

November 25, 2015

By Electronic Delivery

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

**Re: *New York Independent System Operator, Inc.*, Docket No ER16-____-____;
Proposed Tariff Amendments to NYISO Open Access Transmission Tariff,
Attachment F**

Dear Ms. Bose:

Pursuant to Section 205 of the Federal Power Act,¹ the New York Independent System Operator, Inc., (“NYISO”) respectfully submits proposed revisions to the NYISO’s Open Access Transmission Tariff (“OATT”), to authorize the NYISO to provide certain market participant information for the New York Generation Attribute Tracking System.

I. List of Documents Submitted

The NYISO respectfully submits this filing letter and the following documents:

1. A clean version of the proposed revisions to OATT Section 12 (Attachment I); and
2. A blacklined version of the proposed revisions to OATT Section 12 (Attachment II).

II. Background and Justification

In August 2012, New York Public Authorities law was revised to direct the New York State Energy Research and Development Authority (“NYSERDA”) to create a New York Generation Attribute Tracking System (“NYGATS”).² NYGATS will record electricity generation attribute information within New York State for all generation and process generation attribute information from energy imported and consumed within the state, as a basis for creating tradable generation attribute certificates.

¹ 16 U.S.C. § 824d.

² NY Pub. Auth. Law, art. 8, § 1854(19).

NYGATS is designed to support New York State energy initiatives, including the voluntary market for tradable renewable energy certificates (“RECs”) and the New York Renewable Portfolio Standard (“RPS”). NYGATS will facilitate voluntary trading of RECs “unbundled” from electricity. NYGATS will also support reporting of the environmental characteristics of electricity generated and consumed in New York through the New York Department of Public Service Environmental Disclosure Program.³

The New York Public Authorities Law states that, for NYGATS, NYSERDA will “obtain generation, delivery and consumption information from independent system operators, generators, public utility companies, and retail load serving entities . . .”⁴ The NYISO proposes to revise its OATT to authorize submission of confidential, commercially sensitive energy generation, delivery and consumption information to NYGATS in order to provide consistent reporting of data for those generators, public utility companies and retail load serving entities that participate in the NYISO’s markets.

III. Description of Proposed Tariff Revisions

The NYISO proposes to amend Section 12.4 of its OATT to reflect ongoing electronic delivery of data for NYGATS. The proposed tariff revisions permit submission of confidential generation output, load consumption, and bilateral transaction data to NYSERDA or its designee, consistent with New York Public Authorities Law, for NYGATS. The data will be summed to the monthly level, except for those instances where hourly data is required to support NYGATS functions.

The amendments note that the NYISO will provide the data pursuant to a confidentiality agreement with NYSERDA or its designee, which among other things will request that the data only be publicly released if in masked or aggregated form, and otherwise be treated as confidential and exempt from disclosure under the New York Freedom of Information Law (“FOIL”). In the event of a FOIL request or other decision by NYSERDA to release the data provided, the NYISO will immediately notify the affected market participants, at which time the NYISO and the affected market participants may respond before such information might be disclosed or made public.

The proposed amendments to the NYISO’s OATT also state that the NYISO shall not be held liable for any losses, consequential or otherwise, resulting from the NYISO divulging such Confidential Information.

Finally, the tariff amendments contain ministerial revisions, including insertion of additional headings for increased clarity, renumbering a portion of OATT 12.4 as 12.5, renumbering subsequent tariff sections as 12.6 through 12.15, and revising OATT 12.1 to reflect the renumbering described herein.

³ Additional information concerning NYGATS is available at: <http://www.nyserda.ny.gov/Cleantech-and-Innovation/Environment/Research-Crosscutting-Topics/New-York-Generation-Attribute-Tracking-System>

⁴ NY Pub. Auth. Law at § 1854(19)(d).

IV. Request for Effective Date

The NYISO respectfully requests Commission action within sixty days from the date of this filing (*i.e.*, January 25, 2016), with an effective date for the tariff revisions of January 1, 2016. The NYISO is not requesting expedited approval and does not seek authority to begin submittal of confidential, commercially sensitive data to NYGATS earlier than the requested date for Commission action. However, upon approval of the proposed tariff revisions, the NYISO seeks the ability to provide data for NYGATS dating back to January 1, 2016, so that complete 2016 data will be available to support the creation of RECs and the Environmental Disclosure Program. To that end, the NYISO requests that the tariff revisions proposed herein become effective on January 1, 2016.

NYISO Stakeholder Review and Board of Directors Approval

The NYISO's Management Committee approved the proposed revisions to the OATT, Attachment F, Section 12.4, unanimously on October 28, 2015. The NYISO Board of Directors approved the proposed tariff revisions on November 17, 2015.

VI. Communications and Correspondence

Copies of correspondence concerning this filing should be served on:

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* Persons designated for receipt of service.

VII. Service

This filing will be posted on the NYISO's website at www.nyiso.com. In addition, the NYISO will e-mail 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, and to the New Jersey Board of Public Utilities.

VIII. Conclusion

For the foregoing reasons, the NYISO respectfully requests that the Commission accept the attached tariff revisions.

Respectfully submitted,

/s/ Christopher R. Sharp

Robert E. Fernandez, General Counsel
Christopher R. Sharp, Compliance Attorney
New York Independent System Operator, Inc.

cc: Michael Bardee
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