

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

<b>Central Hudson Gas &amp; Electric Corp.,</b>	)	
<b>Consolidated Edison Company of New York, Inc.,</b>	)	
<b>Niagara Mohawk Power Corp. d/b/a National Grid,</b>	)	
<b>New York State Electric &amp; Gas Corp.,</b>	)	
<b>Orange &amp; Rockland Utilities, Inc., and</b>	)	<b>Docket No. EL21-66-000</b>
<b>Rochester Gas and Electric Corp.,</b>	)	
	)	
<b>Complainants</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>New York Independent System Operator, Inc.,</b>	)	
	)	
<b>Respondent</b>	)	

**ANSWER OF THE NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.**

Pursuant to Rule 213 of the Commission’s Rules of Practice and Procedure,<sup>1</sup> the New York Independent System Operator, Inc. (“NYISO”) respectfully submits this answer (“Answer”) to the April 13, 2021 Complaint (“Complaint”)<sup>2</sup> filed against the NYISO in the above-captioned docket by Central Hudson Gas & Electric Corp., Consolidated Edison Company of New York, Inc., Niagara Mohawk Power Corp. d/b/a National Grid, New York State Electric & Gas Corporation, Orange & Rockland Utilities, Inc., and Rochester Gas and Electric Corporation (collectively “Complainants”).<sup>3</sup>

---

<sup>1</sup> 18 C.F.R. § 385.213 (2020).

<sup>2</sup> *Central Hudson Gas & Elec. Corp., et al., v. New York Indep. Sys. Operator, Inc.*, Complaint Requesting Fast Track Processing of Central Hudson Gas & Electric Corp., Consolidated Edison Company of New York, Inc., Niagara Mohawk Power Corp. d/b/a National Grid, New York State Electric & Gas Corporation, Orange & Rockland Utilities, Inc., and Rochester Gas and Electric Corporation, Docket No. EL21-66-000 (April 13, 2021) (“Complaint”).

<sup>3</sup> Capitalized terms that are not otherwise defined in this filing letter shall have the meaning specified in Attachments P, S, X, or Z of the NYISO Open Access Transmission Tariff (“OATT”), and if not defined therein, in the NYISO Market Administration and Control Area Services Tariff (“Services Tariff”).

Complainants argue that the NYISO's Tariffs are unjust and unreasonable because they do not permit a Transmission Owner to fund the cost of System Upgrade Facilities or System Deliverability Upgrades (collectively "Upgrades") identified for projects in a Class Year Study and to earn a reasonable return on those assets that it will be required to own, operate, and maintain. As described below, the current funding approach for Upgrades is a long-established, fundamental component of the NYISO's interconnection procedures, which is intertwined with other portions of the NYISO's Tariffs. Absent a Commission determination that the *Ameren* decision<sup>4</sup> or other recent precedents require that this funding mechanism change, the NYISO's currently effective tariff remains just and reasonable, and the Complaint should be denied. The NYISO takes no position at this time on the question of whether *Ameren* or other rulings require such a change to its established funding mechanism.

Complainants have near-contemporaneously submitted in Docket No. ER21-1647-000 revisions to Section 25.5.4 of Attachment S to the NYISO's Open Access Transmission Tariff ("OATT") pursuant to Section 205 of the Federal Power Act ("Section 205 Filing").<sup>5</sup> The proposed tariff revisions seek to permit a Transmission Owner to elect to initially fund the cost of Upgrades that are identified for a Class Year Project proceeding through a Class Year Study.<sup>6</sup>

As discussed below, if the Commission grants the Complaint, the NYISO requests that the Commission direct it to include additional tariff revisions in its compliance filing that will be necessary to reflect, conform to, or implement the funding approach proposed by the Complaint.

---

<sup>4</sup> *Ameren Serv. Co. v. FERC*, 880 F.3d 571 (D.C. Cir. 2018) ("*Ameren*").

<sup>5</sup> *New York Indep. Sys. Operator, Inc.*, Amendment to NYISO OATT Adopting TO Funding Mechanism, Docket No. ER21-1674-000 (April 9, 2021) ("Section 205 Filing").

