

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

Consolidated Edison Company of New York, Inc.	) ) ) )	Docket No. ER24-1291-000
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**MOTION TO INTERVENE AND COMMENTS OF THE  
NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.**

Pursuant to Rules 212 and 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”),<sup>1</sup> the New York Independent System Operator, Inc. (“NYISO”) hereby moves to intervene and comment in the above-captioned proceeding concerning the petition of Consolidated Edison Company of New York, Inc. (“Con Edison”) to the Commission for a limited one-time waiver of Section 7.4.1 of the NYISO Market Administration and Control Area Services Tariff (“Services Tariff”). Con Edison’s request is intended to enable the NYISO to allow Con Edison to submit corrected generator data for the Astoria 1 Facility’s production to the NYISO and the NYISO can use that data to facilitate appropriate invoices and settlements on the Final Bill Closeout Invoice, which will be posted for final review on May 6, 2024, and issued on June 7, 2024 (“Waiver Request”).<sup>2</sup> For the reasons described below, the NYISO supports Con Edison’s petition for a waiver and requests that the Commission order the NYISO: (1) to allow Con Edison to correct generator data for the Astoria 1 Facility’s production for September 2023; (2) to re-settle the month of September 2023 with corrected generator data for the Astoria 1 Facility (this facility is comprised of Astoria East

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<sup>1</sup> 18 C.F.R. §§ 385.212 and 385.214.

<sup>2</sup> Capitalized terms that are not otherwise defined herein shall have the meaning specified in Article 2 of the Services Tariff and Article 1.0 of the NYISO Open Access Transmission Tariff (“OATT”).

Energy CC1 (PTID 323581) and Astoria East Energy CC2 (PTID 323582) in the NYISO settlement system); and, if necessary, (3) to allow Con Edison to correct its LSE metering data file for the Con Edison Transmission District.

**I. Copies of Correspondence**

All correspondence and service in this proceeding should be directed to:

Robert E. Fernandez, Executive Vice President & General Counsel  
Karen G. Gach, Deputy General Counsel  
Raymond Stalter, Director, Regulatory Affairs  
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\* Designated to receive service.

**II. Motion to Intervene**

The NYISO is a not-for-profit corporation responsible for providing open-access transmission service, maintaining reliability, and administering competitive wholesale electricity, ancillary services, and capacity markets in New York State. Pursuant to its Commission-approved tariffs, the NYISO is responsible for calculating customer settlements and for administering a process for the review, correction, and finalization of customer invoices. Because Con Edison requests that the Commission grant a waiver of certain settlement provisions in the NYISO's Services Tariff to enable the NYISO to accept corrected generator data after the date for finalized data pursuant to its tariffs, the NYISO has a direct and substantial interest in this proceeding. This interest cannot be adequately represented by any other party. The NYISO, therefore, should be permitted to intervene in this docket.

### **III. Comments**

The Services Tariff sets forth explicit time periods for the NYISO and its customers to review, challenge, correct, and finalize settlement information.<sup>3</sup> This settlement process lasts approximately eight months from the issuance of a customer's initial monthly invoice to the issuance of the corresponding final invoice.<sup>4</sup> Within this eight-month period, the settlement process contains several discrete, intermediate review periods that provide opportunities for a customer to review its meter and load data to confirm the accuracy of such data. In particular, Services Tariff Section 7.4.1.1 establishes that a meter authority must provide final updates or corrections to Generator metering data within fifty-five (55) days of the issuance of the initial invoice for the service month. After this period, the NYISO is required to finalize such data. Once the Generator metering data is finalized, the NYISO is not permitted by the Services Tariff to adjust the data absent an order from the Commission or a court of competent jurisdiction.<sup>5</sup>

The NYISO supports the relief sought by Con Edison in this case. As described in Con Edison's Waiver Request, Con Edison identified an issue with its September 2023 Generator metering data that significantly affects one Generator within the Con Edison transmission district. The data issue was identified and investigated after the time period available for customer review and meter authority correction in accordance with the Services Tariff.<sup>6</sup> Con Edison quickly identified a revenue meter issue that resulted in the Generator data error in the file submitted to the NYISO.<sup>7</sup>

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<sup>3</sup> Services Tariff Section 7.4.1.

<sup>4</sup> Services Tariff Section 7.4.2.

<sup>5</sup> Services Tariff Section 7.4.

<sup>6</sup> See Waiver Request at p. 2.

<sup>7</sup> See Waiver Request at p. 4.

The NYISO's settlement process carefully balances customers' interests in accurate settlements with the financial certainty afforded customers by finalized invoices, which are not subject to the potential for continued revisions beyond defined settlement periods. In considering this—or any similar—waiver request to permit the NYISO to adjust finalized settlement information, the Commission should carefully weigh the interests of those customers seeking to adjust finalized settlement information with the potential harm to other customers that could result from modifying what would otherwise be settled financial expectations.

In this case, the timing and limited number of entities involved warrant allowing Con Edison to correct the September Generator metering data. If the Commission grants the Waiver Request by February 28, 2024, Con Edison can submit corrected Generator data to the NYISO before the deadline for meter authorities to submit final LSE bus metering data and no other changes to the NYISO's ordinary settlement process will be required. This would allow the NYISO to include the corrected Generator data on the final monthly invoice, as well as permit Con Edison to update the impacted LSE data in the normal course of business. If the Commission does not act by February 28, 2024, the NYISO needs an order from the Commission authorizing Con Edison to correct both the Generator data and the overall LSE bus metering data file no later than April 15, 2024. An order by April 15, 2024, would need to direct Con Edison to submit corrected Generator data and corrected LSE bus metering data (also known as a "TOL" file) to the NYISO for the final bill posting date of May 6, 2024.

Meeting these dates is critical to minimizing the impact on other market participants. Final invoices for September 2023 will be posted on May 6, 2024, for the close-out invoice date of June 7, 2024. Therefore, with an order from the Commission, Con Edison could

submit corrected Generator data and the NYISO could resettle the month of September 2023 on its ordinary final closeout schedule.

While the NYISO supports the relief sought in the instant case, it stresses that it relies on customers to carefully review and challenge, as necessary, their settlement information within the timeframes prescribed in the NYISO tariffs. Customer review facilitates the issuance of accurate and timely final invoices.

#### **IV. Conclusion**

The NYISO respectfully requests that the Commission allow the NYISO to intervene in this proceeding. The NYISO supports Con Edison's request for a waiver under the circumstances at issue and requests that the Commission order the NYISO: (1) to allow Con Edison to correct generator data for the Astoria 1 Facility's production for September 2023; (2) to re-settle the month of September 2023 with corrected generator data for the Astoria 1 Facility (this facility is comprised of Astoria East Energy CC1 (PTID 323581) and Astoria East Energy CC2 (PTID 323582) in the NYISO settlement system); and, to the extent necessary, (3) to allow Con Edison to correct its LSE metering data file for the Con Edison Transmission District.

Respectfully submitted,

/s/ James H. Sweeney  
James H. Sweeney, Senior Attorney  
New York Independent System Operator, Inc.

Dated: February 26, 2024

cc:	Janel Burdick	Jignasa Gadani	Kurt Longo
	Emily Chen	Jette Gebhart	David Morenoff
	Matthew Christiansen	Leanne Khammal	Douglas Roe
		Jaime Knepper	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 26th day of February 2024.

/s/ Stephanie Amann

Stephanie Amann  
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