

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

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| New York Public Service Commission, |) | |
| New York Power Authority, and |) | |
| New York State Energy Research |) | |
| and Development Authority |) | |
| |) | |
| v. |) | Docket No. EL15-64-000 |
| |) | |
| |) | |
| New York Independent System Operator, Inc. |) | |

**MOTION FOR EXTENSION OF TIME OF
NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.**

In accordance with Rules 212 and 2008 of the Commission’s Rules of Practice and Procedure,¹ the New York Independent System Operator, Inc. (“NYISO”) respectfully requests that the Commission grant an additional 21 day extension of the compliance filing deadline in this proceeding. The compliance filing is currently due on February 22, 2016, in accordance with the December 16, 2015 *Notice of Extension of Time*. If the requested additional extension is granted it would be due on March 14, 2016.

The Commission’s October 9, 2015 order (“October Order”)² directed the NYISO to make a compliance filing to revise its buyer-side capacity market power mitigation rules (“BSM Rules”) to exempt certain narrowly defined renewable and self-supply resources from Offer Floor³ mitigation. The NYISO has made substantial progress on its compliance proposal and is working diligently to finalize it. The NYISO has determined, however, that allowing a few extra

¹ 18 C.F.R. §§ 385.212 and 2008 (2015).

² *New York Pub. Serv. Comm’n et al. v. New York Indep. Sys. Operator, Inc.*, 153 FERC ¶ 61,022 (2015).

³ Capitalized terms not otherwise defined herein shall have the meaning set forth in the NYISO’s Market Administration and Control Area Services Tariff.

weeks for additional stakeholder review and discussion would be likely to improve the proposal without materially delaying its implementation. As noted below, the complainants and other parties in this proceeding support the requested additional extension, numerous other parties do not oppose it, and the NYISO is not aware of any opposition. There is thus “good cause” for granting the requested 21 day additional extension.

The NYISO respectfully requests that the Commission adopt the standard five day notice period for extension requests⁴ and act expeditiously to grant the extension no later than February 18, 2016 so that the NYISO and stakeholders will know with certainty when the compliance filing will be due.

I. The Development of the NYISO’s BSM Compliance Proposal to Date

The October Order directed the NYISO to file “a compliance filing, within 90 days of the date of this order, to revise its buyer-side market power mitigation rules to exempt a narrowly defined set of renewable and self-supply resources that have limited or no incentive and ability to exercise buyer-side market power to artificially suppress ICAP market prices.”⁵ Specifically, the NYISO was directed to revise the BSM rules to exempt renewable resources “that are both purely intermittent and that have relatively low capacity factors and high development costs because these resources have limited or no incentive and ability to artificially suppress capacity prices,”⁶ and self-supply resources “whose ICAP portfolios are consistent with reasonably

⁴ 18 C.F.R. § 385.213(d)(1)(i).

⁵ October Order P 10.

⁶ October Order P 51.

anticipated levels of their future ICAP obligations.”⁷ The Commission also stated that it “expect[s] NYISO to work with its stakeholders in developing this compliance filing.”⁸

The NYISO commenced work on a compliance proposal promptly after the issuance of the October Order. When it became apparent that additional time was needed the NYISO timely sought and obtained a 45 day extension. In the months since the October Order the NYISO has worked diligently to craft renewable and self-supply exemptions that would satisfy the Commission’s requirements and to incorporate stakeholder input. The NYISO has held five stakeholder meetings to discuss the NYISO’s proposal, and obtain stakeholder input as it has evolved. Since the last meeting with stakeholders, on January 26, meeting with stakeholders, further details of the proposal have been developed and the NYISO is continuing to draft compliance tariff language. The NYISO would like to discuss the details and review the draft tariff provisions with stakeholders. The NYISO believes that review with stakeholders will be beneficial to all parties and will result in a clearer proposal.

II. Request for Extension of Compliance Filing Deadline

The NYISO understands the importance that the Commission places on timely compliance with its orders. The requested additional extension is brief (21 days) but necessary given the potential impacts of the compliance filing. Taking a little more time to finalize the filing will allow stakeholders the opportunity to review a near final version of the NYISO’s compliance draft language and give the NYISO an opportunity to consider it and to make any necessary revisions. Allowing an opportunity for additional pre-filing review would complete the stakeholder process and is likely to improve the compliance proposal. Granting a brief

⁷ October Order P 62.

⁸ October Order at P 10.

additional extension also will not materially delay the implementation of renewable and selfsupply exemptions in the NYISO-administered capacity markets.

The complainants in this proceeding—the New York Public Service Commission, the New York Power Authority, and the New York State Energy Research and Development Authority—have authorized the NYISO to state that they are appreciative of the dialogue thus far in the stakeholder process and support the requested extension so that there is time for additional stakeholder meetings in which the relevant tariff language will be refined. Other parties in this proceeding, specifically, the Independent Power Producers of New York, Inc., the City of New York, Multiple Intervenors, Entergy Nuclear Power Marketing, LLC, the New York Association of Public Power, Consolidated Edison Company of New York, Inc. and Central Hudson Gas and Electric Corporation, have informed the NYISO that they do not object to the requested extension.

Rule 2008 authorizes the Commission to extend any deadline, including one imposed by a compliance directive, before it expires if a requesting party demonstrates that there is “good cause” to do so. For the reasons set forth above, the NYISO respectfully submits that there is good cause to grant the additional 21 day extension of time that it has requested.

III. Conclusion

WHEREFORE, for the foregoing reasons, the NYISO respectfully requests that the Commission grant an additional 21 day extension to the compliance filing deadline in the abovecaptioned proceeding so that the NYISO may submit its compliance tariff revisions no later than March 14, 2016. The NYISO also respectfully requests that the Commission issue an order granting the requested extension by no later than February 18, 2016 so that there will be certainty concerning the filing deadline.

Respectfully submitted,

/s/ Ted J. Murphy

Ted J. Murphy
Counsel for the New York Independent System
Operator, Inc.

February 12, 2016

cc: Michael Bardee
Anna Cochrane
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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 12th day of February 2016.

By: /s/ John C. Cutting

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