UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

New York Independent System Operator, Inc.	)	**Docket No. ER16-120-00_**

REQUEST FOR REHEARING AND CLARIFICATION OF THE NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.

Pursuant to Section 313(a) of the Federal Power Act[1] and Rules 713 and 2007 of the Commission's Rules of Practice and Procedure,[2] the New York Independent System Operator, Inc. ("NYISO") requests rehearing of the Commission's April 21, 2016, *Order on Compliance and Rehearing* in the above-captioned proceeding ("April 2016 Order").[3] The April 2016 Order conditionally accepted portions of the NYISO's October 19, 2015 compliance filing ("Compliance Filing"), rejected others, and directed the NYISO to submit a further compliance filing.

As discussed below, the NYISO respectfully requests rehearing of the April 2016 Order's determinations that: (i) the NYISO must require all RMR Generators[4] to offer into capacity auctions as price-takers (in the alternative, the NYISO requests clarification on this issue); and (ii) require the NYISO to implement an additional claw-back refund mechanism. In addition, the NYISO seeks clarification to confirm the reasonableness of its plan for addressing any Generator Deactivation Notices that it may receive prior to its submission of a further compliance filing.

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[1] 16 U.S.C. § 8251(a).

[2] 18 C.F.R. § 385.713.

[3] *New York Independent System Operator, Inc.*, Order on Compliance and Rehearing, 155 FERC ¶ 61,076 (2016) ("April 2016 Order").

[4] Capitalized terms that are not otherwise defined herein have the meaning specified in the NYISO's Market Administration and Control Area Services Tariff and Open Access Transmission Tariff or in the Compliance Filing.

I. COMMUNICATIONS

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II. SPECIFICATION OF ERRORS/STATEMENT OF ISSUES

In accordance with Rule 713(c),[6] the NYISO submits the following specifications of error and statement of the issues on which it seeks rehearing of the April 2016 Order:

- The April 2016 Order's directive that all RMR Generators offers as "price-takers" does not constitute reasoned decision-making[7] for instances in which an RMR Agreement addresses a resource adequacy need because it would mute price signals, would not be more efficient, and could compound the Commission's concerns about ratepayers "paying twice."

[5] Waiver of the Commission's regulations (18 C.F.R. § 385.203(b)(3) (2014)) is requested to the extent necessary to permit service on counsel for the NYISO in Rensselaer, NY, Richmond, VA and Washington, D.C.

[6] 18 C.F.R. § 385.713(c).

[7] *See, e.g., Motor Vehicle Mfr. Ass 'n v. State Farm Mut. Auto. Ins. Co.,* 463 U.S. 29 at 43 (1983); *National Fuel Gas Supply Corp. v. FERC*, 468 F.3d 831 at 839 (D.C. Cir. 2006); *NorAM Gas Transmission Co. v. FERC*, 148 F.3d 1158, 1165 (D.C. Cir. 1998); *citing K N Energy, Inc. v. FERC*, 968 F.2d 1295, 1303 (D.C. Cir. 1992); *West Deptford Energy, LLC v. FERC*, 766 F.3d 10, 12 (D.C. Cir. 2014).

- The April 2016 Order's directive that the NYISO adopt additional "claw-back" anti-toggling provisions does not constitute reasoned decision-making[8] because such provisions are unnecessary given protections that already exist in the NYISO's RMR rules and because the Commission's claw-back formula can be overly punitive and could be inconsistent with the voluntary character of the NYISO's RMR arrangements.

III. BACKGROUND

On February 19, 2015, the Commission directed the NYISO to make a compliance filing to establish RMR tariff provisions and a *pro forma* RMR agreement ("February 2015 Order").[9] The NYISO submitted its Compliance Filing on October 19, 2015. The April 2016 Order conditionally accepted portions of the Compliance Filing. Those portions were made effective on October 20, 2015. The April 2016 Order rejected other components of the NYISO's Compliance Filing proposal. The NYISO is separately making a further compliance filing to implement these directives.[10]

This filing seeks rehearing of one of the April 2016 Order's determinations, and rehearing or in the alternative, clarification, of another. It also seeks clarification to confirm the reasonableness of the NYISO's plan for processing any Generator Deactivation Notices that may be received prior to its submission of the further compliance filing, in light of the October 20, 2015 effective date of the tariff provisions that were accepted by the April 16 Order.

