

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

NRG Curtailment Solutions, Inc.)	
Complainant,)	
)	
v.)	Docket No. EL18-188-000
)	
New York Independent System Operator, Inc.)	
Respondent.)	

ANSWER OF NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.

Pursuant to Rule 213 of the Commission’s Rules of Practice and Procedure, the New York Independent System Operator, Inc. (“NYISO”) respectfully submits this answer to the July 24, 2018, request for waiver or, in the alternative, complaint filed by NRG Curtailment Solutions, Inc. (“NRG”) in the above-captioned proceeding.¹

NRG requests that the Commission waive the requirements in the NYISO’s tariffs and manuals that Curtailment Service Providers (“CSPs”) and Responsible Interface Parties (“RIPs”) participating in the NYISO-administered installed capacity market must use a Meter Service Provider (“MSP”) or Meter Data Service Provider (“MDSP”) certified by the New York Department of Public Service (“NYDPS”) to install and read non-revenue interval meters.² NRG requests that the Commission grant the waiver to allow RIPs/CSPs meeting certain criteria to act as their own MDSP. In the alternative, NRG requests that the Commission find that the NYISO’s MDSP requirement is unjust and unreasonable and replace it with a self-certification

¹ *NRG Curtailment Solutions, Inc. v. New York Independent System Operator*, Request For Waiver, Or In the Alternative, Complaint of NRG Curtailment Solutions, Inc., Docket No. EL18-188-000 (July 24, 2018) (“NRG Complaint”).

² NRG appears to be requesting waivers of Section 6 of the NYISO Day-Ahead Demand Response Program Manual, Section 5 of the NYISO Emergency Demand Response Manual, Section 5.12.11 of the NYISO Market Administration and Control Area Services Tariff (“Services Tariff”), and Section 22.8 of the Services Tariff. NRG also makes reference to the NYISO Revenue Metering Requirements Manual and the NYISO Installed Capacity Manual.

process by which the RIP/CSP must demonstrate that it will meet or exceed the NYDPS's certification requirements.

The Commission should deny NRG's requested waivers of the NYISO's meter data service requirements. The proposed waivers do not satisfy the Commission's standard for granting waivers as they are not limited in scope, do not remedy a concrete problem, and would have undesirable consequences. In particular, NRG seeks to impermissibly use a waiver request to enact an entirely new self-certification process to provide meter data services in New York that is not contemplated by the NYISO's existing tariffs and procedures. Moreover, NRG has not demonstrated that, absent the requested waivers, it cannot obtain meter data services under the NYISO's existing rules or that its resources will be unable to participate in the NYISO-administered markets.

The Commission should similarly deny NRG's complaint. The NYISO's existing meter data service requirements are not unjust or unreasonable. They provide RIPs, including NRG, with multiple avenues for obtaining the meter data services required for their resources' participation in the NYISO-administered markets. Moreover, the Commission should reject NRG's proposed unilateral change to these meter data service requirements. The Commission has strongly disfavored end runs around the stakeholder governance processes of independent system operators ("ISOs") and regional transmission organizations ("RTOs"). The NYISO currently has an initiative underway in its shared governance process that is examining potential enhancements to its metering requirements, including to the certification requirements for entities interested in providing meter data services. NRG is aware of this effort and has been encouraged to address its proposed process revisions as part of this initiative within this shared governance process.

I. BACKGROUND

Section 13.2 of the NYISO Market Administration and Control Area Services Tariff (“Services Tariff”) provides that the “ISO shall establish metering specifications and standards for all metering that is used as a data source by the ISO” and that such metering information “will be provided on a timely basis and in the formats prescribed in the ISO Procedures.”

Section 5.12.11.1 of the NYISO Services Tariff and Section 4.12 of the NYISO Installed Capacity Manual establish the metering requirements that a RIP³ must satisfy concerning the participation of Special Case Resources (“SCRs”)⁴ in the NYISO’s installed capacity markets. In particular, all SCRs, with limited exception, must have an interval meter and the metering must satisfy the metering requirements detailed in the NYISO Emergency Demand Response Program Manual.⁵ Attachment G of the Services Tariff similarly establishes the requirements that a CSP⁶ must satisfy concerning the participation of its resources in the NYISO’s Emergency Demand Response Program, including the requirement to provide sufficient hourly interval metering data pursuant to NYISO procedures.⁷

³ A RIP is defined in the NYISO Services Tariff as “A Customer that is authorized by the ISO to be the Installed Capacity Supplier for one or more Special Case Resources and that agrees to certain notification and other requirements as set forth in this Services Tariff and in the ISO Procedures.” NYISO Services Tariff Section 2.18.

