

February 9, 2016

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., Compliance Filing to Remove Rejected Language from, and Insert Missing Language into, its Open Access Transmission Tariff; Docket No. ER13-1942-00\_\_\_, et. al.***

Dear Secretary Bose:

In accordance with the Federal Energy Regulatory Commission's ("Commission's") directives to provide complete eTariff records for filing and tariff viewing purposes, the New York Independent System Operator, Inc. ("NYISO") hereby submits this ministerial filing to remove rejected tariff language from Section 31.4 of its Open Access Transmission Tariff ("OATT") in the above captioned proceeding. In addition, the NYISO hereby submits corrected tariff records in various dockets<sup>1</sup> that were inadvertently filed without certain language in OATT Section 6.1.6 that was previously accepted by the Commission in Docket No. ER12-2260-000.<sup>2</sup> The NYISO respectfully requests that the Commission shorten the notice period and take expedited action to accept these corrected tariff sections.

## **I. Background**

### **A. Removal of rejected language (Docket No. ER13-1942-002)**

On June 29, 2015, the NYISO filed proposed revisions to OATT Section 31.4 in Docket No. ER15-2059-000, with a requested effective date of August 28, 2015 ("June 2015 Filing"). Subsequently, on July 13, 2015, the NYISO filed proposed revisions to OATT Section 31.4 in Docket No. ER13-1942-001, with a requested effective date of January 1, 2014 ("July 2015 Filing").

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<sup>1</sup> Docket Nos. ER12-2598-000, ER12-2598-001, ER13-599-000, ER14-552-000, ER15-2345-000, ER15-2460-000, and ER15-2460-001.

<sup>2</sup> *New York Independent System Operator, Inc.*, Docket No. ER12-2260-000 (unpublished letter order issued August 28, 2012).

The July 2015 Filing proposed two versions of OATT Section 31.4: one version, effective January 1, 2014, that did not include the then-pending June 2015 Filing language; and a second version, effective August 28, 2015, that anticipated the Commission's approval of the June 2015 Filing language.

On November 19, 2015, the Commission issued an order accepting the tariff revisions proposed in the July 2015 Filing effective on the date proposed. On December 23, 2015, the Commission issued an order rejecting the tariff revisions proposed in the June 2015 Filing. As a result, the July 2015 Filing version of NYISO OATT Section 31.4, with the August 28, 2015 effective date is currently posted as "Effective," even though the version contains the language rejected by the Commission in its December 23, 2015 Order.

With this submittal, the NYISO corrects the tariff record effective August 28, 2015, with a version of OATT Section 31.4 that does not contain rejected language, and reverts back to accepted language, effective January 1, 2014.

**B. Insertion of missing, previously-accepted language (Docket Nos. ER12-2598-000, ER12-2598-001, ER13-599-000, ER14-552-000, ER15-2345-000, ER15-2640-000, ER15-2640-001)**

The NYISO's OATT Section 6.1.6 contains language permitting the NYISO to recover from its Transmission Customers payments that the NYISO makes to the Midwest Independent Transmission System Operator, Inc. ("MISO") for charges assessed by the MISO for International Transmission Company's replacement Bunce Creek phase angle regulators. The NYISO filed the pertinent language with the Commission in Docket No. ER12-2260-000 on July 18, 2012. This language was accepted by Commission Letter Order on August 28, 2012.<sup>3</sup> In subsequent filings of OATT Section 6.1, submitted between September 7, 2012 and December 1, 2015,<sup>4</sup> the tariff record used to draft other amendments inadvertently omitted the OATT Section 6.1.6 language filed and accepted in Docket No. ER12-2260-000. Discussion of those subsequent filings follows.

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

<sup>4</sup> The instant filed versions of OATT Section 6.1 reflect language effective on particular dates in accordance with the following orders: *New York Independent System Operator, Inc.*, Docket Nos. ER12-2598-000 and ER12-2598-001 (unpublished letter order issued October 24, 2012); *New York Independent System Operator, Inc.*, Docket No. ER13-599-000 (unpublished letter order issued January 29, 2013); *New York Independent System Operator, Inc.*, 146 FERC ¶ 61,097 (2014) and 153 FERC ¶ 61,158 (2015); and *New York Independent System Operator, Inc.*, Docket No. ER15-2345-000 (unpublished letter order issued September 17, 2015).

**i. Docket Nos. ER12-2598-000 and -001**

On September 7, 2012 and subsequently on September 18, 2012, the NYISO filed revisions to OATT Section 6.1 to enable access to additional funds, when needed, to resolve shortfalls in revenues to fund the NYISO's annual operating costs and Commission-assessed regulatory fees. This filing included revisions to OATT Section 6.1 but did not modify OATT Section 6.1.6. The Commission accepted these filings by Order dated October 24, 2012 and the revisions became effective on January 1, 2013.<sup>5</sup>

**ii. Docket No. ER13-599-000**

On December 20, 2012, the NYISO filed revisions to OATT Section 6.1 regarding the costs of demand reduction payments to clarify that such costs are to be recovered only from internal statewide Load. In addition, the NYISO filing specifically excluded withdrawals supporting Exports or Wheels Through from the cost allocation formula. This filing included revisions to OATT Section 6.1 but did not propose any changes to OATT Section 6.1.6. The Commission accepted this filing by Order dated January 29, 2013 and the revisions became effective on February 18, 2013, as requested.<sup>6</sup>

