

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

New York State Electric & Gas Corporation	)	Docket Nos.	EL09-26-000 EL09-26-001
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**MOTION TO INTERVENE OUT-OF-TIME  
OF THE PSEG COMPANIES**

Pursuant to Rule 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“FERC” or the “Commission”), 18 C.F.R. § 385.214 and the “Notice of Settlement Agreement and Establishment of Comment Date” dated October 13, 2009<sup>1</sup> and “Notice Clarifying Prior Notice” dated October 21, 2009,<sup>2</sup> PSEG Energy Resources & Trade LLC (“PSEG ER&T”) and PSEG Power New York Inc. (“PSEG Power NY”) (collectively the “PSEG Companies”) hereby move to intervene out-of-time in the above captioned matter. In support thereof, the PSEG Companies respectfully show as follows:

**I.  
COMMUNICATION**

The PSEG Companies request that all pleadings, correspondence and other communications concerning this docket be directed to the following persons:

<sup>1</sup> Notice of Filing of Settlement Agreement and Establishment of Comment Dates, *New York State Electric & Gas Corporation*, Docket Nos. EL09-26-000, et al. (October 13, 2009) (the “October 13 Notice”).

<sup>2</sup> Notice Clarifying Prior Notice, *New York State Electric & Gas Corporation*, Docket Nos. EL09-26-000, et al., (October 21, 2009) (the October 21 Notice”).

**As to the PSEG Companies**

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**As to PSEG Power New York Inc.**

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**II.**

**MOTION TO INTERVENE**

The PSEG Companies are each wholly owned, indirect subsidiaries of Public Service Enterprise Group Incorporated (“PSEG”). The principal and executive offices of PSEG are located at 80 Park Plaza, Newark, New Jersey 07102. PSEG subsidiaries are engaged in, among other things, the generation of electric energy, and the transmission, distribution and sale of electricity and natural gas through its subsidiaries.

PSEG ER&T, a direct subsidiary of PSEG Power LLC (“PSEG Power”),<sup>3</sup> sells power and energy and certain ancillary services at market-based rates. PSEG ER&T markets the capacity and production of PSEG Nuclear’s and PSEG Fossil’s generating

<sup>3</sup> PSEG Power, a direct subsidiary of PSEG, is a wholesale energy supply company that integrates its generation asset operations with its wholesale energy, fuel supply, energy trading and marketing, and risk management functions through three principal subsidiaries: (i) PSEG Nuclear LLC (“PSEG Nuclear”), which owns and operates nuclear generating stations; (ii) PSEG Fossil LLC (“PSEG Fossil”), which develops, owns, and operates domestic fossil-fuel fired and other non-nuclear generating stations; and, (iii) PSEG ER&T.

stations, manages the commodity price risks and market risks related to generation, and provides gas supply services. PSEG ER&T is engaged in extensive asset-based energy trading operations throughout the Northeast.

PSEG Power NY, a direct subsidiary of PSEG Fossil, owns and operates the Bethlehem Energy Center (“BEC”). The BEC is interconnected with the transmission system under the control of the New York Independent System Operator, Inc. (“NYISO”). PSEG Power NY sells the entire output of the BEC to PSEG ER&T.

On September 21, 2009, New York State Electric & Gas Corporation (“NYSEG”), Niagara Mohawk Power Corporation d/b/a National Grid (“National Grid”), and the New York Municipal Power Agency (“NYMPA”) (collectively, “Settling Parties”) filed a partial offer of settlement (“Settlement Agreement”) in the above captioned matters. According to the Settling Parties, the Settlement Agreement seeks to resolve several issues arising out of NYSEG’s December 23, 2008 petition for a declaratory order regarding invoices issued by NYISO between 1999 and 2008 to market participants, in certain NYSEG and National Grid metering sub-zones that were affected by metering errors.<sup>4</sup> The invoices at issue were identified in Appendices 5 and 6 of the Joint Stipulation of Facts Not in Dispute which was attached to the Settlement Agreement. The settling parties asserted that they were unable to reach an agreement on whether the Commission should order NYISO to correct the invoices affected by the metering errors during the period in question (“reserved issue”).

The PSEG Companies thus respectfully move to intervene out-of-time in this proceeding and submit that good cause exists to accept their out-of-time intervention. No

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<sup>4</sup> Petition for Declaratory Order of New York State Electric & Gas Corporation, New York State Electric & Gas Corporation, Docket No. EL09-26-000 (December 23, 2008).

other party can adequately represent their interests and no other party will be prejudiced. Also, the PSEG Companies agree to accept the record as it has developed to the date of the granting of this motion. Finally, the October 21, 2009 notice indicates that late interventions will be permitted up to 30 days from the date of the October 13, 2009 notice.

**III.**  
**CONCLUSION**

WHEREFORE, for the foregoing reasons, PSEG Energy Resources & Trade LLC and PSEG Power New York Inc. each respectfully request that they be permitted to intervene out-of-time in, and be made a party to, the subject proceeding, with all rights attendant thereto.

Respectfully submitted,

PSEG Energy Resources & Trade LLC  
PSEG Power New York Inc.

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Dated: November 12, 2009  
Newark, New Jersey

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Newark, New Jersey, this 12<sup>th</sup> day of November, 2009.

*Constance Collins*

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Constance Collins

Paralegal

Document Content(s)

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