[8] *Id.*

[9] *New York Indep. Sys. Operator, Inc.,* 150 FERC ¶ 61,116 (2015) ("Initial RMR Order").

[10] The NYISO has requested an additional ninety days to develop and submit its further compliance filing. *See Motion for Extension of Compliance Filing Deadline and Request for Expedited Commission Action of the New York Independent System Operator, Inc.*, Docket No. ER16-120-000 (May 19, 2016).

IV. REQUEST FOR REHEARING

A. The Commission Should Grant Rehearing of the April 2016 Order's Determination that RMR Generators Needed to Address a Resource Adequacy Need Must Offer as Price-Takers into the Capacity Auctions, or, in the Alternative, Should Clarify that the NYISO May File a Revised Offer Price Rule that Provides Additional Ratepayer Protections

The Compliance Filing generally proposed to require RMR Generators to offer all of their UCAP into the capacity auctions as "price-takers," *i.e.,* at $0.00/kW month. It also proposed three exceptions to that general rule. The first two would have been if: (i) the NYISO's determination of the need to enter into an RMR Agreement was based on a resource adequacy need; or (ii) the RMR Generator was not the least-cost solution to an identified Reliability Need. In those two instances, the RMR UCAP Offer Floor Price would be equal to the RMR Generator's RMR Avoidable Costs net of likely projected annual energy and ancillary services revenues, seasonally adjusted. In addition, the Compliance Filing proposed an exemption if an RMR Generator was subject to Offer Floor mitigation[11] prior to seeking to deactivate. In that instance, its UCAP would have been offered into the auctions at the higher of its Offer Floor or its RMR UCAP Offer Price.

The April 2016 Order rejected all of the NYISO's proposals "to impose a capacity offer price on RMR generators higher than $0.00/kW-month . . . ."[12] It stated that it would be "more efficient" for RMR Generators to offer as price-takers.[13] It also expressed concern that the NYISO's proposal could result in ratepayers "paying twice."[14] That is, if the NYISO were to impose "a higher than $0.00/kW-month offer price on an RMR generator and the generator does

[11] Offer Floor mitigation is mitigation pursuant to the buyer-side capacity market mitigation measures set forth in Section 23.4.5.6.7, *et seq*.

[12] April 2016 Order at P 82.

[13] *Id*.

[14] *Id*.

not clear in the ICAP spot market auction, another generator that otherwise would not have cleared will clear instead."[15] The Commission was concerned that ratepayers would "pay twice—once for the cost of the RMR agreement, and again for the generator that otherwise would not have cleared the market."[16]

The April 2016 Order also pointed to the Commission's February 2015 Order in *Indep. Power Producers of New York, Inc. v. New York Indep. Sys. Operator, Inc*. ("*IPPNY*"),[17] to support the proposition that it would be unreasonable to subject any generator with an RMR-like arrangement to mitigation measures that would prevent it from clearing in an auction.[18] *IPPNY* rejected a complaint that had called for the NYISO to adopt new capacity market power mitigation measures to prevent what the complainants had asserted was the "uneconomic retention" of existing generation. The Commission denied the complaint. The Commission also indicated that it was efficient for units retained under "Reliability Support Services Agreements," a form of RMR agreement, to clear in the auction, and that any mitigation imposed on such units which would prevent them from clearing would be unreasonable.[19] The April 2016 Order reiterated that it would be unreasonable to mitigate offers by RMR generators that "are needed to fulfill a reliability need that market forces have not fulfilled."[20] It concluded that "[i]mposing a minimum offer price" on such Generators "would allow for inefficient outcomes and is thus unreasonable."[21]

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[15] *Id*.

