

194 FERC ¶ 61,025  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Laura V. Swett, Chairman;  
David Rosner, Lindsay S. See,  
Judy W. Chang, and David LaCerte.

New York Independent System Operator, Inc.                      Docket Nos. ER19-2276-007  
ER23-2040-004  
(not consolidated)

ORDER ON COMPLIANCE

(Issued January 9, 2026)

1. On October 15, 2025, New York Independent System Operator, Inc. (NYISO) submitted two filings, one in Docket No. ER19-2276-007 and one in Docket No. ER23-2040-004, to comply with Commission orders<sup>1</sup> to establish the effective date of tariff revisions terminating NYISO's Day-Ahead Demand Response Program<sup>2</sup> (DADRP) and Demand Side Ancillary Service Program (DSASP), effective October 31, 2025. In this order, we accept NYISO's proposed October 31, 2025 effective date for the previously accepted tariff records that terminate the DADRP and DSASP, as requested, as discussed below.

**I. Background**

**A. Docket No. ER19-2276**

2. On June 27, 2019, NYISO filed proposed revisions to its OATT and Services Tariff to establish a new participation model for Distributed Energy Resources (DER) via

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<sup>1</sup> See *N.Y. Indep. Sys. Operator, Inc.*, Docket No. ER19-2276-003 (Apr. 21, 2020) (delegated order) (April 2020 Order) (ordering compliance filing); *N.Y. Indep. Sys. Operator, Inc.*, 187 FERC ¶ 61,022 (2024) (April 2024 DER Order) (ordering informational filing in Docket No. ER23-2040).

<sup>2</sup> Capitalized terms that are not otherwise defined in this order shall have the meaning specified in the NYISO Open Access Transmission Tariff (OATT) and the NYISO Market Administration and Control Area Services Tariff (Services Tariff).

Aggregations (DER and Aggregation participation model).<sup>3</sup> As part of these revisions, NYISO proposed tariff revisions to sunset the DADRP and DSASP, which would be replaced by the new DER and Aggregation participation model.<sup>4</sup> The Commission accepted the filing, subject to NYISO making a compliance filing at least two weeks prior to its proposed effective date to specify the date on which the revised language will take effect.<sup>5</sup> NYISO subsequently submitted filings to the Commission addressing the effective date for the revised tariff language on September 29, 2023,<sup>6</sup> October 19, 2023,<sup>7</sup> and April 16, 2024.<sup>8</sup> In the April 2024 Notice Filing, NYISO submitted tariff records for its DER and Aggregation participation model reflecting an effective date of April 16, 2024, but proposed a 12-month transition period before terminating its DADRP and DSASP, and committed to submitting a notice of effective date for those tariff revisions at least two weeks before they become effective.<sup>9</sup>

3. On July 9, 2024, the Commission issued an order accepting the proposal in NYISO's April 2024 Notice Filing.<sup>10</sup>

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<sup>3</sup> *N.Y. Indep. Sys. Operator, Inc.*, Distributed Energy Resource Tariff Filing, Docket No. ER19-2276-000 (filed June 27, 2019).

<sup>4</sup> *Id.*, Transmittal Letter at 33-35.

<sup>5</sup> *N.Y. Indep. Sys. Operator, Inc.*, 170 FERC ¶ 61,033, at P 35 (2020); April 2020 Order, Docket No. ER19-2276-003 at 1.

<sup>6</sup> *N.Y. Indep. Sys. Operator, Inc.*, Notice Establishing an Effective Date for the Distributed Energy Resource and Aggregation Participation Model, Docket No. ER19-2276-000 (filed Sep. 29, 2023) (September 2023 Notice Filing).

<sup>7</sup> *N.Y. Indep. Sys. Operator, Inc.*, Notice of Delayed and Revised Effective Date Applicable to the Implementation of the Distributed Energy Resource and Aggregation Participation Model, Docket No. ER19-2276-000 (filed Oct. 19, 2023).

<sup>8</sup> *N.Y. Indep. Sys. Operator, Inc.*, Tariff Filing, Docket No. ER19-2276-006 (filed Apr. 16, 2024) (April 2024 Notice Filing).

