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August 31, 2009

#### VIA HAND DELIVERY

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. 09-1220, 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 an original and four copies of the enclosed Motion of ISO New England Inc. for Leave to Intervene.

Also enclosed is an extra copy of this filing. Please have your staff date-stamp this extra copy and return it to the messenger making this delivery.

If there are any questions concerning this filing, please call me at (202) 661-2205.

Respectfully submitted,

Howard H. Shafferman, Esq. / Jus

Counsel for ISO New England Inc.

**Enclosures** 

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### RECEIVED

# 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,	)	Case No. 09-1220
	)	
v.	)	
	)	
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 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-NE 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 Council ("NERC"). ISO-NE's role has evolved and grown considerably in the decade since it was formed and its operating costs have been consistent with this evolution and growth.

ISO-NE has a direct and substantial interest in this proceeding. The petition for review in the above-captioned case challenges the ISO New England Inc., Order Accepting Tariff

Revisions, 125 FERC ¶ 61,392 (2008) and the ISO New England Inc., Order Denying Rehearing, 127 FERC ¶ 61,254 (2009) of the Federal Energy Regulatory Commission ("FERC") with respect to FERC's acceptance of ISO-NE's filing to collect its administrative costs for the calendar year 2009. Any decision concerning this matter could have a substantial impact on ISO-NE's budget, staffing, management, and operations as well as its role and responsibilities as administrator of the markets and bulk power system for New England. Therefore, 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

Howard H. Shafferman, Esq.

I.D. No. 28285

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COUNSEL FOR ISO NEW ENGLAND INC.

Dated: August 31, 2009

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

Richard Blumenthal, Attorney General for the St+ate of Connecticut, and the Connecticut Office of Consumer Counsel,	- ) )	
Petitioner,	)	Case No. 09-1220
<b>v.</b> ,	)	<i>z</i> ×
Federal Energy Regulatory Commission,	j	
Respondent.	)	
Based on the Motion to Intervene filed in this pro-		
opposition thereto, and the record herein, it is this da	y of _	, 200_,
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

Richard Blumenthal, Attorney General for the State of Connecticut, and the Connecticut Office of Consumer	_ ) )	
Counsel,	)	
Petitioner,	)	Case No. 09-1220
	)	
v.	)	
	)	
Federal Energy Regulatory Commission,	)	
Respondent.	)	
	, <u></u>	

#### 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,

Howard H. Shafferman, Esq.

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COUNSEL FOR ISO NEW ENGLAND INC.

Dated: August 31, 2009

### UNITED STATES COURT OF APPEALS DISTRICT OF COLUMBIA CIRCUIT

333 Constitution Avenue, NW Washington, DC 20001-2866 Phone: 202-216-7000 | Facsimile: 202-219-8530

Richard Blumenthal, Attorney General for the State of Connecticut, and the

**Case Caption:** 

Connecticut Office of Consumer Counsel

v. Case No: 09-1220
Federal Energy Regulatory Commission

#### **ENTRY OF APPEARANCE**

#### **Party Information**

The Clerk shall enter my appearance as counsel for the following parties: (List each party represented individually. Use an additional blank sheet as necessary)

Appellant(s)/Petitioner(s)	C Appellee(s)/Responder	t(s) • Intervenor(s	s) Amicus Curiae
ISO New England Inc.			
- Million State of the State of			
Names of Parti	es	Names of I	Parties
	Counsel Informa	tion	
Lead Counsel: Howard H. Sh	afferman		
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3rd Counsel:		e 1	
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Firm Name: Ballard Spahr And	Irews & Ingersoll, LLP		9
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Firm Phone: (202) 661-220	00 Fax: (202) 661-2299	Email: n/a	

Notes: This form must be submitted by a member of the Bar of the U.S. Court of Appeals for the D.C. Circuit.

Names of non-member attorneys listed above will not be entered on the court's docket.

Applications for admission are available on the court's web site at http://www.cadc.uscourts.gov/

USCA Form 44 August 2009 (REVISED)

#### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Motion for Leave to Intervene, Corporate Disclosure Statement, and Entries of Appearance of ISO New England Inc. are being served, by first-class mail, upon the Office of the Solicitor of the Federal Energy Regulatory Commission, the Secretary of the Federal Energy Regulatory Commission, the Attorney General for the State of Connecticut, Richard Blumenthal, the Connecticut Office of Consumer Counsel, and each person designated on the official service list (attached) in the underlying proceeding before the Federal Energy Regulatory Commission.

Dated in Washington, D.C. this 31st day of August, 2009.

Howard H. Shafferman, Esq

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COUNSEL FOR ISO NEW ENGLAND INC.

## Official Service List of The Underlying Proceeding From the Federal Energy Regulatory Commission

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