

195 FERC ¶ 61,093
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

May 6, 2026

In Reply Refer To:
New York Independent System Operator, Inc.
Docket No. ER24-1915-004

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

Attention: Sarah B. Keegan
Assistant General Counsel

Dear Ms. Keegan:

1. On October 16, 2025, the Commission issued an order¹ on the New York Independent System Operator, Inc.'s (NYISO) second compliance filing submitted in response to Order Nos. 2023 and 2023-A.² On December 15, 2025, NYISO submitted proposed revisions (Third Compliance Filing) to its Open Access Transmission Tariff (OATT)³ in compliance with the requirements of Order Nos. 2023 and 2023-A and the Second Compliance Order. As discussed below, we find that NYISO's Third Compliance Filing partially complies with the requirements of Order Nos. 2023 and 2023-A and with the Commission's directives in the Second Compliance Order. Accordingly, we accept NYISO's Third Compliance Filing in part, effective as of May 2, 2024, October 16, 2025, and the date of this order, as requested, and direct NYISO to submit a further compliance filing within 30 days of the date of this order.

¹ *N.Y. Indep. Sys. Operator, Inc.*, 193 FERC ¶ 61,031 (2025) (Second Compliance Order).

² *Improvements to Generator Interconnection Procs. & Agreements*, Order No. 2023, 184 FERC ¶ 61,054, *order on reh'g*, 185 FERC ¶ 61,063 (2023), *order on reh'g*, Order No. 2023-A, 186 FERC ¶ 61,199, *errata notice*, 188 FERC ¶ 61,134 (2024).

³ See Appendix for eTariff records accepted in this order.

2. Notice of NYISO's Third Compliance Filing was published in the *Federal Register*, 90 Fed. Reg. 59100 (Dec. 18, 2025), with comments, interventions, and protests due on or before January 5, 2026. None was filed.

3. In the Second Compliance Order, the Commission modified the April 17, 2025 compliance order⁴ on rehearing and set aside the Commission's rejection of three categories of proposed tariff revisions regarding the Expedited Deliverability Study provisions,⁵ specifically: (1) provisions concerning analog timeframes for the Expedited Deliverability Study's interaction with the new cluster study process; (2) provisions clarifying in the Expedited Deliverability Study rules that a project cannot participate in both a cluster study and Expedited Deliverability Study at the same time; and (3) explicit references that the Expedited Deliverability Study is performed in accordance with the rules for the Cluster Study Deliverability Study.⁶ The Commission directed NYISO to submit a compliance filing to restore the three categories of revisions.⁷ Here, NYISO proposes to reinsert, in sections 40.13 and 40.19 of Attachment HH to the OATT, the three categories of revisions related to the Expedited Deliverability Study.⁸ We find that NYISO's proposed revisions comply with the Commission's directive in the Second Compliance Order.

4. In the Second Compliance Order, the Commission rejected NYISO's proposal to update its technological change procedure to allow an interconnection customer to submit a technological change for a cluster study project no later than five business days after NYISO posts the cluster study project list during the customer engagement window.⁹ The Commission found that NYISO's proposal did not accomplish the purposes of Order

⁴ *N.Y. Indep. Sys. Operator, Inc.*, 191 FERC ¶ 61,049 (2025) (First Compliance Order).

⁵ The Expedited Deliverability Study is a mechanism by which a facility can seek to obtain Capacity Resource Interconnection Service outside of NYISO's cluster study process if the study determines that certain upgrades are not required for the deliverability of its project. *See N.Y. Indep. Sys. Operator, Inc.*, NYISO Tariffs, NYISO OATT, attach. HH, § 40.19 (Expedited Deliverability Study Procedures) (0.0.0).

⁶ Second Compliance Order, 193 FERC ¶ 61,031 at P 35.

⁷ *Id.* P 131.

⁸ Third Compliance Filing, Transmittal Letter at 12.

⁹ Second Compliance Order, 193 FERC ¶ 61,031 at P 122.

No. 845¹⁰ because the proposed cut-off point was too early in the interconnection study process to allow interconnection customers to make practical use of the technological change procedure and request equipment changes that do not constitute a material modification. Therefore, the Commission directed NYISO to submit a further compliance filing to establish a cut-off point to submit a technological advancement request later in the cluster study process.

5. The Commission also found that NYISO's proposed additional revisions to its technological change procedure in sections 40.6.3.7.2, 40.6.3.7.3, and 40.6.3.7.4 of Attachment HH to the OATT and its revised definition of "permissible technological advancement" were outside the scope of the proceeding as neither Order Nos. 2023 and 2023-A nor the First Compliance Order required such revisions.¹¹

6. NYISO proposes to revise its technological change rules to permit an interconnection customer with a validated interconnection request to submit a technological change request either no later than 10 business days prior to the close of the customer engagement window or after the cluster study concludes.¹² NYISO contends that this cut-off point to submit technological change requests accomplishes the purposes of Order No. 845. NYISO states that any modifications following the proposed cut-off point would require updates to project models and base cases developed during the customer engagement window and required for the Phase 1 study, potentially jeopardizing NYISO's and the transmission owner's ability to meet the timelines for the Phase 1 study.

