

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

Revisions to Public Utility)	
)	Docket No. RM15-3-000
Filing Requirements)	

COMMENTS OF THE ISO/RTO COUNCIL

Pursuant to the Federal Energy Regulatory Commission’s (“Commission’s”) Notice of Proposed Rulemaking (“NOPR”),¹ the ISO/RTO Council (the “IRC”) respectfully submits these comments regarding the FERC Form 566 (Annual Report of Utility’s 20 Largest Purchasers) reporting requirement. For the reasons described below, the IRC strongly supports FERC’s proposal not to require RTOs and ISOs to submit FERC Form 566.

I. IDENTIFICATION OF FILING PARTIES

The IRC is comprised of the Alberta Electric System Operator (“AESO”); California Independent System Operator Corporation (“CAISO”); Electric Reliability Council of Texas, Inc. (“ERCOT”); the Independent Electricity System Operator (“IESO”); ISO New England Inc. (“ISO-NE”); Midcontinent Independent System Operator, Inc. (“MISO”); New York Independent System Operator, Inc. (“NYISO”); PJM Interconnection, L.L.C. (“PJM”); and Southwest Power Pool, Inc. (“SPP”).²

II. COMMENTS

The IRC agrees with the Commission’s proposal that RTOs and ISOs be excluded from the FERC Form 566 compliance obligation. As the NYISO previously noted in Comments

¹ *Revisions to Part 46 Filing Requirements*, 149 ¶ FERC 61,229 (Dec. 18, 2014).

² The AESO and IESO are not subject to the Commission’s jurisdiction, and are not joining in these comments. ERCOT is subject to the Commission’s jurisdiction only for reliability matters pursuant to Section 215 of the Federal Power Act., and is not joining these comments.

submitted in a prior docket on this matter,³ the NYISO—and, by extension, ISOs/RTOs more broadly—are appropriately exempted from FERC Form 566. The requirements of the Federal Power Act that form the basis for the reporting requirements implemented through FERC Form 566 generally do not apply to ISO/RTO directors and officers, and are not required to ensure that those directors and officers are independent from purchasers in the markets they administer. Further, compliance with completion of FERC Form 566 can pose certain practical difficulties for operators of wholesale markets.

In this NOPR, the Commission recognizes that “[b]y their nature, RTOs and ISOs are focused primarily on sales of electric energy for resale. The statute [enabling information collection pursuant to Form 566] expressly seeks to acquire information about purchasers of electric energy who purchase ‘for purposes other than for resale.’” The IRC agrees that, given the enabling statute’s sole focus on purchases of electrical energy “for purposes other than for resale,” there is no reason to require ISOs/RTOs to expend the potentially significant time and resources necessary to track their interactions with purchasers “for purposes other than for resale” and to quantify and rank the purchases made by such customers.

For these reasons, the Commission should exclude ISOs/RTOs from having to submit FERC Form 566.

II. COMMUNICATIONS

Communications and correspondence regarding this filing should be directed to the undersigned as follows:

³ NYISO Comments on *Commission Information Collection Activities (FERC-520, FERC-561, FERC-566)*; *Comment Request; Extension*, Docket No. IC14-9-000, (May 5, 2014).

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III. CONCLUSION

WHEREFORE, for the foregoing reasons, the IRC respectfully submits these comments
in support of the Commission's NOPR.

Respectfully submitted,

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March 2, 2015

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 2nd day of March, 2015.

/s/ Joy A. Zimmerlin

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