

October 27, 2017

By Electronic Delivery

Honorable Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: *New York Independent System Operator, Inc.*, Docket No. ER18-____-000; Proposed Revision to Table 1A of Attachment L of the OATT

Dear Secretary Bose:

In accordance with Section 205 of the Federal Power Act¹ and Part 35 of the regulations of the Federal Energy Regulatory Commission (“Commission”), the New York Independent System Operator, Inc. (“NYISO”) submits a proposed revision to its Open Access Transmission Tariff (“OATT”) to incorporate an Accepted Revision that corrects an erroneous data entry for Contract No. 218 in Table 1A of Attachment L of the OATT (“Table 1A”).²

The NYISO Management Committee unanimously approved the proposed revision on August 30, 2017. The NYISO respectfully requests that the proposed revision becomes effective on December 27, 2017 (*i.e.*, the day following the end of the statutory 60-day notice period).

I. Documents Submitted

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

1. A clean version of the proposed revision to the OATT (“Attachment I”); and
2. A blacklined version of the proposed revision to the OATT (“Attachment II”).

II. Background

Table 1A lists certain long-term transmission service agreements pursuant to which customers received transmission service before the NYISO’s inception. These agreements are referred to as Existing Transmission Agreements (“ETAs”). Table 1A also provides certain

¹ 16 U.S.C. § 824d.

² Capitalized terms not otherwise defined herein shall have the meaning specified in Section 1 of the OATT.

relevant information regarding each ETA, including: (i) the party receiving transmission service and the transmission service provider; (ii) the MW value of the transmission service for which Grandfathered Rights or Grandfathered Transmission Congestion Contracts (“TCCs”) were awarded at NYISO start-up; (iii) the Point of Injection and Point of Withdrawal associated with the transmission service; and (iv) the termination/expiration date.

The NYISO is not a party to the ETAs. Section 17.9 of Attachment K of the OATT establishes a process for the parties to ETAs to inform the NYISO of any changes to their ETAs or corrections to the information listed in Table 1A to ensure consistency with the terms and conditions of their ETAs (*i.e.*, the “Accepted Revisions process”).³ Revisions to ETAs or inaccuracies in the information set forth in Table 1A may require changes to Table 1A. Such revisions or inaccuracies may also have consequences for NYISO settlements and the NYISO-administered TCC auctions. This process also establishes the procedures for the NYISO to document such changes/corrections and reflect them in NYISO settlements and TCC auctions.

Section 17.9.4 of Attachment K of the OATT requires that the NYISO periodically incorporate Accepted Revisions into Table 1A through a Section 205 filing utilizing the NYISO’s traditional shared governance stakeholder process.⁴ The NYISO is required to make such filings on at least an annual basis, unless no Accepted Revisions occur within a given twelve-month period.

Based on the effective date accepted by the Commission for the tariff revisions implementing the annual filing requirement,⁵ the NYISO utilizes twelve-month periods encompassing June 1st through May 31st of the following year for the purposes of measuring such annual periods. The NYISO’s general practice is to await the completion of each such twelve-month period before commencing the shared governance stakeholder process to revise Table 1A to incorporate any Accepted Revisions processed by the NYISO during such period. The process to obtain approval to file the required Section 205 filings generally takes approximately four months to complete.⁶

³ See Docket No. ER11-4274-000, *New York Independent System Operator, Inc.*, Proposed Tariff Revisions Related to Grandfathered Rights and Grandfathered TCCs (August 10, 2011); and Docket No. ER11-4274-000, *supra*, Letter Order (September 16, 2011).

⁴ Accepted Revisions posted to the NYISO’s website are effective for purposes of NYISO settlements and TCC auctions in accordance with the requirements set forth in Section 17.9 of Attachment K regardless of whether they have been formally incorporated into Table 1A.

⁵ The tariff revisions implementing the annual filing process became effective on May 26, 2015. See Docket No. ER15-1391-000, *New York Independent System Operator, Inc.*, Letter Order (April 29, 2015).

⁶ The process to obtain approval for the required Section 205 filings includes the following steps: (i) presenting the proposed tariff revisions at one or more meetings of the Market Issues Working Group; (ii) presenting at, and obtaining approval from, the Business Issues Committee; (iii) presenting at, and obtaining approval from, the Management Committee; and (iv) obtaining approval from the NYISO Board of Directors.

The NYISO did not receive any requested changes to the ETA data listed in Table 1A during the twelve-month period from June 1, 2015 through May 31, 2016. Therefore, there were no Accepted Revisions during this period. As a result, no filing was required in 2016. During the period from June 1, 2016 through May 31, 2017, the NYISO processed one Accepted Revision, thereby requiring this filing.

III. Description of the Proposed Tariff Revision

On July 21, 2016, the New York Power Authority (“NYPA”) requested that the NYISO revise the termination/expiration date for Contract No. 218 from “November 1, 2016” to “January 31, 2020” in order to ensure that the information listed in Table 1A accurately reflects the existing terms of the underlying ETA. Consolidated Edison Company of New York, Inc. (“Con Edison”), the Port Authority of New York and New Jersey (“Port Authority”) and KIAC Partners concurred with NYPA’s requested revision. The NYISO implemented the requested change as an Accepted Revision effective July 23, 2016.⁷

Contract No. 218 provides NYPA with transmission service from Con Edison in connection with the service provided by NYPA to the Port Authority. The service also includes Con Edison’s delivery of power produced by a cogeneration facility owned by KIAC Partners at the John F. Kennedy International Airport that serves to offset the service required by the Port Authority from NYPA. In support of the revision, NYPA submitted various contractual documents related to Contract No. 218 demonstrating that, per the existing terms of the underlying ETA, the correct termination/expiration date for the ETA is 25 years after the KIAC Partners’ cogeneration facility commenced operation. The KIAC Partners’ cogeneration facility commenced operation on February 1, 1995.⁸ Accordingly, per its existing terms, the ETA terminates/expires after January 31, 2020.

IV. Effective Date

The NYISO respectfully requests that the proposed tariff revision becomes effective on December 27, 2017 (*i.e.*, the day following the end of statutory 60-day notice period).

V. Requisite Stakeholder Approval

The proposed tariff amendment was unanimously approved by the NYISO Management Committee on August 30, 2017. The NYISO’s Board of Directors approved the proposed revision on October 17, 2017.

⁷ The Accepted Revision was also posted to the NYISO’s website to ensure transparency and marketplace awareness thereof.

⁸ See, e.g., NYISO, 2017 Load & Capacity Data Report at 40 (May 4, 2017), available at: http://www.nyiso.com/public/webdocs/markets_operations/services/planning/Documents_and_Resources/Planning_Data_and_Reference_Docs/Data_and_Reference_Docs/2017_Load_and_Capacity_Data_Report.pdf.

VI. Communications and Correspondence

All communications and service in this proceeding should be directed to:

Robert E. Fernandez, General Counsel
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*Person designated for receipt of service.

VII. Service

The NYISO will send an electronic link to this filing to the official representative of each of its customers, each participant on its stakeholder committees, the New York State Public Service Commission, and the New Jersey Board of Public Utilities. In addition, the complete filing will be posted on the NYISO's website at www.nyiso.com.

VIII. Conclusion

The NYISO respectfully requests that the Commission accept the proposed revision to the OATT attached hereto with an effective date of December 27, 2017.

Respectfully submitted,

/s/ Garrett E. Bissell

Garrett E. Bissell

Senior Attorney

New York Independent System Operator, Inc.

cc: Michael Bardee
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