

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

New York Independent System Operator, Inc.	) ) )	Docket No. ER23-2040-000, <i>et al.</i>
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**MOTION FOR EXTENSION OF TIME TO SUBMIT  
RESPONSES TO DATA REQUEST**

Pursuant to Rules 212 and 2008 of the Federal Energy Regulatory Commission’s (“Commission”) Rules of Practice and Procedure, 18 C.F.R. §§ 385.212, 385.2008 (2023), the New York Independent System Operator, Inc. (“NYISO”), respectfully requests an extension of time to respond to the December 15, 2023 letter requesting additional information issued by the Office of Energy Market Regulation (“OEMR”) (“Second Deficiency Letter”). The Second Deficiency Letter directs the NYISO to provide responses to data requests within thirty (30) days.<sup>1</sup> Through this Motion the NYISO seeks a thirty-day extension of the submission deadline, *i.e.*, until February 13, 2024. The NYISO requests that the Commission adopt the standard five-day period under Rule 213(d)(1)(i) for answers to procedural motions and act expeditiously to grant the requested extension.

**I. Background**

On June 1, 2023, the NYISO submitted tariff modifications proposing to amend the market rules that will apply to Distributed Energy Resources (“DER”) and Aggregations (“June 1 Filing”).<sup>2</sup> The NYISO requested an Order on its proposed revisions within sixty (60) days of

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<sup>1</sup> *New York Indep. Sys. Operator, Inc.*, Docket No. ER23-2040-000, *et al.*, at 2 (Dec. 15, 2023) (unpublished letter order) (“Second Deficiency Letter”).

<sup>2</sup> *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”).

the date of the filing, *i.e.*, by Monday, July 31, 2023.<sup>3</sup> On July 18, 2023, OEMR issued a letter advising the NYISO that its submittal was deficient, requesting further information, and directing the NYISO to respond within thirty (30) days (“First Deficiency Letter”).<sup>4</sup> The First Deficiency Letter further advised the NYISO that its response “must include at least one tariff record to restart the statutory timeframe for Commission action.”<sup>5</sup>

On August 17, 2023, the NYISO submitted its response to the First Deficiency Letter, including the submission of the requisite tariff record, and requested an Order on the June 1 Filing within sixty days, *i.e.*, by October 16, 2023 (“First Deficiency Response”).<sup>6</sup> At the time the NYISO submitted its First Deficiency Response, it advised the Commission that “the precise effective date for those tariff revisions will depend on the completion, testing, and deployment of the software and related applications necessary for the [DER] and Aggregation participation model, system conditions, and other factors.”<sup>7</sup> The First Deficiency Response advised the Commission that the NYISO expected to complete its software development and testing by September 1, 2023, and to be able to implement the DER and Aggregation participation model soon thereafter.<sup>8</sup>

On September 29, 2023, the NYISO submitted a two-week “Notice of Effective Date” advising the Commission that it intended to make the tariff revisions proposed in this docket

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<sup>3</sup> *Id.* at 22-23.

<sup>4</sup> *New York Indep. Sys. Operator, Inc.*, Docket No. ER23-2040-000, *et al.*, at 2 (Jul. 18, 2023) (unpublished letter order) (“First Deficiency Letter”).

<sup>5</sup> *Id.* at 4 n.11.

<sup>6</sup> *New York Indep. Sys. Operator, Inc.*, Response to Deficiency Letter, Docket No. ER23-2040-000, *et al.* (Aug. 17, 2023) (“First Deficiency Response”).

<sup>7</sup> *Id.* at 1.

<sup>8</sup> *Id.* at 1-2.

effective as of October 19, 2023.<sup>9</sup> The Commission did not issue an Order on or before October 16, 2023.

On October 18, 2023, the NYISO resubmitted tariff revisions proposed in this docket marked with an effective date of December 18, 2023.<sup>10</sup>

On December 15, 2023, OEMR issued the Second Deficiency Letter. The Second Deficiency Letter advised the NYISO that additional information regarding the establishment of a 10 kW minimum DER size is necessary to process the June 1 Filing.<sup>11</sup>

## **II. Motion for Extension of Time**

The Second Deficiency Letter directed the NYISO to answer two questions related to the NYISO's proposal to require a minimum capability of 10 kW for individual DER participating in an Aggregation. The NYISO hereby requests a thirty-day extension of time, until February 13, 2024, to respond to the Second Deficiency Letter. The limited extension requested in this filing will allow the NYISO to fully engage staff whose input is needed to develop the responses. In consideration of the timing of the Second Deficiency Letter's issuance, and the procedural history of this docket, the requested thirty-day extension is reasonable.

The requested extension of time will also not prejudice any party. The NYISO expects that, at least initially, the majority of the facilities that will enroll in the DER and Aggregation participation model already participate in the NYISO-administered markets through the existing demand response programs. These facilities will continue to be able to do so until the DER and

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<sup>9</sup> *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, *et al.* (Sept. 29, 2023).

<sup>10</sup> *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. ER23-2040-000, *et al.* (Oct. 18, 2023).

<sup>11</sup> Second Deficiency Letter at 1.

Aggregation participation model, including the tariff revisions proposed in this docket, become effective.

### **III. Conclusion**

For the reasons set forth above, the NYISO respectfully requests that the Commission act expeditiously to grant the NYISO's requested thirty-day extension of time, until February 13, 2024, to respond to OEMR's data requests.

Respectfully submitted,

/s/ Gregory J. Campbell  
Gregory J. Campbell, Senior Attorney  
New York Independent System Operator, Inc.

Dated: December 20, 2023

cc: Janel Burdick  
Emily Chen  
Matthew Christiansen  
Jignasa Gadani  
Jette Gebhart  
Leanne Khammal  
Jamie Knepper  
Kurt Longo  
David Morenoff  
Douglas Roe  
Eric Vandenberg

## **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 20<sup>th</sup> day of December 2023.

/s/ Elizabeth Rilling

Elizabeth Rilling  
New York Independent System Operator, Inc.  
10 Krey Blvd.  
Rensselaer, NY 12144  
(518) 356-6177