

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:
ISO New England Inc. and
New England Independent
Transmission Company, L.L.C.
Docket No. ER10-637-000

Issued: 2/24/10

Maria A. Gulluni
Assistant General Counsel - Corporate
ISO New England Inc.
One Sullivan Road
Holyoke, MA 01040-2841

Edward N. Krapels, Chairman
New England Independent Transmission Company, L.L.C.
401 Edgewater Place, Suite 640
Wakefield, MA 01880

Reference: NEITC Operating Agreement

Dear Ms. Gulluni and Mr. Krapels:

Pursuant to the authority delegated to the Director, Division of Electric Power Regulation-East, under 18 C.F.R. § 375.307, your submittal filed in the above referenced docket is accepted for filing, effective March 23, 2010, as requested.

On January 22, 2010, you filed, on behalf of ISO New England Inc. (ISO-NE) and the New England Independent Transmission Company, L.L.C. (New England ITC), an Operating Agreement with New England ITC (NEITC Operating Agreement). You state that the NEITC Operating Agreement represents an arrangement between ISO-NE and New England ITC governing the operation of transmission infrastructure projects developed by New England ITC within the ISO-NE footprint.

The NEITC Operating Agreement does not comply with Order Nos. 614¹ and 714² in regard to the identification and numbering of tariff, rate schedules, and service agreements as required under sections 35.9 and 35.10 of the Commission's regulations.³ Specifically, the NEITC Operating Agreement does not contain certain information such as, but not necessarily limited to, the issued and effective dates and who issued the agreement.

You are hereby directed to correct its submittal so as to comply with the designation and identification requirements of Order Nos. 614 and 714 and sections 35.9 and 35.10 of the Commission's regulations within 30 days of the date of this order.

Notice of the filing was published in the Federal Register with comments, protests, or interventions due on or before February 12, 2010. No protests or adverse comments were filed. Timely motions to intervene were filed by Connecticut Municipal Electric Energy Cooperative, Massachusetts Municipal Wholesale Electric Company, National Grid USA and New Hampshire Electric Cooperative Inc., New England Power Pool, Northeast Utilities Service Company, and Participating Transmission Owners Administrative Committee. NSTAR Electric Company filed an out-of-time motion to intervene. Notices of intervention and unopposed timely filed motions to intervene are granted pursuant to the operation of Rule 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.214 (2009)). Any opposed or untimely filed motion to intervene is governed by the provisions of Rule 214.

This acceptance for filing shall not be construed as constituting approval of any rate, charge, classification, or any rule, regulation, 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 acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against ISO-NE and New England ITC.

¹ *Designation of Electric Rate Schedule Sheets*, Order No. 614, 65 Fed. Reg. 18,221, FERC Stats. & Regs., Regulations Preambles 1996-2000 ¶ 31,096 (2000).

² *Electronic Tariff Filings*, Order No. 714, 73 Fed. Reg. 57,515, FERC Stats. & Regs. ¶ 31,276 (2008).

³ 18 CFR §§ 35.9 and 35.10 (2009).

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,

Daniel J. Nowak, Acting Director
Division of Electric Power Regulation-
East

cc: Public File
All Parties