7. Additionally, NYISO contends that, to facilitate the later deadline for technological changes, it proposes revisions to section 40.6.3.7 of Attachment HH to the OATT, to clarify the technological change requirements that the interconnection customer must satisfy.¹³ Specifically, NYISO proposes that interconnection customers provide any available analyses – particularly short circuit, power flow, and stability analyses – that demonstrate that the requested modification does not have a material adverse impact on the New York state transmission or distribution system. NYISO asserts that this requirement will assist in expediting NYISO's review of the modification

¹⁰ *Reform of Generator Interconnection Procs. & Agreements*, Order No. 845, 163 FERC ¶ 61,043 (2018).

¹¹ Second Compliance Order, 193 FERC ¶ 61,031 at P 123.

¹² Third Compliance Filing, Transmittal Letter at 9; NYISO OATT, attach. HH, § 40.6 (Queue Position/Modification/Withdrawal/Withdrawal Penalties) (3.0.0), § 40.6.3.7.

¹³ Third Compliance Filing, Transmittal Letter at 9; NYISO OATT, attach. HH, § 40.6 (Queue Position/Modification/Withdrawal/Withdrawal Penalties) (3.0.0), § 40.6.3.7.

request, including identifying whether additional studies are required to determine whether the technological change constitutes a permissible technological advancement, while also furthering the intent of Order No. 845.

8. Lastly, NYISO proposes to revert the out of scope additional revisions to its technological change procedure in sections 40.6.3.7.2, 40.6.3.7.3, and 40.6.3.7.4, and revise its definition of “permissible technological advancement” to add back language concerning the 2 MW or less de minimis exception, as ordered by the Commission.¹⁴ NYISO notes that, if an interconnection customer’s modification exceeds this threshold or does not satisfy the requirements in section 40.6.3.7.1 of Attachment HH to the OATT, the interconnection customer will still have the opportunity to request a modification following the completion of the cluster study.

9. We accept NYISO’s proposed revisions establishing a cut-off point for submitting technological change requests, reverting the additional revisions in sections 40.6.3.7.2, 40.6.3.7.3, and 40.6.3.7.4, and revising the definition of permissible technological advancements because we find that NYISO’s proposal complies with the Commission’s directives in the Second Compliance Order to establish a cut-off point to submit a technological advancement request later in the cluster study process, and revert proposed tariff revisions that the Commission found to be outside the scope of the proceeding. We find that NYISO’s proposal accomplishes the purposes of technological changes, such as permissible technological advancements, in Order No. 845, to increase transparency, create process efficiencies, and encourage technological innovation that could lower consumer costs.¹⁵ NYISO’s proposal accomplishes the purposes of Order No. 845 to allow technological change requests before the facilities study commences, given that changes requested during the facilities study could delay the transmission provider’s ability to tender an interconnection service agreement and, consequently, result in delays to other projects.¹⁶ We find that NYISO’s proposal is just and reasonable because it allows more time for interconnection customers to submit technological change requests without causing the need for NYISO to update project models and base cases, delaying study timelines.

10. However, we find that NYISO’s proposed additional revisions to its technological change procedure in section 40.6.3.7 of Attachment HH to the OATT, to clarify the technological change requirements that the interconnection customer must satisfy, are

¹⁴ Third Compliance Filing, Transmittal Letter at 10; NYISO OATT, attach. HH, § 40.1 (Definitions) (2.0.0); *id.* § 40.6 (Queue Position/Modification/Withdrawal/Withdrawal Penalties) (2.0.0), § 40.6.3.7.

¹⁵ Order No. 845, 163 FERC ¶ 61,043 at PP 521, 523.

¹⁶ *Id.* P 536.

outside the scope of this proceeding, as neither Order Nos. 2023 and 2023-A nor the Second Compliance Order required such revisions. Accordingly, we direct NYISO to submit a compliance filing within 30 days of the date of this order that removes these proposed revisions. This determination is without prejudice to NYISO proposing this additional language in a future FPA section 205 filing.

By direction of the Commission.

Carlos D. Clay,
Deputy Secretary.

Appendix – Tariff Records

New York Independent System Operator, Inc.
NYISO Tariffs

Effective May 2, 2024

- [NYISO OATT, 40.13 OATT Att HH Deliverability Studies and Cost Allocation \(2.0.0\)](#)
- [NYISO OATT, 40.19 OATT Att HH Expedited Deliverability Study Procedures \(2.0.0\)](#)

Effective October 16, 2025

- [NYISO OATT, 40.6 OATT Att HH Queue Position/ Modification/ Withdrawal/ W \(2.0.0\)](#)

Effective as of the date of this order

- [NYISO OATT, 40.1 OATT Att HH Definitions \(2.0.0\)](#)
- [NYISO OATT, 40.6 OATT Att HH Queue Position/ Modification/ Withdrawal/ W \(3.0.0\)](#)
- [NYISO OATT, 40.13 OATT Att HH Deliverability Studies and Cost Allocation \(2.0.0\)](#)
- [NYISO OATT, 40.19 OATT Att HH Expedited Deliverability Study Procedures \(2.0.0\)](#)