

January 9, 2015

**Submitted Electronically**

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

Re: New York Independent System Operator, Inc., Refund Report and Request for  
Extension if Determined Necessary by the Commission;  
Docket No. EL14-89-\_\_\_

Dear Ms. Bose:

On December 18, 2014, the Federal Energy Regulatory Commission (“Commission”) issued an order in the above-referenced docket directing the New York Independent System Operator, Inc. (“NYISO”) to reopen and resettle GDF Suez Energy Resources, NA’s (“Suez’s”) billings for the November and December 2012 billing periods (“December Order”).<sup>1</sup> The Commission also directed NYISO to file a refund report detailing the principal amounts plus interest paid to Suez.

The NYISO hereby submits the refund report as well as a description of the process the NYISO is utilizing to resettle Suez’s billings and a request for an extension of time to resettle if the Commission determines an extension is necessary.

**I. PROCESS TO RESETTLE SUEZ’S BILLINGS AND REQUEST FOR  
EXTENSION TO COMPLY IF NECESSARY**

The Commission’s December Order requires the NYISO to “to reopen and resettle Suez’s billings for the November/December 2012 billing periods based on the corrected meter data supplied by Con Ed, and to refund over-charges paid by Suez, with interest, calculated pursuant to 18 C.F.R. § 35.19a (2014), within thirty (30) days of the date of this order.”<sup>2</sup> Following issuance of the December Order, the NYISO received an updated Transmission Owner Load (“TOL”) file from Consolidated Edison Company of New York, Inc. (“Con Edison”) containing Suez’s corrected meter data for November and December 2012. Based on the updated TOL file, the NYISO reopened and reprocessed Suez’s billings for the November and December 2012 billing periods. The NYISO posted the November and December 2012 refunds along with the regularly scheduled May 2014 final bill on January 6,

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<sup>1</sup> *GDF Suez Energy Resources, NA v. New York Independent System Operator, Inc. and Consolidated Edison Company of New York, Inc.*, 149 FERC ¶ 61,257 (2014).

<sup>2</sup> December Order at Ordering Paragraph (B).

2015 for twenty-five day review by Customers in accordance with Section 7.4.1.2 of the NYISO Market Administration and Control Area Services Tariff (“Services Tariff”). The Commission-ordered refunds and May 2014 final bill will all be included on the February 2015 Monthly Invoice that triggers electronic transfer of funds during the week of February 9, 2015.<sup>3</sup> The January 6 posting of a portion of the February 2015 monthly invoice was the first opportunity available for the NYISO to reflect the November and December 2012 resettlement.<sup>4</sup>

Suez’s February 2015 Monthly Invoice, posted in part on January 6, 2015, describes the November 2012 and December 2012 Commission-ordered refunds along with Suez’s other market activity that is billed on this invoice, pursuant to the tariff-prescribed settlements process. If the Commission-ordered refund, when netted against Suez’s other February 2015 invoice items, renders Suez a net receiver of monies, the NYISO will transfer funds to Suez on February 12, 2015. If the refund, when netted against the other February 2015 invoice items, requires Suez to pay the NYISO, the NYISO will receive funds from Suez on February 10, 2015. The NYISO cannot determine whether Suez will receive money from or pay money to the NYISO until the February 2015 Monthly Invoice is generated in early February.

The December Order required the NYISO to reopen and resettle Suez’s billings for the November and December 2012 period within thirty days of the order.<sup>5</sup> The NYISO reopened and issued corrected November and December 2012 billing data to Suez on January 6, 2015 – well within thirty days of the December Order. While any funds owed to Suez as a result of the FERC order in this proceeding will not be electronically transferred to Suez until the week of February 9, 2015, approximately fifty-six days after issuance of the December Order, the NYISO believes it has complied with the Commission’s directed refund by posting the details of Suez’s refund on January 6, 2015 for inclusion in the February Monthly Invoice.<sup>6</sup>

If the Commission believes, however, that the NYISO should have also electronically processed the exchange of funds related to the refund within thirty days, the NYISO respectfully requests a thirty-day extension such that the refund can be electronically processed with all of Suez’s other market activity included on the February 2015 Monthly Invoice.