⁴ Special Case Resources are defined in the NYISO Services Tariff as “Demand Side Resources whose Load is capable of being interrupted upon demand at the direction of the ISO, and/or Demand Side Resources that have a Local Generator, which is not visible to the ISO’s Market Information System and is rated 100 kW or higher, that can be operated to reduce Load from the NYS Transmission System or the distribution system at the direction of the ISO. Special Case Resources are subject to special rules, set forth in Section 5.12.11.1 of this ISO Services Tariff and related ISO Procedures, in order to facilitate their participation in the Installed Capacity market as Installed Capacity Suppliers.” NYISO Services Tariff Section 2.19.

⁵ NYISO Installed Capacity Manual Section 4.12.2; *see also* Services Tariff Section 5.12.11.1 (“Loads capable of being interrupted upon demand will be required to comply with verification and validation procedures set forth in the ISO Procedures. Such procedures will not require metering other than interval billing meters on customer Load . . .”).

⁶ A CSP is defined in the NYISO Services Tariff as “A qualified entity that can produce real-time, verified reductions in NYCA Load of at least 100 kW in a single Load Zone, pursuant to the Emergency Demand Response Program and related ISO procedures. The procedure for qualifying as a Curtailment Services Provider is set forth in Section 3 below and in ISO Procedures.” NYISO Services Tariff Section 2.3.

⁷ NYISO Services Tariff, Attachment G, Section 22.8.

Section 5 of the NYISO Emergency Demand Response Program Manual establishes the meter data service requirements applicable to both CSPs and RIPs concerning the reading of their resources' meters. Specifically, Section 5.1 establishes that a RIP/CSP may use a Transmission Owner to read its resources' meters.⁸ Section 5.1 also permits, as an alternative, that a RIP or CSP may use a New York Public Service Commission ("NYPSC") certified MDSP to read its resources' meters.⁹

II. ANSWER

A. The Commission Should Deny the Requested Waivers

The Commission should deny NRG's requested waivers of the NYISO's meter data service requirements, which do not satisfy the Commission's standard for granting a waiver. When determining whether to grant a waiver request, the Commission considers a number of factors, including: (i) whether the requestor is acting in good faith; (ii) whether the request will remedy a concrete problem; (iii) whether the request is of limited scope; and (iv) whether the waiver, if granted, will have undesirable consequences such as harming third parties.¹⁰

1. The Requested Waivers Are Not Limited In Scope

NRG's requested waivers are not limited in scope. While framed as a waiver request, NRG is impermissibly requesting that the Commission not only suspend the application of

⁸ NYISO Emergency Demand Response Program Manual Section 5.1 ("Transmission Owner or MDSP certification is required to read the meter. CSPs must use a PSC-certified MDSP to read such meters."); *see also*, NYISO Revenue Metering Requirements Manual Section 4.3. In its complaint, NRG cites Section 4.3 of the NYISO's Revenue Metering Requirements Manual to state that the NYISO will only accept meter data from approved Metering Authorities, which are NYPSC approved MSPs and MDSPs. While this statement is true, the Manual goes on to state in the following sentence that "Transmission Owners have been granted MSP and MDSP certification by order of the NYS PSC," and therefore qualify to provide those services automatically. Therefore, where the NYISO's manuals speak only to requiring authorized (or certified) MSPs or MDSPs, the rules permit Transmission Owners to provide the identified service.

⁹ The NYISO's manuals refer to a NYPSC-certified MDSP. In practice, an interested entity submits its application to the NYDPS requesting eligibility to provide meter data services in New York.

¹⁰ *See PJM Interconnection, L.L.C. and Trans-Allegheny Interstate Line Company*, 144 FERC ¶ 61,060 at P17 (2013); *Air Energy TCI, Inc.*, 143 FERC ¶ 61,172 at P16 (2013); *Hudson Transmission Partner, LLC*, 131 FERC ¶ 61,157 at P10 (2010).

certain metering requirements in the NYISO's tariffs and manuals, but also establish entirely new requirements for meter data service providers in New York. Pursuant to this new process, RIPs/CSPs could self-certify that they meet certain metering standards and then would be eligible to provide meter data services. The Commission has denied waiver requests where, as here, they are used as a mechanism for establishing a new process that is not included in the underlying tariff.¹¹

The NYISO's tariffs and manuals do not include the requirements necessary to implement and administer NRG's proposed self-certification process. NRG argues that the NYISO could rely on its requirements that Market Participants must supply accurate data and references generally the NYISO's recordkeeping and audit requirements in Section 10 of the Service Tariff and the NYISO Installed Capacity Manual. However, these provisions do not establish the detailed requirements or acceptable metering standards that even a self-certification process would require to ensure the provision of accurate meter data and adequate oversight.