<sup>6</sup> In that proposal, the proposed language establishing the revised Upgrade funding approach would not in-and-of-itself apply to Small Generators that are only assigned local System Upgrade Facilities and, therefore, processed through Small Generator Interconnection Procedures and not through a Class Year Study. *See* Section 205 Filing at pp 13-14. Additionally, the funding approach with the addition of the language in Attachment S would not apply to Transmission Projects under the Transmission Interconnection Procedures under Attachment P. *See id.*

Such additional tariff revisions would be necessary to ensure there are no inconsistencies or uncertainties within the NYISO's Tariffs concerning the application of the Upgrade funding rules, which could result in delays in the interconnection procedures (including the ongoing Class Year 2021 Study) and/or disputes.

The NYISO also requests that the Commission afford no less than 120 days—not 90 days as proposed by the Complaint—to make its compliance filing. Allowing at least 120 days would provide the NYISO with sufficient time and flexibility to review its Tariffs, confirm what changes are necessary, and develop, with stakeholders' input, the additional revisions to its Tariffs required to fully accommodate the Complainants' proposed Upgrade funding approach.

## **I. BACKGROUND**

### **A. NYISO's Current Upgrade Funding Methodology**

The NYISO's existing approach under which Developers are responsible for funding Upgrades was established in 2001 as part of the NYISO's original cost allocation procedures to allocate the responsibility for the costs of interconnection facilities required for new generation and merchant transmission projects. Under this approach, the Developer of a proposed facility is allocated the "but for" costs of upgrades necessary to interconnect its proposed project. The Developer is responsible for obtaining funding or entering into financial arrangements necessary for the cost of Upgrades, as well as for posting Security for the estimated amount of the Upgrades in accordance with the provisions under Attachment S to the OATT. The Developer either pays the cost of constructing the Upgrades to the Transmission Owner as those costs are incurred or exercises the Developer's option to build the Upgrades pursuant to the terms and conditions of the *pro forma* interconnection agreements. Once the Upgrades are completed, the applicable Transmission Owner will own the Upgrades and is not required to compensate the

Developer for the construction costs. Under certain specific circumstances, a Developer is allowed to receive well-defined, long-term capacity rights (as opposed to transmission credits) that are created by the Upgrades.

In response to Order No. 2003,<sup>7</sup> the NYISO and the New York Transmission Owners, in a joint filing, proposed to retain the approach in the NYISO's Tariffs for the "but for" cost allocation of, and the funding of, Upgrades in the revised interconnection procedures.<sup>8</sup> The Commission accepted the NYISO's cost allocation procedures as compliant with the directives of Order No. 2003.<sup>9</sup> The NYISO has developed its Large Facility Interconnection Procedures ("LFIP"), its Small Generator Interconnection Procedures ("SGIP"), and its Transmission Interconnection Procedures ("TIP") in line with this funding approach for Upgrades.<sup>10</sup>

## **B. Complainants' Initiative in NYISO Stakeholder Process**

Complainants recently raised concerns in the NYISO's stakeholder process regarding the existing funding approach in Attachment S to the OATT as it relates to their ability to earn a rate of return on Upgrades for which they bear ownership, operational, and maintenance responsibilities. They presented a proposed "TO Funding Mechanism" to NYISO stakeholders

---

<sup>7</sup> *Standardization of Generator Interconnection Agreements and Procedures*, Order No. 2003, FERC Stats. & Regs. 31,146 (2003), *order on reh'g*, Order No. 2003-A, FERC Stats. & Regs. 31,160 (2004), *order on reh'g*, Order No. 2003-B, FERC Stats. & Regs. 31,171 (2004), *order on reh'g*, Order No. 2003-C, FERC Stats. & Regs. 31,190 (2005), *affirmed sub nom. Nat'l Ass'n of Regulatory Util. Com'rs v. FERC*, 475 F.3d 1277 (D.C. Cir. 2007) ("Order No. 2003").

<sup>8</sup> *See New York Indep. Sys. Operator, Inc.*, Compliance Filing, Docket No. ER04-449-000 at pp 7-8 (Jan. 20, 2004). Order No. 2003 required Transmission Providers to include the Commission's interconnection crediting policy, but allowed Transmission Providers, which are independent entities flexibility in adopting their interconnection pricing policy, subject to Commission approval. *See* Order No. 2003 at PP 676, 698, 720. In their Order No. 2003 joint compliance filing, the NYISO and the New York Transmission Owners did not adopt the language in Articles 11.3 or 11.4 of the Commission's *pro forma* Large Generator Interconnection Agreement that provides the Commission's crediting policy and the option for a Transmission Provider or Transmission Owner to elect to fund upgrades. *New York Indep. Sys. Operator, Inc.*, Compliance Filing, Docket No. ER04-449-000 at Appendix IV.

