

123 FERC ¶ 61,119
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Suedeen G. Kelly, Marc Spitzer,
Philip D. Moeller, and Jon Wellinghoff.

ISO New England Inc.

Docket No. ER08-633-000

ORDER DENYING MOTION TO STRIKE

(Issued May 2, 2008)

1. In this order, the Commission denies a motion to strike multiple comments in response to a filing by ISO New England, Inc. (ISO-NE).

Background

2. On March 3, 2008, ISO-NE submitted to the Commission the results of its Forward Capacity Auction (FCA) held on February 4-6, 2008. ISO-NE asked the Commission to accept, as just and reasonable, the rates for capacity generated by the FCA. ISO-NE also asked the Commission to accept the FCA results filing, effective as of July 1, 2008. Comments and protests to the filing were timely filed by, among others, FPL Energy (FPL), PSEG Power Companies (PSEG), PPL Companies (PPL), New England Power Generators Association (NEPGA) and FirstLight Power Resources (FirstLight).

3. On April 28, 2008, ISO-NE filed a motion to strike, in whole or in part, the comments and protests of FPL, PSEG, PPL, NEPGA and FirstLight. ISO-NE alleges that the arguments that it seeks to strike raise matters that are beyond the scope of the FCA results filing, constitute an impermissible collateral attack on prior Commission orders, or are an improper attempt to modify the Forward Capacity Market (FCM) Settlement approved by the Commission. ISO-NE states that these parties are seeking to use this forum as a means to challenge the design and implementation of the FCM, in circumvention of the New England stakeholder process and the Commission orders that have approved the elements of the FCM market design.

4. ISO-NE also asks the Commission to provide for a shortened period for parties to answer the motion, so that such answers will be due by May 8, 2008.¹ ISO-NE further states that, if the Commission denies the motion, it intends to file a substantive response to the parties' comments, and to enable it to do so, ISO-NE also asks the Commission to rule on this motion by May 27, 2008.

Discussion

5. The Commission denies ISO-NE's motion to strike. We will take under advisement ISO-NE's view that the comments of these five parties go beyond the appropriate scope of our evaluation of the FCA results filing. However, we will not pre-judge the appropriateness of those comments by striking them without giving them full consideration.

6. Because the Commission is denying the motion to strike, ISO-NE's request for a shortened comment period is rendered moot, and responses to the motion will not be necessary.

The Commission orders:

ISO-NE's motion to strike certain comments is denied, as discussed above.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

¹ Absent such a shortened response period, under Rule 212 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.212 (2007), parties would be required to file answers to ISO-NE's motion within 15 days, or by May 13, 2008.