NRG has based its self-certification proposal on the meter data service requirements of PJM Interconnection, L.L.C. ("PJM"). As demonstrated by the requirements in PJM's manuals, however, a self-certification process requires, at a minimum, prescribed metering standards, detailed documentation requirements (including details on technical specifications and testing), and oversight (including the right to audit the meter and meter data).¹² For example, PJM's process includes a step for electric distribution utilities to review and verify the settlement meter data submitted by the demand response provider. The NYISO's tariffs and manuals do not include such requirements. Moreover, the meter data service requirements in each ISO/RTO

¹¹ See *ISO New England, Inc.*, 164 FERC ¶ 61,003 (2018) at P 47.

¹² See *PJM Interconnection, L.L.C.*, PJM Manual 11: Energy & Ancillary Services Market Operations, Revision: 97, Effective Date: July 26, 2018, Section 10.6, available at: <http://www.pjm.com/-/media/documents/manuals/m11.ashx>.

region are different and are tailored to the unique circumstances of each region. Other ISO/RTOs' processes cannot simply be dropped into the NYISO's procedures and implemented without tailoring the requirements to the NYISO's demand response programs and its unique regional characteristics.

2. The Requested Waivers Do Not Remedy a Concrete Problem

NRG's request will also not remedy a concrete problem. NRG has not demonstrated that, absent the requested waivers, it cannot obtain meter data services under the NYISO's existing rules nor that its resources are unable to participate in the NYISO-administered markets.

RIPs are not required to disclose whether they use an MDSP or a Transmission Owner for their meter data services. However, the NYISO understands that the majority of RIPs use the Transmission Owners for their meter data services based on its experience in administering its demand response programs.¹³ According to the NYISO's records for the Summer 2018 Capability Period, twenty-four of the twenty-eight RIPs participating in the SCR program are not NYDPS-certified MDSPs. Moreover, even among the RIPs that use NYDPS-certified MDSPs, the NYISO believes a significant number use Transmission Owner meter data services for some or all of their resources.

NRG does not provide in its waiver request and complaint details concerning which parties currently provide it with meter data services, including whether and the extent to which it may currently obtain meter data services from Transmission Owners. NRG simply asserts that if it cannot provide meter data services itself, then "many" of its customers will not be able to participate in the NYISO-administered markets once its current MDSP can no longer do so, unless it

¹³ As part of the NYISO's verification process, it periodically requests RIPs to provide Transmission Owner/MDSP confirmation of resource meter data submitted to NYISO. It is the NYISO's experience that the majority of the RIPs use Transmission Owner meter data for its resources.

contracts with a third-party competitor to receive meter data service.¹⁴ NRG, however, has not provided a basis for concluding that those of its customers using its current MDSP or any customers that may be using a Transmission Owner cannot continue to do so, aside from a vague assertion of sometime in the future when its current MDSP provider “can no longer do so.”¹⁵

If NRG’s current MDSP were to stop providing meter data services, NRG could use a Transmission Owner to provide meter data services for those resources currently receiving service from its MDSP.¹⁶ With one exception, the New York Transmission Owners do not compete with the RIPs in the SCR program. NRG would also have the option, but not be required, to use one of the non-Transmission Owner NYDPS-certified MDSPs. Not all of these MDSPs are NRG’s competitors.

Finally, as described below, the NYISO currently has an initiative underway in its shared governance process that is examining potential enhancements to its metering requirements, including to the certification requirements for entities interested in providing meter data services. While stating that it “can wait no longer,”¹⁷ NRG has not provided a basis for the Commission to take action to preempt this ongoing stakeholder process or to enact unilaterally new metering requirements in New York.

3. The Requested Waivers Would Have Undesirable Consequences

NRG’s requested waivers were not limited to itself and could be read to apply to all RIPs/CSPs. As described above, the NYISO does not have tariff requirements or procedures in

¹⁴ NRG Complaint at p 8.

