

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

TC Ravenswood, LLC,	)	
	)	
Complainant,	)	
	)	
v.	)	Docket No. EL12-9-000
	)	
New York Independent System	)	
Operator, Inc. and New York	)	
State Reliability Council, L.L.C.,	)	
	)	
Respondents.	)	

**MOTION FOR LEAVE TO ANSWER AND ANSWER OF
THE NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.**

Pursuant to Rules 212 and 213 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission” or “FERC”),¹ the New York Independent System Operator, Inc. (“NYISO”) respectfully requests leave to answer, and answers, the *Motion to Leave to File Answer and Answer of TC Ravenswood, LLC*² in the above-captioned proceeding. As described in greater detail below, the NYISO clarifies certain misrepresentations by TC Ravenswood, LLC (“TC Ravenswood”) regarding the NYISO’s obligation to continue to treat TC Ravenswood as a black start provider in order to comply with the New York State Public Service Commission’s (“PSC”) September 28, 2011, order in its Case No. 11-E-0423 (“PSC Order”).

¹ 18 C.F.R. §§ 385.212, 385.213.

² Motion to Leave to File Answer and Answer of TC Ravenswood LLC (December 21, 2011) (“TC Ravenswood Answer”).

I. REQUEST FOR LEAVE TO ANSWER

The Commission has the discretion to accept answers to answers, and has done so when they help to clarify complex issues, provide additional information, or are otherwise helpful in the development of the record in a proceeding.³ The NYISO's answer will help the Commission's resolution of this matter as it will clarify misrepresentations in TC Ravenswood's answer. The NYISO, therefore, respectfully requests that the Commission accept this answer.

II. ANSWER

In its answer, TC Ravenswood misrepresents the reasons why the NYISO is obligated to continue to treat TC Ravenswood as a black start provider in New York. TC Ravenswood asserts that the NYISO relies on Section G of the New York State Reliability Council's ("NYSRC") reliability rules and measurements ("NYSRC Reliability Rules") to elect to continue to treat TC Ravenswood as a black start provider, and argues that the NYSRC Reliability Rules "do not require TC Ravenswood or any generator to be a black start service provider."⁴ However, as clearly stated in the NYISO's answer, the NYISO continues to treat TC Ravenswood as a black start provider in recognition of the PSC Order.⁵

³ See e.g., *New York Independent System Operator Inc.*, 133 FERC ¶ 61,178 at P 11 (2011) (allowing answers to answers and protests "because they have provided information that have assisted [the Commission] in [its] decision-making process"); *Morgan Stanley Capital Group, Inc. v. New York Independent System Operator, Inc.*, 93 FERC ¶ 61,017 at 61,036 (2000) (accepting an answer that was "helpful in the development of the record...").

⁴ TC Ravenswood Answer at pp. 2-4, 10-15 (quoted language at p. 3).

⁵ Answer of the New York Independent System Operator, Inc. and Conditional Request for Waivers at pp. 3, 12-13 (December 6, 2011).

The PSC Order stated that any generator in New York State currently providing black start service must obtain the PSC's consent prior to ceasing to provide the service.⁶ While the NYISO does not take a position on the scope of the PSC's authority in this matter, the PSC Order is presumptively valid unless it is modified or vacated. Notwithstanding TC Ravenswood's casual assertions to the contrary, the NYISO cannot simply disregard the PSC Order. TC Ravenswood has neither sought the PSC's consent to cease providing black start service, nor has it sought a stay or rehearing of the PSC Order or appealed it in court. It is by operation of the PSC Order, and the fact that TC Ravenswood's steam turbine units remain identified as black start facilities in Consolidated Edison Company of New York Inc.'s ("Con Edison's") local system restoration plan, that the NYSRC Reliability Rules continue to apply to TC Ravenswood as a black start service provider, including the requirement that it perform certain tests of its black start facilities.⁷

The NYISO is responsible for monitoring and taking reasonable action to secure a market participant's compliance with the requirements in the NYSRC Reliability Rules.⁸ The NYISO's failure to take reasonable action could result in NYSRC finding that the

⁶ N.Y.P.S.C., Case No. 11-E-0423, Petition of Consolidated Edison Company of New York, Inc. for a Declaratory Ruling Concerning the Discontinuance of Black Start Service, *Declaratory Ruling Regarding Black Start Service* at pp. 4, 12-13 (September 28, 2011).

⁷ While disputing that it is a black start provider, TC Ravenswood acknowledges that NYSRC Reliability Rule Measurement G-M3 imposes testing requirements on black start providers. TC Ravenswood Answer at pp. 13-14.

⁸ See Compliance Templates for the NYSRC Reliability Rules, Measurement G-M3 (Version 23, November 11, 2011), available at: <http://www.nysrc.org/pdf/Compliance%20Template%20Manuals/CT%20Manual%20Version%2023%20%201-10-11%20final.pdf>; see also NYSRC Policy 4-5: Procedure for Monitoring Compliance with the NYSRC Reliability Rules, at pp. 6-7 (November 10, 2011) ("NYSRC Compliance Policy"), available at: <http://www.nysrc.org/pdf/Policies/NYSRC%20Policy%204-5%20Final%2011-10-11.pdf>.

NYISO is out of compliance with the NYSRC Reliability Rules.⁹ For this reason, following the issuance of the PSC Order, NYISO staff had discussions with NYSRC representatives on several occasions regarding the PSC Order and TC Ravenswood's status as a black start provider.¹⁰ The NYSRC clearly indicated its expectation that the NYISO work with TC Ravenswood and Con Edison to arrange for black start testing of the TC Ravenswood steam turbine units. In response to the PSC Order, and following these discussions with NYSRC, the NYISO sent a letter to TC Ravenswood, dated October 28, 2011, informing TC Ravenswood that on the basis of the PSC Order, Units 10, 20, and 30 would continue to be treated as black start facilities, and that it must schedule and perform black start tests of these facilities in accordance with the NYSRC Reliability Rules. TC Ravenswood has not responded to the NYISO's letter or contacted the NYISO to schedule a test of its steam turbine units.

⁹ *See id.*

¹⁰ NYSRC's Executive Committee is responsible for determining whether the NYISO has taken "all reasonable action to secure market participant's compliance with the Reliability Rules " NYSRC Compliance Policy 4-5, p. 7. For this reason, the NYISO regularly coordinates with NYSRC regarding the implementation of the NYSRC Reliability Rules, as it did in this instance.

III. COMMUNICATIONS

Copies of correspondence concerning this filing should be served on:

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IV. CONCLUSION

WHEREFORE, for the foregoing reasons, the New York Independent System Operator, Inc., respectfully requests that the Commission grant its motion for leave to answer, accept this answer, and dismiss TC Ravenswood's complaint as it pertains to the NYISO.

Respectfully submitted,

/s/ Ted J. Murphy

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

January 12, 2012

¹¹ The NYISO respectfully requests waiver of 18 C.F.R. § 385.203(b)(3) (2011) to permit service on counsel for the NYISO in both Washington, DC and Richmond, VA.

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused the foregoing document to be served 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 Commission Rules of Practice and Procedure, 18 C.F.R. § 385.2010 (2011).

Dated at Washington, D.C. this 12th day of January, 2012.

/s/ Ted J. Murphy

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