

Attachment I

administration of the DSASP and DADRP participation models¹ at issue in the present proceeding, in which the NYISO’s Compliance Filing and Notice of Effective Date of DSASP/DADRP Sunset filing was submitted on October 15, 2025 (“Effective Date of Sunset Filing”). Additionally, I manage Resource enrollments, Market Participant inquiry responses, and the analysis and reporting of data related to each of these programs.

II. Purpose of This Affidavit

5. The purpose of this Affidavit is to confirm the facts set forth in the Request for Leave to Answer and Answer of the NYISO (“Answer”) filed in response to the protest and comments filed by Voltus, Inc. (“Voltus”) (“Voltus Protest”) regarding the sunset of the DSASP and DADRP programs. I have worked closely over the past year and a half with each Aggregator and Transmission Owner (“TO”) impacted by the transition from the prior DSASP/DADRP model to the new DER Participation Model.

III. Transition to the New DER Participation Model

6. The NYISO sought stakeholder feedback in planning the sunset of the DSASP and DADRP programs as early as 2017, in which the DSASP/DADRP sunset was a key element of the market design development process for the new DER Participation Model (“DER Market Design Proposal”).² The retirement of DSASP and DADRP and the replacement of those programs was noted in the DER Market Design Proposal, which was discussed with stakeholders at the December 19, 2017 Market Issues Working Group meeting. Stakeholders again had the opportunity to provide feedback to the NYISO on the transition plan to sunset DSASP and DADRP in order to transition to the new DER and Aggregation model at the January 26, 2023 Installed Capacity Market Issues Working Group meeting.³

¹ Notably, “DADRP enrollment has been static and enrolled Resources have not participated in the energy market for more than nine years, so there is no market participation to report.” *NYISO Semi-Annual Report on Demand Response Programs*, at 1 (Jun. 12, 2025) (“2025 Semi-Annual Report”), available at <https://www.nyiso.com/documents/20142/49931415/2025-Semi-Annual-Demand-Response-Report-FINAL.pdf>.

² See *Distributed Energy Resources Market Design Concept Proposal*, at fn. 17 (Dec. 2017) (“DER Market Design Proposal”), available at <https://www.nyiso.com/documents/20142/1404696/Distributed%20Energy%20Resources%202017%20Market%20Design%20Concept%20Proposal.pdf>.

³ See *DER 205 Filing – Feedback and Additional Language presentation*, ICAP Working Group, at slide 18 (Jan. 26, 2023), available at

7. The specific October 31, 2025 sunset date for the DSASP and DADRP programs has been known to Market Participants for several months. Representatives for each Market Participant company, including Voltus, received notice by email on January 24, 2025 that the DSASP and DADRP programs sunset date would be postponed until October 31, 2025, to align with the end of the Summer 2025 Capability Period and to allow more time for the transition from DSASP to DER.⁴ The NYISO additionally noted in its 2024 Annual Report on Demand Response Programs that the sunset date for DSASP and DADRP was targeted for October 31, 2025.⁵ This report was posted publicly to the NYISO website on February 18, 2025.

8. There were four hundred thirty-three (433) MW of DSASP Resources and zero (0) MW of DADRP Resources operating in the NYISO markets as of April 2025.⁶ These DSASP Resources were each located in some, but not all, of the Load Zones A through F, in three separate Transmission Owner (“TO”) franchise areas. Two of the three TOs have successfully established telemetry connections with Aggregators transitioning DSASP Resources to the DER Participation Model. It is my understanding that one of these TOs is still working to establish telemetry with an Aggregator. However, the DSASP Resources MW amount in this TO franchise area that have yet to establish telemetry is less than 5 MW of capability. Those less than 5 MW are the only DSASP or DADRP Resources that are challenged in transitioning to the DER Participation Model at present due to TO-related telemetry limitations.

9. Utilities distributing 4 million MWh or less in the previous fiscal year must opt-in to having their customers participate as part of the NYISO’s DER Participation Model.⁷ There are two

<https://www.nyiso.com/documents/20142/35880057/DER%202025%20Filing%20Presentation%20-%20Feedback%20%20Additional%20Language.pdf/>.

⁴ See Attachment II.

⁵ NYISO 2024 Annual Report on Demand Response Programs, at 21-22 (Feb. 18, 2025) (“2024 Annual Report”), available at <https://www.nyiso.com/documents/20142/49931415/NYISO-2024-Annual-Report-on-Demand-Response-Programs.pdf/>. “The NYISO is sunsetting DADRP and DSASP as part of the transition to the DER and Aggregation participation model. The current sunset date for DADRP and DSASP is targeted for *October 31, 2025*.” *Id.* (emphasis added).

