

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Electronic Tariff Filings)	
)	Docket No. RM01-5-000
)	

**EXPEDITED MOTION OF ISO NEW ENGLAND INC. TO REQUEST THAT
FERC's e-TARIFF TESTING SITE REMAIN PERMANENTLY OPEN**

Pursuant to Rules 212 and 213 of the Federal Energy Regulatory Commission's ("Commission") Rules of Practice and Procedure, 18 C.F.R. §§ 385.212, ISO New England Inc. ("ISO" or "ISO-NE") submits this motion to request that the Commission's e-Tariff test site remain permanently open. In light of the Commission's announced plans to remove the testing site on March 30, 2010, the ISO requests expedited action on this Motion.

I. BACKGROUND

ISO-NE is the private, non-profit entity that serves as the Regional Transmission Organization ("RTO") for New England. ISO-NE administers the New England energy markets and operates the regional bulk power system (*i.e.*, those facilities located in the New England region) pursuant to Operating Agreements with the New England transmission owners and the ISO's Transmission, Markets and Services Tariff, FERC Electric Tariff No. 3 (the "ISO Tariff"). The ISO Tariff includes the terms upon which ISO-NE provides transmission service, rules for the wholesale electricity markets, and several rate schedules and service agreements.

The ISO Tariff will be impacted by the electronic tariff requirements of the Commission's Order No. 714, which requires companies to submit "baseline" electronic versions of their tariffs over a six-month staggered schedule beginning April 1.

Following the baseline filing, companies must submit subsequent tariff-related filings electronically. Accordingly, ISO-NE has been working diligently with Commission staff, other RTOs and Independent System Operators (“ISOs”), and vendors to develop the systems necessary to comply with Order No. 714, and, on January 21, 2010, ISO-NE voluntarily notified the Commission of its intent to submit its baseline electronic tariff filing on or about August 13, 2010.

The Commission staff acknowledged on March 12, 2010 that, although the test environment is not yet error-free and is rejecting test filings due to software errors, the test environment will be discontinued once the electronic tariff baseline filing period commences. ISO-NE’s comments are intended to urge the Commission to retain the test environment indefinitely.

II. MOTION

ISO-NE urges the Commission to retain the testing environment on a permanent basis to: avoid legal ambiguities; reduce risks of corruption and other technical issues related to testing in a production environment; and provide vendors with a test location when the Commission updates its requirements.

Commission Staff has advised ISO-NE that, once the pre-production environment is removed, ISO-NE must file a “test” tariff in the production environment to continue testing. Testing in a production environment will present the significant risk that “test” filings will be deemed to be submitted as “statutory” filings until withdrawn.¹ This

¹ “Statutory” filings are defined by the Commission as filings made pursuant to section 4 of the Natural Gas Act (NGA), section 205 of the Federal Power Act (FPA), or section 6 of the Interstate Commerce Act (ICA) to revise rates or terms and conditions of service.” *Electronic Tariff Filings*, 130 FERC ¶ 61,047 (2010).

process will result in a significant increase in filings to the Office of the Secretary of the Commission (“OSEC”) and great uncertainty to electronic tariff filers and their stakeholders. First, the OSEC will be required to process all “test” filings submitted through the production system with no indication of whether they are being submitted for testing purposes or as formal Commission filings, and parties presumably then will be required to submit a notice or motion to withdraw their “test” filings after the fact. Such a process will significantly increase the workload of the OSEC, with no concurrent benefit to the Commission or industry.

Additionally, ISO-NE understands that, once submitted through the production environment, filings will be “accepted” by the OSEC system, presenting considerable ambiguity and confusion regarding whether a tariff or amendment is “on file” with the Commission. Moreover, ISO-NE understands that, once accepted and validated by the OSEC, filings will be entered into the Commission’s eLibrary system and become available in the electronic tariff “public viewer” system, creating a permanent record of the filing. Submitting a “test” filing through the Commission’s formal electronic filing portal therefore raises questions regarding the legal status of the filing and will cause confusion among electronic tariff filers and their stakeholders regarding which submissions are “on file” and which are not, and which submissions are deemed legally “filed” with the Commission in accordance with governing statutes and which are not.

Moreover, ISO-NE anticipates that software patches will occasionally be issued by its vendor, Systrends. The absence of a test site would require ISO-NE to conduct software patch validation testing via the live production site. In addition to the legal ambiguities outlined above, ISO-NE is concerned that testing in a production environment may cause corruption or other unintended consequences.

Finally, Commission staff have indicated that the Commission will, from time to time, update its schema and/or the CSV coding. In fact, ISO-NE presumes that, as the Commission is requiring that third party software actively interact with the Commission's software, the Commission will maintain on its site the codes, validation routines and operational support that pre-date production releases. This will permit vendors to rewrite their software to adhere to these new requirements. A test site will serve to provide a replica of the proposed production environment, which will ensure that the vendor software meets those new requirements and does not violate business rules or incorrectly implement those codes. Without a test site and the ability to test updates and upgrades, Tariff filers may be forced to upgrade to untested software, which will create problems for filers, vendors and the Commission.

III. REQUEST FOR EXPEDITED TREATMENT

In light of FERC's stated intention to remove the testing site on March 31, 2010, ISO-NE requests that the Commission act on this Motion by March 30, 2010.

IV. COMMUNICATIONS

ISO-NE requests that all correspondence and communications with respect to this motion and answer be sent to the following:

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V. CONCLUSION

For the foregoing reasons, ISO-NE respectfully requests that the Commission grant this motion and allow the e-Tariff testing site to remain open on a permanent basis. ISO-NE also requests that the Commission act expeditiously on this motion by March 30, 2010.

Respectfully submitted,

/s/ Maria Gulluni

Maria Gulluni

Assistant General Counsel -
Corporate

March 18, 2010