¹⁵ *Id.*

¹⁶ In its complaint, NRG asserts that the option of using the Transmission Owner to provide meter data services “presents significant challenges, and also creates an uneven playing field” and cites concerns with the cost and availability of the Transmission Owner services. NRG Complaint at pp 16-17. However, as described above, NRG has not provided details concerning whether and to what extent it may already be obtaining meter data services from Transmission Owners. In addition, as described below, the other RIPs, including NYDPS-certified MDSPs, use Transmission Owner meter data services for many, if not all, of their resources.

¹⁷ NRG Complaint at p. 17.

place that establish metering standards and related requirements for an alternative, self-certification meter data service process. The meter data for all Installed Capacity Suppliers – including traditional generators and demand side resources – must be read by a Transmission Owner or MDSP. In the absence of such requirements, the NYISO does not have a mechanism for ensuring that a RIP/CSP will satisfy acceptable metering standards or be subject to necessary oversight to ensure accurate meter data.

B. The Commission Should Deny the Complaint as its Meter Data Services Requirements Are Not Unjust or Unreasonable and Should Not Permit NRG to Bypass the Ongoing Stakeholder Process Examining Potential Enhancements

The Commission should deny NRG’s complaint. The NYISO’s existing meter data service requirements are not unjust or unreasonable.

The NYISO’s requirements provide RIPs with several avenues to obtain the meter data services required to participate in the NYISO-administered markets. As described above, RIPs may use a Transmission Owner for these services. This is currently how most RIPs, including RIPs that are NYDPS-certified MDSPs, obtain meter data services. Alternatively, RIPs may, but are not required to, use an NYDPS-certified third-party MDSP for these services. NRG has not demonstrated in its complaint that, if its current MDSP provider was to stop providing services, it would be unable to obtain meter data services or that its resources would be unable to participate in the NYISO-administered markets.

The NYISO understands NRG’s concerns that the NYDPS has twice rejected its application to be a certified MDSP and appears to have precluded additional RIPs from obtaining that certification moving forward.¹⁸ These determinations by the NYDPS do not make the

¹⁸ The NYISO disagrees with NRG’s characterization of its 2004 stakeholder proposal. At the time, the NYISO discussed removing the MDSP requirements for entities to submit meter data to the NYISO, so that demand response providers could submit the data themselves. However, the demand response providers were still required

NYISO's tariffs unjust or unreasonable or otherwise inadequate. While the NYISO's tariffs and procedures accommodate a RIP's or CSP's use of an NYDPS-certified MDSP as an alternative mechanism to provide meter data services, the NYDPS's denial of an entity's request to be an MDSP does not foreclose NRG or any other RIP/CSP from obtaining the meter data services required to participate in the NYISO-administered markets, including from entities that are not direct competitors with NRG. However, as the NYISO-administered markets are expected to expand to include participation by increasing numbers of demand side resources and distributed energy resources, the NYISO believes that the existing requirements for meter data services warrant a comprehensive review.

Accordingly, the NYISO is currently evaluating such enhancements to its metering requirements for demand side resources in connection with its initiative to more fully integrate the participation of Distributed Energy Resources ("DER") into its wholesale energy, ancillary services, and installed capacity markets. As part of this review, the NYISO is reviewing the existing certification requirements for meter data service providers and considering potential alternatives and enhancements to this process.

The NYISO initially outlined its process for integrating DERs in its *Distributed Energy Resources Roadmap for New York's Wholesale Electricity Markets* ("DER Roadmap"), which it issued in February 2017.¹⁹ As part of that DER Roadmap, the NYISO identified enhancements to resource performance measurement and verification methodologies as one of its key

to have a NYDPS-certified MDSP read its meters. *See Status of NYISO Demand Response Programs* Presentation, Price Responsive Load Working Group, Slide 16 (February 9, 2004) ("Remove the requirement that PSC-certified MSP/MDSPs submit meter data. DRPs must identify TO/MDSP supplying data, and the NYISO would retain ability to audit meter data."); *available at*: http://www.nyiso.com/public/webdocs/markets_operations/committees/bic_prlwg/meeting_materials/2004-02-09/prlwg_update_02092004.pdf.

