

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

**New York Independent System)
Operator, Inc.)**

**Docket Nos. ER14-308-000
ER14-309-000**

**MOTION TO INTERVENE OUT OF TIME AND JOINT COMMENTS OF THE
MIDCONTINENT INDEPENDENT SYSTEM OPERATOR, INC., SOUTHWEST
POWER POOL, INC., CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORP., AND
NEW YORK INDEPENDENT SYSTEM OPERATOR, INC. IN SUPPORT OF PJM
INTERCONNECTION, L.L.C.'S REQUEST FOR CLARIFICATION OF THE
COMMISSION'S ORDER ACCEPTING NYISO'S TARIFF FILING**

Pursuant to Rules 212 and 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission¹ (the "Commission"), the Midcontinent Independent System Operator, Inc. ("MISO"), Southwest Power Pool, Inc. ("SPP"), California Independent System Operator Corp. ("CAISO"), and New York Independent System Operator, Inc. ("NYISO") (collectively, "the Joint RTO Commenters") submit this request to intervene out of time and associated comments in support of PJM Interconnection, L.L.C.'s ("PJM") Request for Clarification of the Commission's Order Accepting NYISO's Tariff Filing filed on January 29, 2014 ("Request for Clarification").

I. IDENTIFICATION OF FILING PARTIES

The filing parties are Commission-approved Regional Transmission Organizations ("RTOs") or Independent System Operators ("ISOs"), which are independent entities responsible

¹ 18 C.F.R. § 385.212 and 214 (2013).

for ensuring the continued reliability of the bulk power system in their respective footprints and that have no financial stake in any generator or other market participant. More specifically, SPP is a Commission-approved RTO² based in Little Rock, Arkansas. SPP has 75 Members and currently administers transmission service over portions of Arkansas, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma and Texas, serving more than 6 million households in a 370,000 square-mile area. MISO is a Commission-approved RTO based in Carmel, Indiana that provides open access transmission service and administers day-ahead, real-time, and financial transmission rights markets.³ MISO's footprint covers 15 states and one Canadian province and is comprised of 48 Transmission Owners and 96 Members serving approximately 42 million people. CAISO is a Commission-approved ISO that provides open access to the transmission grid in most of California and a small part of Nevada, and operates a wholesale market for energy and related services. The CAISO-controlled grid comprises the systems of 17 transmission owners and serves approximately 30 million retail customers. NYISO is a Commission-approved ISO established to manage New York's electrical grid and operate its wholesale electricity markets. NYISO is responsible for the New York Control Area, which includes more than 11,000 circuit-miles of high-voltage lines that carry electricity throughout the state and serves approximately 19.2 million customers. As RTOs and ISOs similarly situated to PJM, the Joint RTO Commenters have a substantial interest in the outcome of this proceeding.

² *Southwest Power Pool, Inc.*, 109 FERC ¶ 61,009 (2004), *order on reh'g*, 110 FERC ¶ 61,137 (2005).

³ MISO provides open access transmission and market services pursuant to its FERC-filed Open Access Transmission, Energy and Operating Reserve Markets Tariff ("Tariff" or "MISO Tariff"), which is available at MISO's website at: <https://www.misoenergy.org/Library/Tariff/Pages/Tariff.aspx>.

II. MOTION TO INTERVENE OUT OF TIME

MISO, SPP and CAISO seek permission to intervene in this docket out of time. Pursuant to Rule 214(d), the Commission will grant a late filed intervention where good cause is shown and the parties to the proceeding will not be prejudiced by the intervention. Approval of this motion to intervene out of time will not cause any disruption or delay to the consideration of PJM's Motion for Clarification or prejudice any other party to this proceeding. As the Joint RTO Commenters have different policies and programs in place for ensuring their independence, they have a direct and substantial interest in this proceeding that cannot be adequately represented by any other party. Hence, there is good cause to grant the motion because no other party can adequately represent the interests of MISO, SPP and CAISO, and the prospect of the Commission ruling on whether its order of December 30, 2013 applies to MISO, SPP and CAISO did not arise until January 29, 2014, when PJM filed its Request for Clarification.

III. COMMENTS

The Joint RTO Commenters respectfully submit these comments in support of PJM's Request for Clarification. On November 4, 2013, the NYISO proposed to amend the NYISO Open Access Transmission Tariff and Independent System Operator Agreement to re-define the NYISO's restrictions on investments in market participants by NYISO employees, officers, directors, and their family members. On December 30, 2013, the Commission accepted the NYISO's proposed filing to be effective January 3, 2014.⁴ On January 29, 2014, PJM filed a Request for Clarification requesting confirmation that the Commission's acceptance of the "Prohibited Securities" methodology advanced by the NYISO is generally applicable to all RTOs

⁴ *New York Indep. Sys. Operator, Inc.*, Order Accepting Tariff Filings, 145 FERC 61,294 (2013) ("NYISO Order").

and ISOs who adopt the same methodology. Additionally, PJM requests that the Commission permit PJM and other RTOs/ISOs to take the necessary steps to conform rules and practices to the “Prohibited Securities” methodology accepted by the Commission in the NYISO Order.⁵

The Joint RTO Commenters respectfully submit that the “Prohibited Securities” methodology accepted by the Commission in the NYISO Order is germane to all RTOs and ISOs. They, therefore, concur with and support PJM’s Request for Clarification and respectfully urge the Commission to provide clarifying guidance on the applicability of the “Prohibited Securities” methodology accepted by the Commission in the NYISO Order to all RTOs and ISOs. The Joint RTO Commenters note that such guidance would benefit all RTOs and ISOs.

IV. CONCLUSION

For the foregoing reasons, the Joint RTO Commenters strongly support PJM’s Request for Clarification and respectfully request that the Commission expeditiously grant PJM’s Request for Clarification.

Respectfully submitted,

⁵ *Id.*

/s/ Stephen G. Kozey

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Dated: February 14, 2014

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 the above captioned proceedings.

Dated at Carmel, Indiana, this 14th day of February, 2014.

/s/ Christina V. Bigelow

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