<sup>9</sup> *See New York Indep. Sys. Operator, Inc.*, 108 FERC ¶ 61,159 at PP 57-59 (2004).

<sup>10</sup> The LFIP, SGIP, and TIP are located in Attachments X and S, Z, and P, respectively, of the OATT. In the TIP, the upgrades necessary to reliability interconnect a Transmission Project, which are analogous to System Upgrade Facilities in the LFIP and SGIP, are referred to as "Network Upgrade Facilities."

for informational purposes on February 23, March 1, and March 18 of this year. Their approach in this proceeding appears to be consistent with the approach that they proposed in their stakeholder presentations.

## **II. ARGUMENTS**

### **A. Unless the Commission Concludes that *Ameren* or Other Precedent Requires Tariff Changes Regarding the Funding of Upgrades, the Existing Funding Approach Remains Just and Reasonable**

As an independent not-for-profit entity, the NYISO has not generally become involved in proceedings that concern Transmission Owners' rates or revenues.<sup>11</sup> The NYISO is not taking a position on the question of whether the *Ameren* decision or other precedent compels the adoption of a different funding approach for Upgrades than the one currently included in the NYISO's OATT.

The Commission has accepted the NYISO's interconnection procedures, including its current funding approach for Upgrades, as just and reasonable and as compliant with Order No. 2003. Absent a Commission determination that the authority identified by the Complainants requires the NYISO's Tariffs to permit a Transmission Owner to elect to fund Upgrades identified in NYISO's interconnection procedures, the Complaint fails to demonstrate that the NYISO's Tariffs are unjust and unreasonable.

---

<sup>11</sup> Consequently, the Commission should not treat the NYISO's decision not to respond to various assertions and allegations as a failure to answer for purposes of Rule 213(e) that could result in factual assertions advanced by the Complaint being deemed to be admitted. The NYISO expects that other parties that have an interest in the rate and revenue implications of the Complaint will address these issues. The NYISO does have an interest in the integrity, fairness, and efficiency of its interconnection procedures and, accordingly, is requesting a compliance directive in this Answer that will permit it to make any necessary revisions to its Tariffs to reflect, conform to, or implement any modifications to the Upgrade funding mechanism accepted by the Commission in the proceeding or in Docket No. ER21-1647.

**B. If the Commission Grants the Complaint, the Commission Should Direct the NYISO to Include Additional Tariff Revisions Necessary to Reflect, Conform to, or Implement the Revised Funding Approach Sought by the Complaint in a NYISO Compliance Filing**

If the Commission grants this Complaint, the NYISO requests that the Commission direct the NYISO to include additional tariff revisions in its compliance filing that will be necessary to reflect, conform to, or implement the modifications proposed by the Complaint. The current funding approach for Upgrades is a long-established, fundamental component of the NYISO's interconnection procedures, which is intertwined with other portions of the NYISO's Tariffs. Tariff revisions are necessary to ensure there are no inconsistencies or uncertainties within the NYISO's Tariffs concerning the application of the Upgrade funding mechanism. Without such tariff revisions, there could be delays and/or disputes in the interconnection procedures, including with regard to the ongoing Class Year 2021 Study.

Complainants have identified a good starting point in their description of potential implementation changes that may be required based on their review of the NYISO Tariffs and the experiences of other regions. However, the NYISO, together with its stakeholders, will have to perform a detailed assessment of its interconnection procedures to appropriately determine what tariff revisions are required to fully address a modified Upgrade funding approach on a holistic basis across its interconnection procedures.

