

October 19, 2023

Submitted Electronically

Honorable Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street N.E.
Washington, D.C. 20426

Re: *New York Independent System Operator, Inc.*, Notice of Delayed and Revised Effective Date Applicable to the Implementation of the Distributed Energy Resource and Aggregation Participation Model; Docket No. ER19-2276-000, *et al.*

Dear Secretary Bose:

On June 27, 2019, the New York Independent System Operator, Inc. (“NYISO”) submitted proposed revisions to its Open Access Transmission Tariff (“OATT”) and Market Administration and Control Area Services Tariff (“Services Tariff”) to permit Distributed Energy Resource (“DER”) and Aggregation participation in the NYISO-administered markets (“2019 DER Filing”).¹ The Federal Energy Regulatory Commission (“Commission”) issued an Order accepting the NYISO’s proposals on January 20, 2020 (“2020 Order”).²

On September 29, 2023, the NYISO submitted a notice of its intent to establish an October 19, 2023, effective date for the accepted revisions implementing the DER and Aggregation participation model (“September 29 Notice”).³ The NYISO submits this filing to inform the Commission that it will not make those tariff revisions effective on October 19, 2023, and to provide notice of a revised effective date.

I. Notice of Delayed Effective Date

The September 29 Notice advised the Commission of the NYISO’s intention to make the tariff revisions implementing its DER and Aggregation participation model effective on October 19, 2023.⁴ However, as explained in September 29 Notice, the NYISO intends to make the tariff

¹ *New York Indep. Sys. Operator, Inc.*, Proposed Tariff Revisions Regarding Establishment of Participation Model for Aggregations of Resources, Including Distributed Energy Resources, and Proposed Effective Dates, Docket No. ER19-2276-000, *et al.* (Jun. 27, 2019) (“2019 DER Filing”).

² *New York Indep. Sys. Operator, Inc.*, Order Accepting Tariff Revisions and Directing Compliance Filing and Informational Report, 179 FERC ¶ 61,033 (Jan. 23, 2020).

³ *New York Indep. Sys. Operator, Inc.*, Notice Establishing an Effective Date for the Distributed Energy Resource and Aggregation Participation Model, Docket No. ER19-2276-000 (Sept. 29, 2023) (“September 29 Notice”).

⁴ *Id.* at 2.

revisions proposed and accepted in this docket and proposed in Docket No. ER23-2040-000, *et al.*, effective on the same date because the tariff revisions proposed in these dockets together comprise the NYISO's DER and Aggregation participation model.⁵ As of the date of this filing, the Commission has not acted on the NYISO's proposed tariff amendments in Docket No. ER23-2040-000, *et al.* Therefore, the NYISO submits this notice of delayed effective date so that it will be able to simultaneously implement both sets of requirements, consistent with the capabilities it developed.

II. Notice of Revised Effective Date

a. Effective Date for the DER and Aggregation Participation Model

On June 1, 2023, the NYISO submitted proposed enhancements to its DER and Aggregation participation model that build upon the market rules proposed and accepted by the Commission in this docket (the "June 1 Filing").⁶ The NYISO intends to make the tariff revisions proposed in Docket Nos. ER19-2276-000, *et al.*, and ER23-2040-000, *et al.* effective on the same date.⁷

On October 18, 2023, the NYISO submitted an amendment to the June 1 Filing proposing an effective date of December 18, 2023 for the tariff revisions necessary to implement its DER and Aggregation participation model.⁸ As explained in that filing, the NYISO will make the relevant tariff revisions effective on December 18, 2023, unless (i) it is instructed to do otherwise by the Commission, or (ii) the Commission accepts the tariff revisions proposed in that docket (without material modification) prior to December 18, 2023.⁹ If the Commission issues an Order accepting the June 1 Filing prior to December 18, 2023, then the NYISO will make the relevant tariff revisions effective approximately three business days after Commission acceptance.¹⁰

In compliance with the *Order Accepting Tariff Revisions and Directing Compliance Filing and Informational Report* and *2020 Letter Order*, the NYISO hereby provides notice that it intends to make the accepted revisions implementing the DER and Aggregation participation model effective on the same date as the DER and Aggregation participation model tariff revisions effective in Docket No. ER23-2040-000, *et al.* If the Commission rejects or directs the NYISO to materially modify one or more components of the June 1 Filing, the NYISO will not

⁵ *Id.*

⁶ *New York Indep. Sys. Operator, Inc.*, Proposed Tariff Revisions Regarding the Participation of Distributed Energy Resources and Aggregations, Docket No. ER23-2040-000, *et al.* (June 1, 2023) ("June 1 Filing").