<sup>9</sup> *Id.*, Transmittal Letter at 2-3.

<sup>10</sup> *N.Y. Indep. Sys. Operator, Inc.*, Docket No. ER19-2276-006, (Jul. 9, 2024) (delegated order).

**B. Docket No. ER23-2040**

4. On June 1, 2023, NYISO submitted revisions to its OATT and Services Tariff to clarify and enhance the requirements for the DER and Aggregation participation model.<sup>11</sup> As part of this filing, NYISO proposed additional tariff revisions required to sunset the DADRP and DSASP, and also proposed a timeline for participants in these programs to transition to the DER and Aggregation participation model. NYISO requested a flexible effective date for the tariff revisions terminating the DADRP and DSASP 12 months after the effective date of the DER and Aggregation participation model.<sup>12</sup> On April 15, 2024, the Commission accepted the proposed revisions and directed NYISO to make a filing to notify the Commission of the effective date of the tariff record terminating the DADRP and DSASP at least two weeks prior to the proposed effective date of the tariff record, as NYISO proposed.<sup>13</sup>

**II. Filings****A. Docket No. ER19-2276-007**

5. NYISO states that, in compliance with the Commission's prior orders, it submits the filing in Docket No. ER19-2276-007 to establish the effective date of October 31, 2025 for the tariff revisions terminating the DADRP and DSASP and explains that it has notified Market Participants of the upcoming termination of these programs.<sup>14</sup>

**B. Docket No. ER23-2040-004**

6. NYISO states that, in compliance with the April 2024 DER Order, it submits the filing in Docket No. ER23-2040-004 to provide notice of the effective date of October 31, 2025 for the additional tariff revisions terminating the DADRP and DSASP that were accepted in the Commission's April 2024 DER Order.<sup>15</sup>

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<sup>11</sup> *N.Y. Indep. Sys. Operator, Inc.*, Tariff Filing, Docket No. ER23-2040-000 (filed June 1, 2023).

<sup>12</sup> April 2024 DER Order, 187 FERC ¶ 61,022 at P 4.

<sup>13</sup> *Id.* P 102.

<sup>14</sup> Transmittal Letter, Docket No. ER19-2276-007 at 3.

<sup>15</sup> Transmittal Letter, Docket No. ER23-2040-004 at 3.

### III. Notice of Filings and Responsive Pleadings

7. Notice of NYISO's filings in Docket Nos. ER19-2276-007 and ER23-2040-004 was issued on October 15, 2025, with interventions and protests due on or before November 5, 2025.<sup>16</sup>

8. Voltus, Inc. (Voltus) filed a timely motion to intervene and protest in Docket No. ER19-2276-007. NYISO filed an answer in Docket No. ER19-2276-007 on November 24, 2025. Voltus filed an answer in Docket No. ER19-2276-007 to NYISO's answer on December 12, 2025.

#### A. Protest

9. Voltus requests that the Commission direct NYISO to further extend the transition period and not terminate the DADRP and DSASP until it is demonstrated that all transmission owners have completed the necessary infrastructure to integrate the telemetry required for DADRP and DSASP resources to participate in the DER and Aggregation participation model.<sup>17</sup> Voltus argues that, if the termination date is not extended, some DSASP resources will be stranded, thus depriving NYISO of needed real-time system balancing capabilities.<sup>18</sup> Voltus states that, from November 2024 through April 2025, there were up to 12 Demand Side Resources in the DSASP providing Operating Reserves, contributing 433 MW of capability. Voltus further states that the DSASP resources that had not transitioned before the end of October represented up to 185 MW of capability. Voltus states that, after the DSASP Program sunsets, these stranded resources will be prevented from continuing to provide this important grid service.<sup>19</sup> Voltus contends that this is not consistent with the Commission's policy of ensuring that any resource that is technically capable of providing wholesale services through aggregation is eligible to do so, which enhances competition and helps to ensure that these energy markets produce just and reasonable rates.<sup>20</sup>

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<sup>16</sup> Further notice was published in the *Federal Register*, 90 Fed. Reg. 53314 (Nov. 25, 2025).

<sup>17</sup> Protest at 4.

