

October 13, 2021

By Electronic Delivery

Honorable Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: *New York Independent System Operator, Inc.*, Section 206 Filing of Tariff Revisions to Implement the New York Transmission Owners' Right of First Refusal Regarding Upgrades to Their Transmission Facilities Identified in the Public Policy Transmission Planning Process, Docket Nos. EL22-2-00_ ; ER22-89-00_—Errata to Update Requested Effective Date for Tariff Revisions

Dear Secretary Bose:

The *Section 206 Filing of Tariff Revisions to Implement the New York Transmission Owners' Right of First Refusal Regarding Upgrades to their Transmission Facilities Identified in the Public Policy Transmission Planning Process* (the "Filing") that the New York Independent System Operator, Inc. ("NYISO") submitted in the above-captioned docket on October 8, 2021,¹ proposed revisions to the NYISO's Open Access Transmission Tariff ("OATT") to establish the rules by which a Transmission Owner in New York ("NYTO") can exercise its federal right of first refusal ("ROFR") regarding upgrades identified in the NYISO's Public Policy Transmission Planning Process. The NYISO submits this errata notification to update the Filing's requested effective date to be consistent with the requirements under Section 206 of the Federal Power Act ("FPA").²

The NYISO requested an effective date of October 8, 2021 to be consistent with Section 206 of the FPA, which was the date that the NYISO expected the Filing to be made through the Commission's eTariff system. On October 8, 2021, the NYISO attempted to submit the Filing sufficiently in advance of the 5:00 P.M. deadline. The NYISO, however, encountered technical issues with its submission, and the Filing was rejected multiple times. With the help of Commission staff, the Filing was eventually accepted with a submission date/time of October 8, 2021, at 6:39 P.M. The Filing was assigned a filed date/time of October 12, 2021, at 8:30 A.M.

Due to the technical issues that the NYISO encountered and the resulting filed date/time of the Filing, the NYISO hereby updates the requested effective date of the proposed tariff revisions to October 12, 2021, which now appears to be the earliest effective date allowed under Section 206 of the FPA. Additionally, the NYISO submits the proposed tariff revisions with the

¹ Capitalized terms that are not otherwise defined in this filing shall have the meaning specified in Attachment Y of the OATT and, if not defined therein, in Section 1 of the OATT.

² 16 U.S.C. § 824e (2021).

updated effective date and as Attachments I and II, clean and redlined versions, respectively.³ The updated effective date is consistent with Section 206 of the FPA and still affords the proposed revisions to be applied prospectively to the current planning cycle of the NYISO's Public Policy Process, including for the Long Island Offshore Wind Export Public Policy Transmission Need, as detailed in Part IV of the Filing.⁴

The NYISO continues to request that the Commission issue an order accepting the filing no later than December 16, 2021, as discussed in Part IV of the Filing.

The NYISO will send an electronic link to this filing to the official representative of each party to this proceeding, to the official representative of each its customers, to each participant on its stakeholder committees, to the New York Public Service Commission, and to the New Jersey Board of Public Utilities. In addition, a complete copy of the documents included with this filing will be posted on the NYISO's website at www.nyiso.com.

The NYISO respectfully requests that the Commission: (i) find pursuant to Section 206 of the FPA that the NYISO's OATT is unjust and unreasonable to the extent that the rules do not contain a mechanism to account for and implement the NYTOs' ROFR rights; (ii) accept, as a remedy, the proposed revisions to the OATT as just and reasonable or, in the alternative, direct the NYISO to make a further compliance filing of tariff revisions to account for and implement the NYTOs' ROFR rights that would render the NYISO's OATT just and reasonable; and (iii) permit the proposed tariff revisions to take effect on October 12, 2021, or the earliest effective date allowed under Section 206 of the FPA.

Respectfully submitted,

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³ Consistent with the updated effective date, the proposed tariff revisions include a modification to replace October 8, 2021 with October 12, 2021 in the proposed transition rule under new Section 31.4.6.5.1.2 of the NYISO's OATT.

⁴ *See id.* at pp 37-39. The Filing mentioned that the NYISO's originally requested October 8, 2021 effective date was prior to the close of the solicitation window on October 11, 2021 for the Long Island Offshore Wind Export Public Policy Transmission Need. *See* Filing at p 3. This statement, while true on the date that the NYISO submitted the Filing, is no longer accurate with the updated effective date. Importantly, as described in the Filing, the closure of the solicitation window does not impact the prospective application of the proposed tariff revisions, and the Filing's requested effective date changing to October 12 does not affect the October 11 close of the solicitation window.

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