⁶ 2025 Semi-Annual Report, *supra* note 1, at 4. “During the analysis period of November 2024 through April 2025, there were up to twelve Demand Side Resources in the DSASP providing Operating Reserves. The DSASP Resources represented up to 433 MW of capability[.]” *Id.*

⁷ In FERC Order No. 2222, the Commission added Section 35.28(g)(12)(iv) to the Commission’s regulations to provide that RTOs/ISOs may not accept bids from distributed energy resource aggregators aggregating customers of small utilities unless the relevant electric retail regulatory authority allows such customers of small utilities to participate in distributed energy resource aggregations (i.e., to opt in). *Participation of Distributed Energy Resource Aggregations in Markets Operated by Regional Transmission Organizations and Independent System Operators*,

municipal electric utilities that both fall into this category and have end-use retail customers that operated as DSASP Resources in their territory. One of these municipal electric utilities has chosen to affirmatively opt-out. It is the responsibility of Aggregators to work with municipal electric utilities, and other small utilities distributing less than 4 million MWh in the previous fiscal year, to understand whether those utilities support enrollment of their customers in the DER Participation Model. The DSASP Resources total MW amount located in municipal electric utility territories that have or may opt-out is less than 15 MW. As such, the clear majority of DSASP/DADRP Resources MW can transition to the DER Participation Model.

10. All of the DSASP Resources that are subject to the sunset are currently or have historically participated in the NYISO SCR program, which provides qualified Resources with the opportunity to participate in the wholesale markets by selling Capacity into the markets and to receive Energy payments when performing in response to a NYISO call for Load reduction. If DSASP Resources are unable to or decline to transition to the DER Participation Model, these Resources still may participate in the NYISO SCR program as an alternative for wholesale market participation.

11. If the NYISO is required to continue administering the DSASP and DADRP model, it would incur undue cost, risk, and demands on internal staff and resources to support the participation of these less than 15 MW in the prior model. If the DSASP program is further extended, then the NYISO would need to support testing of DSASP Resource Operating Reserve capability and maintain direct-to-NYISO telemetry, which deviates from the manner in which the NYISO tests and maintains situational awareness of traditional Generators and Aggregations, *i.e.*, through TO telemetry. This separate path for DSASP Resource operations introduces complexity and risk to the safe and reliable operation of the grid. Additionally, the NYISO would need to continue to ensure that software rules pertaining to DSASP bidding, scheduling, and settlements continue to function correctly with each software release. Absent the sunset of DSASP and DADRP, the NYISO would need to continue reporting on program participation, including but not limited to internal reports, responses to data requests received from the Commission, the Annual Report on Demand Response Programs, and reporting maintained as part of the North American Electric Reliability Corporation's ("NERC's") requirements. If DSASP and DADRP are further extended as Voltus requests, there will also be continued inquiries from Market Participants and

Order No. 2222, 85 FR 67094 (Oct. 1, 2020), 172 FERC ¶ 61,247 (2020), *corrected*, 85 FR 68450 (Oct. 29, 2020), *order on reh'g*, Order No. 2222-A, 86 FR 16511 (Mar. 24, 2021), 174 FERC ¶ 61,197 (2021); Order No. 2222-B (Jun. 17, 2021), 175 FERC ¶ 61,227 (2021); 18 CFR § 35.28(g)(12)(iv).

stakeholders regarding DSASP/DADRP program rules, for which NYISO staff members must set aside time to respond.

12. As mentioned above, the NYISO collaborated with its stakeholders as early as 2017 in proposing the DSASP and DADRP sunset. The new DER participation market concepts were approved by a substantial majority of stakeholders at the April 17, 2019, Business Issues Committee, and the related Tariff requirements were approved at the April 24, 2019, Management Committee meeting. On May 21, 2019, the NYISO Board of Directors approved the proposed Tariff revisions for filing with the Commission. Subsequently, the additional, refined, and enhanced DER participation Tariff revisions submitted in the NYISO's June 1, 2023 filing were unanimously approved by stakeholders, with abstentions, at the February 15, 2023, Business Issues Committee meeting and then unanimously approved at the February 22, 2023, Management Committee meeting. On March 21, 2023, the NYISO's Board of Directors approved the proposed Tariff revisions for filing with the Commission.

13. After the April 2024 implementation effective date of the DER Participation Model, stakeholders were given more than nine (9) months advance notice of the precise DSASP and DADRP sunset date of October 31, 2025,⁸ which was extended beyond the original twelve-month transition period end date of April 16, 2025. The sufficient notice of the sunset provided to Market Participants, the municipal electric utility ability under federal regulation to opt-out of participation in the DER Participation Model, the ability for impacted DSASP Resources to continue to participate in the alternative wholesale market SCR program, and other facts stated in this Affidavit and discussion set forth in the NYISO's Answer demonstrate that the NYISO's notice affixing the DSASP and DADRP sunset date of October 31, 2025 is just, reasonable, not unduly discriminatory, and adequately supported.

IV. Conclusion

14. I assisted with the preparation of and reviewed the facts stated in the NYISO's Answer. I have personal knowledge of and helped develop the factual statements contained in the NYISO's Answer. The factual statements set forth in the NYISO's Answer are true and correct to the best of my information, knowledge, and belief.

15. This concludes my affidavit.

⁸ See Attachment II.

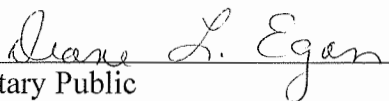
ATTESTATION

I am the witness identified in the foregoing affidavit. I have read the affidavit and am familiar with its contents. The facts set forth therein are true to the best of my knowledge, information, and belief.



Ethan D. Avallone
November 20, 2025

Subscribed and sworn to before me
this 20th day of November, 2025


Notary Public

DIANE L. EGAN
Notary Public, State of New York
Qualified in Schenectady County
No. 4924890
Commission Expires March 21, 20 26

My commission expires: March 21, 2026