Complainants point to the funding requirements and agreements adopted by the Midcontinent Independent System Operator, Inc. ("MISO") and accepted by the Commission as a guidepost for the NYISO. While such requirements may provide helpful guidance, they cannot be directly transplanted into the NYISO's interconnection procedures. The MISO requirements were developed over a period of time among the stakeholders in the MISO region and through numerous proceedings at the Commission within the context of the specific MISO

interconnection procedures.<sup>12</sup> The Commission should act consistent with Order No. 2003 and Order No. 845 and provide the NYISO with the flexibility to address this matter in the context of its unique interconnection procedures without requiring the NYISO to adopt specific practices that the Commission has accepted in other regions.<sup>13</sup>

As noted in the Complaint, the Complainants solicited preliminary feedback from the NYISO concerning potential implementation changes. Consistent with its feedback, the NYISO provides initial thoughts below concerning Complainants' proposed implementation tariff revisions. While the NYISO may conclude, following a comprehensive review, that many of Complainants' proposed implementing changes are reasonable, the NYISO should be allowed to fully investigate and consider, with stakeholder input, the tariff revisions that are required to implement the proposed alternative Upgrade funding approach.

1. Revisions to Adopt a *Pro Forma* Financing Agreement Between the Developer and the Applicable Transmission Owner

If the Commission accepts or directs the adoption of the proposed Upgrade funding mechanism, the NYISO agrees with Complainants that the adoption of a *pro forma* financing agreement between the Developer and the applicable Transmission Owner would provide

---

<sup>12</sup> See *Midcontinent Indep. Sys. Operator, Inc.*, Tariff Filing of Proposed *Pro Forma* Facilities Service Agreement and Related Tariff Revisions, Docket No. ER20-359-000, at pp 4-5 (Nov. 12, 2019) (detailing that the discussions relating to a *pro forma* facilities service agreement began in May 2019 and the agreement was not filed with the Commission until November 12, 2019); *Midcontinent Indep. Sys. Operator, Inc.*, Amendment to Tariff Filing, Docket No. ER20-359-001 (Nov. 14, 2019) (filing an amendment to incorporate template text into the proposed *pro forma* facilities service agreement); *Midcontinent Indep. Sys. Operator, Inc.*, Filing to Submit Additional Information, Docket No. ER20-359-001 (Jan. 21, 2020); see also *Midcontinent Indep. Sys. Operator, Inc.*, 171 FERC ¶ 61,075 at PP 2, 16 (2020) (accepting the *pro forma* facilities service agreement and noting that “[t]he details for repayment of the cost of network upgrades through the network upgrade charge are memorialized in an FSA, which to date has been a contract negotiated between the parties and individually filed at the Commission”).

<sup>13</sup> See Order No. 2003 at P 26 (granting “more flexibility to customize an LGIP and LGIA to meet [an independent Transmission Providers] needs” due to their independent status as well as existing regional practice, which applies to both term and conditions as well as pricing); see also *Reform of Generator Interconnection Procedures and Agreements*, Order No. 845, 163 FERC ¶ 61,043 at PP 42, 556 (2018), *order on reh’g*, Order No. 845-A, 166 FERC ¶ 61,137 at PP 140-141 (2019) (allowing independent transmission providers to argue that they qualify for an independent entity variation on compliance).

efficiencies and should be considered. However, the precise form and substance of any *pro forma* agreement, along with alternative approaches, should be discussed with stakeholders. While MISO's *pro forma* Facilities Services Agreement provides a reasonable starting point, the agreement was the product of a Section 205 filing based on consensus among MISO stakeholders for application in MISO's interconnection procedures. Discussions with NYISO stakeholders will further inform the development of any *pro forma* financing agreement that will work in concert with the specific circumstances of the NYISO's interconnection procedures and *pro forma* interconnection agreements.

2. Revisions to the Large Generator Interconnection Agreement and Small Generator Interconnection Agreement

Similarly, the NYISO agrees that it is reasonable and necessary to consider revisions to the NYISO's *pro forma* Standard Large Generator Interconnection Agreement ("LGIA") and *pro forma* Small Generator Interconnection Agreement ("SGIA") to align the requirements in the agreements with any modifications to the Upgrade funding rules in the Tariffs and any related *pro forma* financing agreement. This may include, for example, modifications to the invoicing provisions in the LGIA and SGIA. However, such revisions should be specific to the NYISO's Tariff requirements and *pro forma* agreements, regardless of what modifications were adopted in other regions. In addition, certain identified implementation revisions should be further considered (*e.g.*, inclusion of a cross-default provision), and the Commission should not pre-determine that specific revisions to the terms of the LGIA or SGIA be required in a compliance directive.