<sup>18</sup> *Id.* at 3.

<sup>19</sup> *Id.* at 3-4.

<sup>20</sup> *Id.* at 4 (citing *Participation of Distributed Energy Res. Aggregations in Mkts. Operated by Reg'l Transmission Orgs. & Indep. Sys. Operators*, Order No. 2222, 172 FERC ¶ 61,247, at P 114 (2020)).

10. Voltus states that, during the Commission proceedings to implement the DER and Aggregation participation model, stakeholders expressed concern about the proposed transition period.<sup>21</sup> Voltus asserts that, in accepting NYISO's proposed timeline, the Commission specifically relied on NYISO's commitment to extend the transition period if needed.<sup>22</sup> Voltus argues that the Commission should direct NYISO to further extend the window until load serving entities are ready, and it is demonstrated that all transmission owners have completed the necessary infrastructure to integrate the telemetry required for participation in the DER and Aggregation participation model.<sup>23</sup>

**B. NYISO Answer**

11. NYISO states that the Commission accepted NYISO's proposal to submit a compliance filing at least two weeks prior to its proposed effective date to specify the date on which the DADRP and DSASP would terminate.<sup>24</sup> NYISO asserts that it has been providing Market Participants with notice since at least 2017 that the DER and Aggregation participation model will result in sunseting the DADRP and DSASP and that it worked with stakeholders throughout 2018 and 2019 on developing the requirements to establish the DER and Aggregation participation model.<sup>25</sup>

12. NYISO explains that, in the September 2023 Notice Filing, it stated that it anticipated terminating DADRP and DSASP 12 months after the effective date of the DER and Aggregation participation model,<sup>26</sup> which was subsequently revised to be April 16, 2024.<sup>27</sup> NYISO further states that later, on January 4, 2025, NYISO provided Market Participants with notice of the proposed October 31, 2025 sunset date for DADRP and DSASP. NYISO states that DADRP and DSASP Resources have now been afforded

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<sup>21</sup> *Id.* at 3.

<sup>22</sup> *Id.* at 2, 4 (citing September 2023 Notice Filing, Docket No. ER19-2276-000 at 3).

<sup>23</sup> *Id.* at 4.

<sup>24</sup> NYISO Answer at 4 (citing April 2020 Order, Docket No. ER19-2276-003).

<sup>25</sup> *Id.* at 3.

<sup>26</sup> *Id.* at 4 (citing September 2023 Notice Filing, Docket No. ER19-2276-000).

<sup>27</sup> *Id.* (citing April 2024 Notice Filing, Docket No. ER19-2276-006).

the 12-month transition period, plus a six-month extension, which is a reasonable opportunity to transition to the DER and Aggregation participation model.<sup>28</sup>

13. NYISO states that, contrary to Voltus' assertions that a substantial number of participants are stranded, the majority of Market Participants that participated in DADRP and DSASP can currently transition to the DER and Aggregation participation model.<sup>29</sup> NYISO notes that there is one transmission owner that is still working to establish telemetry with an Aggregator, but there is less than five MW of DADRP and DSASP Resources in that transmission owner's franchise area.<sup>30</sup> NYISO states that a limited number of other DADRP and DSASP Resources – less than 15 MW – are or may be unable to participate in the DER and Aggregation participation model because they are located in municipal electric utility territories where the utility distributed four million MWh or less in the previous fiscal year and has or may elect not to offer the DER and Aggregation participation model.<sup>31</sup>

14. Additionally, NYISO states that all of the DADRP and DSASP Resources that are subject to the sunset are currently or have historically participated in the NYISO Special Case Resource program, which provides the opportunity to participate in the NYISO capacity and energy markets; thus, even if DADRP and DSASP Resources are unable to or decline to transition to the DER and Aggregation participation model, they can still participate as Special Case Resources, which provides an alternative for wholesale market participation.<sup>32</sup>

15. NYISO argues that, even if there had been substantial telemetry delays, the Commission has already determined that delays associated with individual transmission owners' adoption of telemetry are not grounds for delaying the elimination of the DADRP and DSASP, finding that such an approach could create unnecessary confusion and costs for NYISO and Market Participants without demonstrated benefits.<sup>33</sup> NYISO

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<sup>28</sup> *Id.* at 5.