¹⁹ New York Indep. Sys. Operator, Inc., *Distributed Energy Resources Roadmap for New York's Wholesale Electricity Markets* (Feb. 2017) ("DER Roadmap"), *available at*: http://www.nyiso.com/public/webdocs/markets_operations/market_data/demand_response/DER_Roadmap/Distributed_Energy_Resources_Roadmap.pdf.

objectives. The NYISO identified as a primary goal within that objective addressing metering requirements, including its meter data service provider requirements. The NYISO proceeded to have discussions with stakeholders in its Market Issues Working Group concerning the meter data service provider requirements²⁰ and, in August 2017, engaged a consultant to develop a report summarizing the meter and meter data requirements of other ISO/RTOs and making recommendations for potential enhancements to the NYISO's process.²¹

Based on the DER Roadmap and discussions with its stakeholders, the NYISO subsequently developed its *Distributed Energy Resources Market Design Concept Proposal*, which it issued in December 2017 ("DER Market Design Proposal").²² The DER Market Design Proposal establishes the framework for the NYISO's development of rules for DER integration, including, among other things, enhancements to its metering requirements. In accordance with the DER Market Design Proposal, the NYISO is currently evaluating potential revisions to its metering requirements based on its consultant's analysis and stakeholder input. The NYISO will share the results of this analysis with stakeholders in the third quarter of 2018 and anticipates working with stakeholders to develop a final proposal, including identifying applicable revisions

²⁰ See, e.g., *DER Measurement & Verification, Monitoring & Control, and Meter Data Study* Presentation, Market Issues Working Group (May 23, 2017), available at: [http://www.nyiso.com/public/webdocs/markets_operations/committees/bic_miwg/meeting_materials/2017-05-23/Distributed%20Energy%20Resource%20MV%20MIWG%20052317%20\(2\).pdf](http://www.nyiso.com/public/webdocs/markets_operations/committees/bic_miwg/meeting_materials/2017-05-23/Distributed%20Energy%20Resource%20MV%20MIWG%20052317%20(2).pdf); *DER Meter Data Study Presentation*, Market Issues Working Group (September 29, 2017), available at: http://www.nyiso.com/public/webdocs/markets_operations/committees/bic_miwg/meeting_materials/2017-09-29/5%20DER%20Meter%20Data%20Study.pdf; *NYISO Meter Data Study: Initial Findings Presentation*, Market Issues Working Group (October 30, 2017); available at: http://www.nyiso.com/public/webdocs/markets_operations/committees/bic_miwg/meeting_materials/2017-10-30/Meter%20Data%20Study%20Initial%20Findings%20-%20E-Cubed%20Policy%20Associates.pdf; *NYISO Meter Data Study: Final Report* Presentation, Market Issues Working Group (December 13, 2017), available at: http://www.nyiso.com/public/webdocs/markets_operations/committees/bic_miwg/meeting_materials/2017-12-13/NYISO%20Meter%20Data%20Study%20Final%20Report%2020171213%20MIWG.pdf.

²¹ See NYISO Meter Data Study Final Report-December 8, 2017, available at: http://www.nyiso.com/public/webdocs/markets_operations/committees/bic_miwg/meeting_materials/2017-12-13/NYISO%20Meter%20Data%20Study%20Report.pdf.

²² New York Indep. Sys. Operator, Inc., *Distributed Energy Resources Market Design Concept Proposal* (Dec. 2017) ("DER Market Design Proposal"), available at:

http://www.nyiso.com/public/webdocs/markets_operations/market_data/demand_response/DER_Roadmap/DER_Roadmap/Distributed-Energy-Resources-2017-Market-Design-Concept-Proposal.pdf.

to its tariffs, by the end of this year. Corresponding revisions to the NYISO’s manuals and other procedures would follow. The NYISO plans to implement the new requirements as part of the implementation of its Dispatchable DER participation model, which is currently scheduled for 2021.²³

Notwithstanding this ongoing initiative, NRG unilaterally requests that the Commission require the NYISO to enact a self-certification process for meter data service providers. The Commission should reject this attempt to bypass the NYISO’s stakeholder process on this matter. The Commission has repeatedly discouraged attempts to usurp ISO/RTO governance processes by proposing tariff changes that have not had the benefit of stakeholder vetting.²⁴ It does so because it recognizes that stakeholder discussions can help to improve the quality of tariff filings, better balance the interests of the various sectors impacted by proposed changes, and reduce the number and severity of disputed issues.²⁵ While interested parties may ask that tariff

²³ Due to the NYISO’s ongoing work with New York’s utilities to coordinate dual participation (*i.e.*, participation in both the NYISO-administered wholesale markets and retail markets), the NYISO has moved the proposed implementation date to align the new meter service rules with the rest of the DER Roadmap initiatives.