3. Revisions to Clarify the Application of Existing Security Requirements with the Proposed Security Requirements

The NYISO agrees that it is necessary to consider changes to the current Security posting rules in the event modifications are made to the Upgrade funding mechanism. As the Complainants note, the NYISO's current rules require a Developer that has accepted its cost allocation from a Class Year to post Security with the applicable Transmission Owner until construction of the Upgrade is completed or as significant portions are completed.<sup>14</sup> The Complainants propose that, as part of a financing arrangement, the Developer would continue its security requirement with the Transmission Owner for the full amount of the Upgrade but the security would be reduced as payments are made for the term of the financing agreement.<sup>15</sup> The NYISO believes that further consideration concerning specific changes to the Security requirements is required, including the role of Security provided in connection with any *pro forma* financing agreement, to ensure that any modifications to the Security rules work in concert with the purpose and application of the Security requirements for the Class Year process.

4. Revisions to Align the Provisions of Attachment H to the NYISO's Services Tariff to Specify Whether a Financing Agreement Between the Developer and the Transmission Owner Would Constitute a "Non-Qualifying Contractual Relationship"

The NYISO also agrees that it is reasonable to address whether a financing agreement between a Developer and the Transmission Owner for the funding for Upgrades would constitute

---

<sup>14</sup> See, e.g., OATT § 25.8.2 (requiring the posting of Security); OATT § 25.8.5 (providing for Security for System Upgrade Facilities constructed by the Developer to be reduced after discrete portions of the System Upgrade Facilities have been completed, such reductions to be based on cost estimates from the Class Year Study); OATT § 25.8.5 (providing that for System Upgrade Facilities constructed by the Connecting Transmission Owner or Affected Transmission Owner, Security shall be reduced after discrete portions of the System Upgrade Facilities have been completed by the Transmission Owner and paid for by the Developer, on a dollar-for-dollar basis for payments made to the Connecting Transmission Owner or Affected Transmission Owner pursuant to an E&P Agreement or Interconnection Agreement, subject to the Connecting Transmission Owner's or Affected Transmission Owner's review and approval).

<sup>15</sup> Complaint at p 34.

a “Non-Qualifying Contractual Relationship” for purposes of the NYISO’s Competitive Entry Exemption under its existing “buyer-side” capacity market power mitigation measures under Attachment H of the Services Tariff. As the NYISO assesses this revision with stakeholders, the NYISO intends to seek input from its independent Market Monitoring Unit.

5. Other Unidentified Conforming Revisions Necessary to Implement a New Upgrade Funding Mechanism

There are a number of differences across the separate NYISO interconnection procedures. In addition, the interconnection processes are intertwined with each other and other processes and requirements throughout the NYISO Tariffs. For these reasons, the NYISO must carefully review with its stakeholders the need for tariff revisions and clarifications in addition to those flagged by Complainants to ensure that any modifications to the Upgrade funding mechanism can be seamlessly incorporated.

**C. If the Commission Requires the Inclusion of a Revised Upgrade Funding Methodology, the Commission Should Clarify Whether the Same Funding Approach Would Apply to Small Generators Outside of the Class Year Process and/or Transmission Projects Studied under the TIP**

The Complainants’ proposed Upgrade funding approach, as described in their proposed tariff language,<sup>16</sup> appears to apply only to Large Generating Facilities being processed under the LFIP and a subset of Small Generating Facilities that are required to undergo a Class Year Study.<sup>17</sup> However, the modified funding approach proposed in the Complaint is not clearly intended to apply to the funding of Upgrades for transmission projects studied under the LFIP (*i.e.*, Class Year Transmission Projects), Upgrades for Small Generating Facilities that are not required to go through the Class Year process for Energy Resource Interconnection Service and

---

<sup>16</sup> Complaint at pp 35-26 (providing proposed revisions to Section 25.5.4 of Attachment S, which constitutes the “Core Amendment” for the proposed funding approach).

<sup>17</sup> See generally, OATT § 30.1 (defining a “Large Facility” as either a Large Generating Facility or a Class Year Transmission Project); OATT § 32.3.5.3.2.

are studied in the SGIP in Attachment Z to the OATT,<sup>18</sup> or Network Upgrade Facilities for Transmission Projects studied under the TIP in Attachment P to the OATT.