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<sup>3</sup> The February 2015 Monthly Invoice will include adjustments to amounts contained in the weekly invoices issued in January in addition to the November and December 2012 Commission-ordered refunds and the May 2014 final bill. The November and December 2012 Commission-ordered refunds and the May 2014 final bill were the only components of the February 2015 Monthly Invoice that were posted on January 6, 2015 for twenty-five day review.

<sup>4</sup> If the NYISO determines that corrections or adjustments to an invoice are necessary, the NYISO will provide all Customers with the details of the corrections or adjustments and provide twenty-five days for Customers to review the corrected settlement information. If no errors in the implementation of corrections are identified, the NYISO will issue a finalized close-out settlement in the next regular monthly billing invoice. *See Services Tariff* Section 7.4.1.2.

<sup>5</sup> December Order at Ordering Paragraph (B).

<sup>6</sup> As described above, if the NYISO will receive funds from Suez on February 10, 2015 after netting the refund against monies owed by Suez, Suez’s refund will be in the form of a credit on February 10, 2015.

The NYISO is utilizing its normal billing process to ensure the accuracy of all adjusted invoices being issued pursuant to the December Order.<sup>7</sup> The refund due to Suez requires the re-invoicing of a number of other NYISO Customers. Suez and these additional Customers should be provided with the protections of the NYISO's normal billing process – including an opportunity to review the NYISO refund. The time between the January 6, 2015 posting, which in this case includes the Commission-ordered refund, and the electronic exchange of funds related to the February 2015 Monthly Invoice allows for the impacted Customers to challenge any calculation errors they may perceive. Therefore, the NYISO respectfully requests that the Commission allow use of its normal billing processes by granting this thirty day extension.

## **II. REFUND REPORT**

The NYISO utilized the updated TOL file received from Con Edison to reopen and resettle the November and December 2012 billing periods. Suez is scheduled to receive the following refunds during the week of February 9, 2015, as described above.

For November 2012, Suez will be refunded \$325,427.92 for energy, megawatt hours (“MWh”), that was not actually consumed. This energy refund is based on the MWh difference between the estimated meter data originally provided to the NYISO and the updated TOL file that NYISO received from Con Edison after the Commission's December Order. Suez will also receive a \$25,224.57 refund as a result of its original ancillary services payment for November 2012. Ancillary services are charged or credited based on an entity's Load Ratio Share.<sup>8</sup> The updated TOL file decreased Suez's Load Ratio Share as a result of its reduced energy consumption for the time period. Suez will receive a \$25,448.43 interest payment for the November 2012 refund.

For December 2012, Suez will be refunded \$145,989.56 for energy, MWh, that was not actually consumed based on the updated TOL file that NYISO received from Con Edison after the Commission's December Order. Suez will also receive an \$8,740.19 refund as a result of its original ancillary services payment for December 2012, calculated in the same Load Ratio Share manner as November. Suez will receive a \$10,791.20 interest payment for the December 2012 refund.

Suez's total refund for November and December 2012, as directed by the December Order, is \$541,621.87.

## **III. SERVICE**

The NYISO will send an electronic link to this filing to the official representative of each of its customers, to each participant on its stakeholder committees, to the New York Public Service Commission, to all parties listed on the Commission's official service list in

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<sup>7</sup> See Services Tariff Section 7.4.1.

<sup>8</sup> Capitalized terms that are not otherwise defined herein shall have the meaning specified in the NYISO's Open Access Transmission Tariff and a Market Administration and Control Area Services Tariff.

Docket No. EL14-89 and to the New Jersey Board of Public Utilities. In addition, the complete filing will be posted on the NYISO's website at [www.nyiso.com](http://www.nyiso.com).

#### **IV. CONCLUSION**

The NYISO submits this filing to comply with the Commission's December Order and to respectfully request an extension of time to comply if the Commission determines that an extension is necessary.

Respectfully submitted,

/s/ James H. Sweeney

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

cc: Michael Bardee  
Gregory Berson  
Anna Cochrane  
Jignasa Gadani  
Morris Margolis  
David Morenoff  
Daniel Nowak  
Jamie Simler

## **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 9<sup>th</sup> day of January, 2015.

By: /s/ John C. Cutting

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