²⁴ *See, e.g., ISO New England Inc.*, 130 FERC ¶ 61,145, at P 34 (2010) (“we encourage parties to participate in the stakeholder process if they seek to change the market rules...”); *ISO New England Inc.*, 125 FERC ¶ 61,154 at P 39 (2008) (directing that unresolved issues be addressed through the stakeholder process); *ISO New England*, 128 FERC ¶ 61,266 at P 55 (2009) (declining to grant a party’s specific request for relief because the Commission “will not ... circumvent that stakeholder process”); *New York Independent System Operator, Inc., New York Transmission Owners*, 126 FERC ¶ 61,046, at PP 53-54 (2009) (directing that a proposal be “presented to and discussed among ... stakeholders and filed as a section 205 proposal, not unilaterally presented to the Commission”); *New England Power Pool*, 107 FERC ¶ 61,135 at PP 20, 24 (2004) (declining to accept changes proposed for the first time in a FERC proceeding by an entity that participated in the stakeholder process because the “suggested revisions have not been vetted through the stakeholder process and could impact various participants”).

²⁵ *See, e.g., California Independent System Operator, Inc.*, 143 FERC ¶ 61,087 at P 73 (2013) (directing the development of a “long-term solution through the stakeholder process” because it will allow the ISO “and the market participants to thoroughly evaluate the benefits and costs of various alternatives, and development the most efficient long-term solution”); *ISO New England Inc.*, 130 FERC ¶ 61,145 at P 34 (2010) (refusing to address stakeholder concerns that were the subject of ongoing stakeholder process and encouraging “parties to participate in the stakeholder process if they seek to change the market rules”); *Consolidated Edison Company of New York, Inc.*, 95 FERC ¶ 61,216 at 61,719 (“First, ConEd circumvented the NYISO stakeholder process by unilaterally filing revisions to the in-City mitigation measures. ConEd’s failure to use the NYISO stakeholder process has resulted in vigorous opposition to its proposal. We strongly encourage market participants to use the stakeholder process, especially in this type of situation, *i.e.*, where a market participant seeks to modify market measures that impact all market participants”).

changes be imposed under FPA Section 206, the Commission has been clear that such filings are disfavored when the NYISO stakeholder process has not been exhausted.²⁶

In this instance, there are numerous complex matters concerning the metering requirements for demand side resources and distributed energy resources that must be carefully and fully evaluated and vetted by the NYISO and its stakeholders. Other ISO/RTOs have adopted different approaches concerning the certification and oversight of third-party meter data service providers that are carefully tailored to their regions. The NYISO should have the opportunity to work with its stakeholders to examine its existing meter data service requirements and to determine what, if any, revisions are appropriate to address these matters in New York. NRG has neither demonstrated that the NYISO's existing tariff requirements are unjust and unreasonable nor that urgent Commission action is warranted to preempt and displace the NYISO's ongoing stakeholder process.

III. COMMUNICATIONS

Communications regarding this pleading should be addressed to:²⁷

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²⁶ See, e.g., *Niagara Mohawk Power Corp. v. New York State Reliability Council and New York Independent System Operator, Inc.*, 114 FERC ¶ 61,098 at P 1 (2006) (“For the reasons described below, we will exercise our discretion and require that National Grid first exhaust its methods of resolving this dispute within Reliability Council and NYISO before filing a complaint with the Commission. Thus, we will dismiss the Complaint, without prejudice”).

²⁷ The NYISO respectfully requests waiver of the Commission's regulations (18 C.F.R. §385.203(b)(3) (2014)) to the extent necessary to permit service on counsel for the NYISO in both Richmond and Washington, D.C.

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IV. COMPLIANCE WITH RULES 213(c)(2) and (c)(4)

Attachment 1 to this Answer addresses the formal requirements of Commission Rules 213(c)(2) and (c)(4).

V. SUPPORTING ATTACHMENTS

The NYISO attaches the following documents in support of this answer:

- Attachment 1- Compliance with Commission Rules 213(c)(2) and (c)(4)

VI. CONCLUSION

WHEREFORE, the New York Independent System Operator, Inc. respectfully requests that the Commission deny the waiver request and complaint for the reasons described above.

Respectfully submitted,

/s/ Michael Messonnier

Counsel for
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August 13, 2018

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