As a result, Complainants' proposal would, without additional changes, result in different funding approaches for similar upgrades identified in the NYISO's separate interconnection procedures or identified for different facilities. The Commission should clarify in any compliance directive whether the Upgrade funding approach proposed by Complainants should also apply to all upgrades identified in the NYISO's interconnection procedures, including upgrades for all Large Facilities, including Class Year Transmission Projects. This would require, among other things, identifying appropriate rules for the TIP and SGIP for a Transmission Owner to elect to initially fund an upgrade identified in connection with a Transmission Project or a Small Generating Facility that does not participate in the Class Year process. Such clarification would avoid uncertainties concerning the funding of upgrades across the separate interconnection processes.

**D. The NYISO Requests a Minimum of 120 Days to Make a Compliance Filing to Obtain Sufficient Feedback from Stakeholders in Incorporating a Revised Upgrade Funding Methodology**

Complainants request that the Commission take action on the Complaint with an effective date of June 9, 2021 and afford 90 days to the NYISO to file a compliance filing. Complainants further request that if the Commission acts later than June 9, 2021, then the Commission should shorten the compliance period for the NYISO to 60 days. The Complainants emphasize the importance of having these rules in place prior to the Initial Decision Period for the ongoing Class Year 2021 Study. However, the Complaint does not justify the proposed amount of time to make a compliance filing, particularly in light of both the work required to develop and vet the

---

<sup>18</sup> See generally, OATT § 32.3.5.3.2.

tariff revisions and the recently published timeline for Class Year 2021. The NYISO respectfully requests a minimum of 120 days to submit revisions to comply with any compliance directive issued based on this Complaint.

On April 7, 2021, the NYISO presented an anticipated timeline for Class Year 2021 Study at a meeting of its Transmission Planning Advisory Subcommittee (“TPAS”). In that presentation, which is included as Attachment A to this Answer, the NYISO advised that the targeted start of the Initial Decision Period would be approximately March 2022, which occurs after the presentation of the Class Year 2021 report to TPAS and the NYISO’s Operating Committee in accordance with the provisions of Attachment S to the OATT. Accordingly, there is sufficient time to enable the NYISO to carefully develop with its stakeholders and file with the Commission any proposed tariff revisions over at least a 120-day period while still applying such revisions to Class Year 2021.

The NYISO will require sufficient time to develop and discuss with stakeholders significant changes to the existing Upgrade funding mechanism that has been as part of its Tariff for nearly 20 years. The NYISO will have to carefully review and address interrelated changes within its Tariffs that need to occur to allow Transmission Owners the ability to initially fund Upgrades to receive a rate of return on those facilities. Moreover, MISO’s experience in developing a *pro forma* Facilities Service Agreement was based on years of preparing and filing individual agreements, and the revisions to its tariff to include a *pro forma* agreement occurred over multiple filings and amendments.<sup>19</sup> A period of less than 120 days fails to recognize the complexity in incorporating a revised Upgrade funding mechanism, as well as developing any *pro forma* financing agreement that Developers will be required to execute if a Transmission

---

<sup>19</sup> See footnote 12, *supra*.

Owner elects to fund upgrade facilities. Moreover, the broader the consensus that can be reached in developing the tariff revisions and *pro forma* agreement, the less likely Developers and Transmission Owners will disagree over the terms or initiate disputes at the Commission, thus reducing the potential for delays or additional processes affecting the efficient processing of Interconnection Requests through the NYISO's interconnection queue.

### **III. COMMUNICATIONS AND CORRESPONDENCE**

Communications in this proceeding should be directed to:

Robert E. Fernandez, Executive Vice  
President & General Counsel  
Karen Georgenson Gach, Deputy General  
Counsel  
Raymond B. Stalter, Director, Regulatory  
Affairs

\*Sara B. Keegan, Senior Attorney  
\*Brian R. Hodgdon, Senior Attorney  
New York Independent System Operator, Inc.  
10 Krey Boulevard  
Rensselaer, NY 12144  
Tel: (518) 356-6000  
Fax: (518) 356-4702  
[skeegan@nyiso.com](mailto:skeegan@nyiso.com)  
[bhodgdon@nyiso.com](mailto:bhodgdon@nyiso.com)

\*Ted J. Murphy  
Hunton Andrews Kurth LLP  
2200 Pennsylvania Avenue, NW  
Washington, D.C. 20037  
Tel: (202) 955-1500  
Fax: (202) 778-2201  
[tmurphy@hunton.com](mailto:tmurphy@hunton.com)

