

October 18, 2018

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. ER19-____-000;
Proposed Revisions 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 proposed revisions to its Open Access Transmission Tariff (“OATT”) that update certain information for Contract Nos. 189.1 and 190.1 in Table 1A of Attachment L of the OATT (“Table 1A”).²

The NYISO Management Committee unanimously approved the proposed revisions on September 26, 2018. The NYISO respectfully requests that the proposed revisions become effective on December 18, 2018 (*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 revisions to the OATT (“Attachment I”); and
2. A blacklined version of the proposed revisions 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 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 maintain 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.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

During the period from June 1, 2017 through May 31, 2018, the NYISO processed Accepted Revisions modifying the termination/expiration dates of two ETAs, thereby requiring this filing.

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 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.

III. Description of the Proposed Tariff Revisions

On August 8, 2017, the New York Power Authority (“NYPA”) requested that the NYISO revise the termination/expiration dates for Contract Nos. 189.1 and 190.1 from “December 31, 2017” to “December 31, 2027.” The NYISO implemented the requested changes as Accepted Revisions effective August 14, 2017.⁷

Contract Nos. 189.1 and 190.1 provide transmission service from NYPA in connection with the power supply service provided by NYPA to certain governmental customers located in southeastern New York including, but not limited to, the City of New York, the New York City Housing Authority, the Metropolitan Transit Authority, the Port Authority of New York and New Jersey and the County of Westchester (collectively, these customers are referred to herein as the “SENY Governmental Customers”).⁸ NYPA has provided such service to the SENY Governmental Customers since 1976. The term of the prior agreement between the SENY Governmental Customers and NYPA relating to such power supply service was scheduled to expire on December 31, 2017. In 2017, NYPA and the SENY Governmental Customers reached agreement on a new power supply agreement to last through December 31, 2027.

In connection with the 10-year extension of the related power supply arrangement, NYPA extended the term of the underlying transmission service provided by Contract Nos. 189.1 and 190.1 for a comparable period. In support of the revision, NYPA submitted various documents related to Contract Nos. 189.1 and 190.1 and the extensions of service thereunder. The documents: (i) demonstrate that the original terms and conditions of the underlying transmission service agreements included a right to extend the term of the service beyond December 31, 2017; and (ii) evidence the agreed to extensions of such service.

The requested revisions to the termination/expiration dates for Contract Nos. 189.1 and 190.1 also require clarifying revisions to footnotes 6 and 7 of Table 1A to accurately reflect the revised termination/expiration dates and agreed to terms and conditions of the extensions.

IV. Effective Date

The NYISO respectfully requests that the proposed tariff revisions become effective on December 18, 2018 (*i.e.*, the day following the end of statutory 60-day notice period).

⁷ The Accepted Revisions were also posted to the NYISO’s website on August 14, 2017 to ensure transparency and marketplace awareness thereof.

⁸ The underlying transmission service agreements at issue are service schedules executed pursuant to, and governed by the terms and conditions of, NYPA’s reciprocity transmission tariff. *See, e.g.*, Docket No. NJ97-4-000, *New York Power Authority*, Petition for Declaratory Order (December 30, 1996); *New York Power Authority*, 82 FERC ¶ 61, 078 (1998); and Docket No. NJ97-4-002, *supra*, Letter Order (August 11, 1998).

V. Requisite Stakeholder Approval

The proposed tariff amendments were unanimously approved by the NYISO Management Committee on September 26, 2018. The NYISO's Board of Directors approved the proposed revisions on October 16, 2018.

VI. Communications and Correspondence

Please direct all communications and service in this proceeding to:

Karen Georgenson Gach, Acting General Counsel
Raymond Stalter, Director, Regulatory Affairs
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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. The NYISO will also post the complete filing on its website at www.nyiso.com.

VIII. Conclusion

The NYISO respectfully requests that the Commission accept the proposed revisions to the OATT attached hereto with an effective date of December 18, 2018.

Respectfully submitted,

/s/ Garrett E. Bissell

Garrett E. Bissell

Senior Attorney

New York Independent System Operator, Inc.

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| cc: | Nicole Buell | David Morenoff |
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