@lipower.org

/s/ Catherine P. McCarthy by NJJ

New York State Electric & Gas Corporation
Rochester Gas and Electric Corporation
Catherine P. McCarthy, Esq.
Dewey & LeBoeuf LLP
1101 New York Avenue, N.W.
Washington, DC 20005-4213
Email: catherine.mccarthy@dl.com

/s/ Roxane E. Maywalt by NJJ

Niagara Mohawk Power Corporation
d/b/a/ National Grid
Roxane E. Maywalt, Esq.
National Grid USA Service Company, Inc.
40 Sylvan Road
Waltham, MA 02451-1120
Email: roxane.maywalt@us.ngrid.com

R. Scott Mahoney, Esq.
New York State Electric & Gas Corporation
Rochester Gas and Electric Corporation
Durham Hall, 52 Farm View Drive
New Gloucester, ME 04260
Email: scott.mahoney@energyeast.com

Dated: April 5, 2011

ATTACHMENT A

Nina H. Jenkins-Johnston
Dewey & LeBoeuf LLP
1101 New York Avenue, N.W.
Washington, DC 20005-4213
Email: njjohnston@dl.com

Central Hudson Gas & Electric Corporation

John Borchert
Manager of Electric Engineering Services
Central Hudson Gas & Electric Corporation
284 South Avenue
Poughkeepsie, NY 12601
Email: jborchert@cenhud.com

**Consolidated Edison Company of New York, Inc. and
Orange and Rockland Utilities, Inc.**

Neil H. Butterklee, Esq.
Assistant General Counsel
Consolidated Edison Co. of New York, Inc.
4 Irving Place
Room 1815-s
New York, NY 10003
Email: butterkleen@coned.com

Stuart Nachmias
Vice President, Energy Policy & Regulatory Affairs
Consolidated Edison Co. of New York, Inc.
4 Irving Place
Room 1138
New York, NY 10003
Email: nachmiass@coned.com

Long Island Power Authority

Joseph Nelson, Esq.
Van Ness Feldman, P.C.
1050 Thomas Jefferson Street, N.W.
7th Floor
Washington, DC 20007
Email: JBN@vnf.com

Jacqueline Hardy
Assistant General Counsel
Long Island Power Authority
333 Earle Ovington Boulevard
Suite 403
Uniondale, NY 11553
Email: jhardy@lipower.org

New York Power Authority

New York Power Authority
Andrew Neuman, Esq.
New York Power Authority
123 Main Street
White Plains, NY 10601-3170
Email: andrew.neuman@nypa.gov

William Palazzo, Manager-NYISO Market Policy
New York Power Authority
123 Main Street
White Plains, NY 10601-3170
Email: palazzo.w@nypa.gov

New York State Electric & Gas Corporation

Catherine P. McCarthy, Esq.
Dewey & LeBoeuf LLP
1101 New York Avenue, N.W.
Washington, DC 20005-4213
Email: catherine.mccarthy@dl.com

R. Scott Mahoney, Esq.
New York State Electric & Gas Corporation
Durham Hall, 52 Farm View Drive
New Gloucester, ME 04260
Email: scott.mahoney@energyeast.com

Niagara Mohawk Power Corporation d/b/a National Grid

Roxane E. Maywalt, Esq.
National Grid USA Service Company, Inc.
40 Sylvan Road
Waltham, MA 02451-1120
Email: roxane.maywalt@us.ngrid.com

Bart Franey
Director of Federal Regulation
Niagara Mohawk Power Corporation d/b/a National Grid
300 Erie Boulevard West
Syracuse, NY 13202
Email: bart.franey@us.ngrid.com

Rochester Gas and Electric Corporation

Catherine P. McCarthy, Esq.
Dewey & LeBoeuf LLP
1101 New York Avenue, N.W.
Washington, DC 20005-4213
Email: catherine.mccarthy@dl.com

R. Scott Mahoney, Esq.
Rochester Gas and Electric Corporation
Durham Hall, 52 Farm View Drive
New Gloucester, ME 04260
Email: scott.mahoney@energyeast.com

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 5th day of April 2011.

/s/ Blen G. Degef

Blen G. Degef

Paralegal

Dewey & LeBoeuf LLP

1101 New York Avenue, N.W.

Washington, DC 20005-4213

202-346-8000