\*Michael J. Messonier Jr.  
Hunton Andrews Kurth LLP  
951 East Byrd Street  
Richmond, VA 23219  
Tel: (804) 788-8200  
Fax: (804) 344-7999  
[mmessonier@hunton.com](mailto:mmessonier@hunton.com)

\*Designated to receive service.<sup>20</sup>

### **IV. LIST OF DOCUMENTS SUBMITTED WITH THIS ANSWER**

- NYISO Presentation to April 7, 2021 TPAS, entitled "Anticipated CY21 Timeline as of April 2021" (Attachment A).

---

<sup>20</sup> The NYISO respectfully requests waiver of 18 C.F.R. § 385.203(b)(3) (2019) to permit service on counsel in both Washington, D.C. and Richmond, VA.

## V. CONCLUSION

For the reasons set forth above, if the Commission concludes that changes to the existing approach for funding Upgrades in the NYISO's Tariffs are not legally required by the *Ameren* decision or other recent precedents, the Complaint should be denied. If the Commission grants the Complaint, the NYISO requests that the Commission direct it to include additional revisions to its Tariffs in its compliance filing that will be necessary to reflect, conform to, or implement, the modifications proposed by the Complaint. The NYISO requests a minimum of 120 days to submit a compliance filing.

Respectfully Submitted,

/s/ Brian R. Hodgdon

Sara B. Keegan, Senior Attorney  
Brian R. Hodgdon, Senior Attorney  
New York Independent System Operator, Inc.

May 7, 2021

cc: Janel Burdick  
Matthew Christiansen  
Jignasa Gadani  
Jette Gebhart  
Leanne Khammal  
Kurt Longo  
John C. Miller  
David Morenoff  
Douglas Roe  
Frank Swigonski  
Eric Vandenberg  
Gary Will

## Attachment A

**Anticipated CY21 Timeline as of April 2021**

<b>Studies</b>	<b>Analysis</b>	<b>Start Date</b>	<b>Anticipated Completion Date</b>
	<b>Class Year 2021 Start</b>	<b>March 2021</b>	<b>N/A</b>
	<b>Processing of CY Study Agreements</b>	<b>March 2021</b>	<b>April 2021</b>
	<b>ATBA Case Development</b>	<b>April 2021</b>	<b>June 2021</b>
<b>MIS</b>	<b>Part 1 Design studies (Local SUF)</b>	<b>April 2021</b>	<b>January 2022</b>
	<b>Part 2 SUF Identification (Non-Local SUF)</b> <ul style="list-style-type: none"> <li>• ATRA Case Development</li> <li>• Contingency Analysis</li> <li>• Short Circuit Analysis</li> <li>• Transfer Analysis</li> <li>• NPCC A-10 Test</li> <li>• Transmission Owner Bus Flow Analysis</li> </ul>	<b>June 2021</b>	<b>December 2021</b>
	<b>Part 2 SUF Design studies (Cost Estimates for Non-Local SUF)</b>	<b>September 2021</b>	<b>January 2022</b>
<b>DIS</b>	<b>ATRA-D Case Development</b>	<b>June 2021</b>	<b>August 2021</b>
	<b>Deliverability assessment</b>	<b>July 2021</b>	<b>September 2021</b>
	<b>SDU identification (whether Deliverability analysis indicates the need for SDUs that would require New Additional SDU Studies)</b>	<b>October 2021</b>	<b>November 2021</b>



Class Year-EDS Status

<b>Studies</b>	<b>Analysis</b>	<b>Start Date</b>	<b>Anticipated Completion Date</b>
	<b>Preliminary Deliverability Analysis Presentation to TPAS/OC</b>	<b>December 2021</b>	<b>January 2022</b>
	<b>Class Year 2021 Presentation to TPAS/OC</b>	<b>March 2022</b>	<b>April 2022</b>

## **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding in accordance with the requirements of Rule 2010 of the Rules of Practice and Procedure, 18 C.F.R. §385.2010.

Dated at Rensselaer, NY this 7th day of May 2021.

/s/ Joy A. Zimmerlin

Joy A. Zimmerlin  
New York Independent System Operator, Inc.  
10 Krey Blvd.  
Rensselaer, NY 12144  
(518) 356-6207