⁷ See September 29 Notice at 2; *New York Indep. Sys. Operator, Inc.*, Notice Establishing an Effective Date for the Distributed Energy Resource and Aggregation Participation Model, Docket No. ER23-2040-000 (Sept. 29, 2023).

⁸ *New York Indep. Sys. Operator, Inc.*, Notice of Effective Date / Amendment Setting Proposed Effective Date in Accordance with Section 205(d) of the Federal Power Act, Docket No. ER23-2040-002 (Oct. 18, 2023).

⁹ *Id.* at 2

¹⁰ *Id.*

make the tariff revisions implementing the DER and Aggregation participation model effective in either docket.

The NYISO's practice has been to submit a complete "clean" (*i.e.*, not blacklined) version of the applicable tariff records concurrent with its submission of a "Notice of Effective Date" at least two weeks before a proposed effective date. In this instance, however, the NYISO submits this Notice of Effective Date without the dated tariff records. Provided that the Commission does not reject or require material revisions in Docket No. ER23-2040-000, *et al.*, the NYISO will submit the applicable tariff records in this proceeding reflecting the effective date within two business days of the actual effective date.

Submitting this Notice of Effective Date now complies with the Commission's earlier directives that the NYISO provide at least two weeks' notice of the actual effective date for the tariff revisions accepted in this proceeding. Waiting to submit the effective-dated tariff records until after the tariff revisions in Docket No. ER23-2040-000, *et al.*, are accepted will eliminate any possible need for the NYISO to withdraw the affected tariff records in this docket and formally revert to the prior version of those sections of the NYISO's Services Tariff and OATT should the Commission reject or require material modification to the tariff revisions proposed in the June 1 Filing. The NYISO's revised approach is consistent with recent Commission orders directing parties that proposed "flexible" effective dates to submit tariff revisions to fix the actual effective dates as much as five days after the implementation of the relevant tariff revisions.¹¹

b. Termination of the DSASP and DADRP

The NYISO's 2019 DER and Aggregation filing included a proposal to terminate the DSASP and DADRP, which will be replaced by the market rules for DER and Aggregations.¹² As described in the June 1 Filing, the NYISO anticipates terminating those two programs twelve months after the date upon which the DER and Aggregation Participation Model becomes effective. This transition period will allow existing DSASP and DADRP resources to remain participants in the NYISO-administered markets while completing the DER and Aggregation registration and enrollment processes and establishing the required metering and telemetry infrastructure. If unforeseen circumstances arise that would materially impact the ability of DSASP and/or DADRP Resources to complete the transition process within twelve months, the NYISO may lengthen the twelve-month transition window.

¹¹ See, e.g., *Cal. Indep. Sys. Operator Corp.*, 183 FERC ¶ 61,146 (2023). To the extent that the Commission deems necessary, the NYISO respectfully requests that the Commission reconsider earlier directives in the January 23 and April 21, 2020 Orders accepting NYISO's proposal to submit tariff revisions incorporating actual effective dates at least two weeks in advance. The NYISO did not anticipate the interaction between this proceeding and Docket No. ER23-2040 when it made those effective date proposals. Moreover, the NYISO's changed approach is a minor and technical change that still provides ample advance notice of the actual effective date to the Commission and to market participants.

¹² 2019 DER Filing at 33-35. As described in the 2019 DER Filing, the DSASP and DADRP tariff language that will be deleted after the DER Participation Model becomes effective are in (i) Services Tariff Sections 2.1, 2.2, 2.4, 2.5, 2.9, 2.13, 2.14, 2.15, 2.18, 4.1, 4.2, 4.4, 4.6, 5.12, 15.3, 15.4, 18.1, 18.8, 18.10, 18.11, 25.2, 25.3, 26.4, and 26.10, and (ii) OATT Sections 1.4, 1.9, 1.13, 1.15, and 6.1.

III. Service

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

IV. Conclusion

The New York Independent System Operator, Inc. respectfully requests that the Commission accept this Notice of Effective Date and the proposed effective date for the tariff revisions as described herein.

Respectfully submitted,

/s/ Gregory J. Campbell

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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 19th day of October 2023.

/s/ Elizabeth Rilling

Elizabeth Rilling
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