<sup>29</sup> *Id.* at 5-6.

<sup>30</sup> *Id.* at 6.

<sup>31</sup> *Id.* at 7. NYISO explains that, in Order No. 2222, the Commission amended its regulations to provide an opt out for small utilities (less than four million MWh annual total electric output) where the relevant electric retail regulatory authority does not allow customers of such utilities to participate in distributed energy resource aggregations. *Id.* at 7 n.28 (citing Order No. 2222, 172 FERC ¶ 61,247; 18 C.F.R. § 35.24(g)(12)(iv)).

<sup>32</sup> *Id.*

adds that there is a cost to NYISO of both (1) implementing the expansive DER program that the Commission required it to develop and implement, and (2) being required to maintain legacy programs such as DADRP and DSASP to support less than 15 MW of participants in the prior model.<sup>34</sup>

**C. Voltus Answer**

16. Voltus argues that NYISO has acknowledged that a transmission owner has yet to establish telemetry, and that this will result in a material impact to the DSASP resources in that transmission owner's franchise area, meaning that under the standard proposed by NYISO and accepted by the Commission, an extension of time for those resources is warranted.<sup>35</sup> Voltus further argues that NYISO underestimates the amount of resources in municipal electric utility territories where the utility distributed four million MWh or less in the prior fiscal year that will be unable to participate in the DER and Aggregation participation model because NYISO instituted a freeze on the enrollment of new resources or increases in enrollment volumes in the DSASP program as of April 16, 2024. Voltus states that it would have enrolled approximately 50 MW in DSASP had the program not been frozen, which means the full volume of stranded capacity is at least 65 MW.<sup>36</sup> Finally, Voltus argues that the Special Case Resource program is not a substitute because DSASP is the only way to sell ancillary services for Demand Response resources that have not been able to transition to the DER and Aggregation participation model.<sup>37</sup>

**IV. Discussion**

**A. Procedural Matters**

16. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2025), the timely, unopposed motion to intervene filed by Voltus serves to make it a party to Docket No. ER19-2276.

17. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2025), prohibits an answer to a protest unless otherwise

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<sup>33</sup> *Id.* at 8 (citing April 2024 DER Order, 187 FERC ¶ 61,022 at P 102).

<sup>34</sup> *Id.* at 8-9.

<sup>35</sup> Voltus Answer at 2.

<sup>36</sup> *Id.* at 2-3.

<sup>37</sup> *Id.* at 3.

ordered by the decisional authority. We accept the answers filed in this proceeding because they have provided information that assisted us in our decision-making process.

**B. Substantive Matters**

18. We accept NYISO's proposed effective date of October 31, 2025 to terminate the DADRP and DSASP programs. The Commission required NYISO to notify the Commission of the effective date of the tariff record terminating the DADRP and DSASP at least two weeks prior to the proposed effective date, which NYISO has done. Additionally, we note that, as NYISO explains, DADRP and DSASP Resources were provided with the 12-month NYISO-proposed and Commission-approved transition period as well as an additional six-month extension to transition to the DER and Aggregation participation model. Furthermore, as the Commission previously found the transition period should not be transmission owner-dependent because that approach could create unnecessary confusion and costs for NYISO and Market Participants without demonstrated benefits.<sup>38</sup> We disagree with Voltus' argument for a further extension for the same reason here. We find that NYISO has provided ample notice to Market Participants in advance of the proposed October 31, 2025 sunset deadline.

19. Accordingly, we accept the October 31, 2025 proposed effective date for the previously accepted tariff records terminating the DADRP and DSASP, as requested.

The Commission orders:

NYISO's proposed October 31, 2025 effective date for the previously accepted tariff records to terminate the DADRP and DSASP is hereby accepted, as requested, as discussed in the body of this order.

By the Commission.

( S E A L )

Carlos D. Clay,  
Deputy Secretary.

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<sup>38</sup> April 2024 DER Order, 187 FERC ¶ 61,022 at P 102 (finding that a 12-month transition period for the elimination of the DADRP and DSASP is just and reasonable).