

-----  
601 13th Street, NW  
Suite 1000 South  
Washington, DC 20005-3807  
TEL 202.661.2200  
FAX 202.661.2299  
www.ballardspahr.com

Daniel R. Simon  
Direct: 202.661.2212  
Fax: 202.626.9049  
simond@ballardspahr.com

June 8, 2010

**VIA ELECTRONIC FILING**

The Honorable Mark J. Langer  
Clerk of the Court  
United States Court of Appeals  
for the District of Columbia Circuit  
E. Barrett Prettyman U.S. Courthouse  
Room 5423  
333 Constitution Ave., NW  
Washington, D.C. 20001

Re: *Richard Blumenthal, Attorney General for the State of  
Connecticut, and the Connecticut Office of Consumer Counsel  
v. Federal Energy Regulatory Commission, Case No. 10-1104,  
Motion of ISO New England Inc. for Leave to Intervene*

Dear Mr. Langer:

In accordance with Rules 15 and 27 of the Federal Rules of Appellate Procedure and the Rules of this Court, ISO New England Inc. submits for filing the enclosed Motion of ISO New England Inc. for Leave to Intervene. If there are any questions concerning this filing, please call me at (202) 661-2212.

Respectfully submitted,

/s/ Daniel R. Simon  
Daniel R. Simon, Esq.  
Counsel for ISO New England Inc.

**IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

---

Richard Blumenthal, Attorney General for the	)	
State of Connecticut, and the Connecticut		
Office of Consumer Counsel,		
Petitioner,	)	
	)	
v.	)	Case No. 10-1104
	)	
Federal Energy Regulatory Commission,	)	
Respondent.	)	

---

**MOTION OF ISO NEW ENGLAND INC. FOR LEAVE TO INTERVENE**

Pursuant to Rule 15(d) of the Federal Rules of Appellate Procedure and D.C. Circuit Court Rule 15(b), ISO New England Inc. (“ISO-NE”) hereby moves for leave to intervene in the above-captioned matter. ISO-NE supports the position of the respondent Federal Energy Regulatory Commission (“FERC”).

ISO-NE is the private, non-profit entity that serves as the regional transmission organization (“RTO”) for New England. ISO-NE operates the New England bulk power system and administers New England’s organized wholesale electricity markets pursuant to the ISO New England Inc. Transmission, Markets and Services Tariff, and the Transmission Operating Agreement with the New England Participating Transmission Owners. In its capacity as an RTO, ISO-NE has the responsibility to protect the short-term reliability of the New England Control Area and to operate the system according to reliability standards

established by the Northeast Power Coordinating Council (“NPCC”) and the North American Electric Reliability Corporation (“NERC”).

ISO-NE has a direct and substantial interest in this proceeding. The petition for review challenges the following two orders by respondent FERC: (1) *ISO New England Inc.*, Order Accepting Tariff Revisions, Docket No. ER10-154-000, 129 FERC ¶ 61,299 (December 30, 2009); and (2) *ISO New England Inc.*, Order Denying Rehearing, Docket No. ER10-154-001, 130 FERC ¶ 61,236 (March 25, 2010). Through these orders, FERC found that ISO-NE has adequately supported its 2010 administrative budget and accepted for filing ISO-NE’s tariff revisions to recover its administrative budget.

Any decision concerning this matter could have a substantial impact on ISO-NE’s budget and its responsibilities as administrator of the markets and bulk power system for New England, as well as its responsibility to protect the short-term reliability of the New England Control Area. The interests of ISO-NE in this proceeding cannot be adequately represented by any other party. Furthermore, intervention by ISO-NE will not prejudice any party, nor will it delay this proceeding.

For the foregoing reasons, ISO-NE respectfully requests that the Court grant its motion for leave to intervene in this proceeding.

