

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, DC 20426

OFFICE OF ENERGY MARKET REGULATION

New York Independent System Operator, Inc.  
Docket No. ER17-941-000

Issued: 3/24/17

New York Independent System Operator, Inc.  
10 Krey Boulevard  
Rensselaer, NY 12144

Attention: Gloria Kavanah, Esq.  
Counsel for NYISO

Reference: Revisions to the NYISO Services Tariff relating to designation of Pivotal  
Suppliers in Mitigated Capacity Zones

Dear Ms. Kavanah:

On February 6, 2017, you submitted revisions to section 23.4.5.5<sup>1</sup> of the New York Independent System Operator, Inc. (NYISO) Market Administration and Control Area Services Tariff to apply across all Mitigated Capacity Zones uniform standards by which a deemed Pivotal Supplier can rebut the presumption of control of unforced capacity. You state that these revisions are necessary to eliminate incongruities in the rebuttal standard between Mitigated Capacity Zones and that, in so doing, all suppliers “will be treated the same, irrespective of the Mitigated Capacity Zone in which they are selling.”<sup>2</sup>

Pursuant to the authority delegated to the Director, Division of Electric Power Regulation – East, under 18 C.F.R. § 375.307 (2016), your submittal is accepted for filing, effective April 7, 2017, as requested.

The filing was noticed on February 6, 2017, with comments, interventions, and protests due on or before February 27, 2017. Pursuant to Rule 214 (18 C.F.R. § 385.214 (2016)), to the extent that any timely filed motions to intervene and any motion to

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<sup>1</sup> New York Independent System Operator, Inc., NYISO Tariffs, [NYISO MST, 23.4.5 MST Installed Capacity Market Mitigation Measures, 19.0.0.](#)

<sup>2</sup> NYISO Transmittal at 5-6.

intervene out-of-time were filed before the issuance date of this order, such interventions are granted. Granting late interventions at this stage of the proceeding will not disrupt the proceeding or place additional burdens on existing parties.

This acceptance for filing shall not be construed as constituting approval of the referenced filing or of any rate, charge, classification, or any rule, regulation, or practice affecting such rate or service contained in your filing; nor shall such acceptance be deemed as recognition of any claimed contractual right or obligation associated herewith; 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 NYISO.

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 (2016).

Sincerely,

Kurt M. Longo, Director  
Division of Electric Power  
Regulation – East