**iii. Docket No. ER14-552-000**

On December 6, 2013, the NYISO filed OATT amendments to add new Real-Time Market External Transaction bidding and scheduling rules to enable the NYISO to implement Coordinated Transaction Scheduling ("CTS") at its border with PJM Interconnection, LLC. This filing included revisions to OATT Section 6.1 but did not propose any changes to Section 6.1.6. The Commission accepted this filing by Order dated February 20, 2014 and the revisions became effective on December 15, 2015.<sup>7</sup>

**iv. Docket No. ER15-2345-000**

On July 31, 2015, the NYISO filed OATT amendments to create an independent mechanism for recovering the annual FERC fee. This filing included revisions to OATT Section

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<sup>5</sup> *New York Independent System Operator, Inc.*, Docket No. ER12-2598-000, ER12-2598-001 (unpublished letter order issued October 24, 2012).

<sup>6</sup> *New York Independent System Operator, Inc.*, Docket No. ER13-599-000 (unpublished letter order issued January 29, 2013).

<sup>7</sup> *New York Independent System Operator, Inc.*, 146 FERC ¶ 61,097 (2014) and 153 FERC ¶ 61,158 (2015); *New York Independent System Operator, Inc.*, Compliance Filing and Notice of Effective Date in Docket No. ER15-2640-001 (December 1, 2015).

6.1 but did not propose any changes to Section 6.1.6. The Commission accepted this filing by Order dated September 17, 2015, with an effective date of January 1, 2016.<sup>8</sup>

**v. Docket Nos. ER15-2640-000 and -001**

On September 10, 2015, the NYISO filed OATT amendments to implement external CTS with ISO New England, Inc. This filing included revisions to OATT Section 6.1 but did not propose any changes to Section 6.1.6. The Commission accepted this filing by Order dated November 9, 2015. On December 1, 2015, the NYISO filed a two week notice of effective date for CTS with ISO New England, Inc. to become effective on December 15, 2015.<sup>9</sup>

With this submittal, the NYISO corrects the tariff records in the above referenced dockets to include the accepted and effective OATT Section 6.1.6 language from Docket No. ER12-2260-000.

**II. Documents Submitted**

The NYISO submits this filing letter and the following documents:

1. A clean version of OATT Section 31.4, with rejected language removed, effective January 1, 2014 (“Attachment I”);
2. A clean version of OATT Section 6.1 with missing language inserted (effective January 1, 2013 in Docket Nos. ER12-2598-000 and ER12-2598-001) (“Attachment II”);
3. A clean version of OATT Section 6.1 with missing language inserted (effective February 18, 2013 in Docket No. ER13-599-000) (“Attachment III”);
4. A clean version of OATT Section 6.1 with missing language inserted (effective December 15, 2015 in Docket Nos. ER14-552-000, ER15-2640-000, and ER15-2640-001) (“Attachment IV”);
5. A clean version of OATT Section 6.1 with missing language inserted (effective January 1, 2016 in Docket No. ER15-2345-000) (“Attachment V”); and

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<sup>8</sup> *New York Independent System Operator, Inc.*, Docket No. ER15-2345-000 (unpublished letter order issued September 17, 2015).

<sup>9</sup> *New York Independent System Operator, Inc.*, 153 FERC ¶ 61,158 (2015); *New York Independent System Operator, Inc.*, Compliance Filing and Notice of Effective Date in Docket No. ER15-2640-001 (December 1, 2015).

6. A marked version of OATT Section 6.1 for illustrative purposes showing the missing, previously-accepted language (“Attachment VI”).

### **III. Notice of Effective Date**

#### **A. Removal of rejected language (Docket No. ER13-1942-002)**

In accordance with the Commission’s December 2015 Order, the NYISO submits OATT Section 31.4, with rejected language removed, and with an effective date of January 1, 2014 to supersede the version currently listed on the Commission’s eTariff Viewer as effective August 28, 2015.

#### **B. Insertion of missing language (Docket No. ER14-552-000, *et. al.*)**

In accordance with the Commission’s eTariff procedures, the NYISO submits OATT Section 6.1 with the missing, previously-accepted language now included in each docket, with respective effective dates.<sup>10</sup>

### **IV. Communications and Correspondence**

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

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### **V. Service**

The NYISO will send an electronic link to this filing to the official representative of each party to the relevant docket proceeding, to the official representative of each of its customers, to

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<sup>10</sup> *Id.*

each participant on its stakeholder committees, to the New York Public Service Commission, and to the New Jersey Board of Public Utilities. In addition, the complete filing will be posted on the NYISO website at [www.nyiso.com](http://www.nyiso.com).

## **VI. Conclusion**

Wherefore, for the foregoing reasons, the New York Independent System Operator, Inc. hereby corrects the tariff record in the aforementioned dockets with their respective effective dates, and respectfully requests that the Commission shorten the notice period and take expedited action to accept these corrected tariff sections.

Respectfully submitted,

/s/ Carl F. Patka

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