Respectfully submitted,

/s/ by consent

---

Howard H. Shafferman, Esq.  
I.D. No. 28285  
Ballard Spahr, LLP  
601 Thirteenth Street, N.W.,  
Suite 1000 South  
Washington, D.C. 20005  
(202) 661-2205  
hhs@ballardspahr.com

/s/ Daniel R. Simon

---

Daniel R. Simon, Esq.  
I.D. No. 51938  
Ballard Spahr, LLP  
601 Thirteenth Street, N.W.,  
Suite 1000 South  
Washington, D.C. 20005  
(202) 661-2212  
simond@ballardspahr.com

/s/ by consent

---

Gulluni, Maria, Esq.  
ISO New England Inc.  
One Sullivan Road  
Holyoke, MA 01040-2841  
(413) 540-4473  
mgulluni@iso-ne.com

COUNSEL FOR ISO NEW ENGLAND  
INC.

Dated: June 8, 2010

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

---

Richard Blumenthal, Attorney General for the	)	
State of Connecticut, and the Connecticut		
Office of Consumer Counsel,		
Petitioner,	)	
	)	
v.	)	
	)	
Federal Energy Regulatory Commission,	)	
Respondent.	)	

---

Case No. 10-1104

**ORDER**

Based on the Motion to Intervene filed in this proceeding by ISO New England Inc., any opposition thereto, and the record herein, it is this \_\_\_\_ day of \_\_\_\_\_, 2010.

ORDERED,

that the Motion to Intervene of ISO New England Inc. is granted.

---

**IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

<hr/>	)	
Richard Blumenthal, Attorney General for the	)	
State of Connecticut, and the Connecticut	)	
Office of Consumer Counsel,	)	
Petitioner,	)	
	)	
v.	)	Case No. 10-1104
	)	
Federal Energy Regulatory Commission,	)	
Respondent.	)	
<hr/>		

**DISCLOSURE STATEMENT OF ISO NEW ENGLAND INC.**

Pursuant to Circuit Rule 26.1, counsel for ISO New England Inc. hereby certifies that: ISO New England Inc. is a private, not-for-profit corporation organized under the laws of the State of Delaware that is responsible for operation of New England’s bulk power system. The New England region controlled by ISO New England Inc. encompasses Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont. ISO New England Inc. has no corporate parents and no publicly held company owns a 10% or more interest in ISO New England Inc.

Respectfully submitted,

/s/ by consent

---

Howard H. Shafferman, Esq.  
I.D. No. 28285  
Ballard Spahr LLP  
601 Thirteenth Street, N.W.,  
Suite 1000 South  
Washington, D.C. 20005  
(202) 661-2205  
hhs@ballardspahr.com

/s/ Daniel R. Simon

---

Daniel R. Simon, Esq.  
I.D. No. 51938  
Ballard Spahr LLP  
601 Thirteenth Street, N.W.,  
Suite 1000 South  
Washington, D.C. 20005  
(202) 661-2212  
simond@ballardspahr.com

/s/ by consent

---

Gulluni, Maria, Esq.  
ISO New England Inc.  
One Sullivan Road  
Holyoke, MA 01040-2841  
(413) 540-4473  
mgulluni@iso-ne.com

COUNSEL FOR ISO NEW ENGLAND  
INC.

Dated: June 8, 2010

## **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Motion for Leave to Intervene and Corporate Disclosure Statement of ISO New England Inc. are being served electronically to all current parties to this proceeding, either through the CM/ECF system maintained by the U.S. Court of Appeals for the District of Columbia Circuit, or by U.S. Mail, as designated on the CM/ECF Service Preference Report for this proceeding.

Dated in Washington, D.C. this 8<sup>th</sup> day of June, 2010.

/s/ Daniel R. Simon

Daniel R. Simon, Esq.

I.D. No. 51938

Ballard Spahr LLP

601 Thirteenth Street, N.W.,

Suite 1000 South

Washington, D.C. 20005

(202) 661-2212

simond@ballardspahr.com

COUNSEL FOR ISO NEW ENGLAND  
INC.