[16] *Id.*

[17] 150 FERC ¶61,215 (2015).

[18] April 2016 Order at P 83.

[19] April 2016 Order at P 83, *citing IPPNY* at P 66.

[20] April 2016 Order at P 83.

[21] *Id*.

The NYISO agrees that there are circumstances in which RMR Generators should offer as price-takers. But the NYISO respectfully seeks rehearing of the April 2016 Order's determination with respect to RMR Agreements that address a resource adequacy need [22] because: (i) it is concerned that doing so would mute the corresponding price signal and, as a result, inhibit the potential for market response; (ii) it would not be more efficient for RMR Generators to offer as price-takers in these limited circumstances; and (iii) it appears that the Commission's concern for the possibility that subjecting such RMR Agreements to potential Offer Price mitigation could result in ratepayers "paying twice" did not fully consider all of the consequences for ratepayers of $0.00 offers. The Compliance Filing's proposal to base the RMR Offer Price for such RMR Generators on identified costs, and to allow them to fail to clear in the auction, is reasonable because it permits the market to produce efficient price signals. Prescribing a $0.00 Offer Price for RMR Agreements to address resource adequacy needs would interfere with those signals and distort decisions to invest in new or existing generation. This requirement would be problematic because the NYISO depends on those same market forces, acting through the capacity market, as its primary means of procuring and retaining sufficient capacity to meet its resource adequacy requirements. As a result, under the April 2016 Order the NYISO may be required to seek a permanent solution to the reliability need without the use of its primary tool.

In general, the NYISO agrees that when an RMR Agreement is not for a resource adequacy need it is appropriate and efficient for the RMR Generator to participate in the capacity market as a price-taker. In these circumstances, the RMR Generator is receiving non-market

[22] The NYISO is not seeking rehearing with respect to the other two exceptions to the price-taker rule that it proposed in the Compliance Filing because requiring price-taker offers in those instances is not as problematic as requiring such offers from resources that are needed to address resource adequacy.

compensation for a reliability service. As such, the RMR Generator's costs for providing capacity in addition to that service are *de-minimus*. In addition, sending a price signal through the capacity market is not likely to assist in resolving such a need because a resource responding to that price signal would not help to resolve it, except by coincidence.

However, when an RMR Agreement addresses a resource adequacy need, requiring the RMR Generator to offer at a *de-minimus* amount, and thereby inhibiting the potential for the market to respond would not be more efficient. Indeed, the April 2016 Order's "price-taker" directive is at odds with the Commission's mandate that RMR Agreements be "limited, last-resort measures," because inhibiting the potential market response would likely extend the length of such RMR Agreements. It could even perpetuate RMR Agreements if the absence of the correct price signals prevents market-based solutions from entering entirely or causes other generators to exit the market. Furthermore, given the "lumpy" nature of the capacity market due to exits and entry, it is not difficult to envision a scenario where an RMR Agreement retains a sufficiently large generator such that the price impact of its participation in the capacity market as a price-taker suppresses capacity prices to a level insufficient to support new entry.

These circumstances are especially problematic for RMR Agreements needed to address resource adequacy needs where non-generation solutions addressing the need may be limited in number or unavailable. In the scenario where there are no viable and sufficient solutions identified to resolve the resource adequacy need, and the lack of an appropriate price signal has impeded the market's ability to respond, the options available to the NYISO as a permanent solution would be limited. As a result, the NYISO might be forced to choose between an unnecessarily long duration RMR Agreement, or the construction of a regulated backstop generator as a replacement. It is clear that neither of these options would be an economically

efficient outcome and that both would cause significant and long-term disruptions in the markets. As a result, requiring that an RMR Generator must be a price-taker even if the RMR Agreement is to fulfill a resource adequacy need disregards that customers would pay for a longer duration, and perhaps pay more money in the aggregate, than if the rules were designed to allow the market to resolve such a need.

Granting rehearing would be consistent with the Commission's holding in *IPPNY* because it would promote efficient market price signals and avoid "inefficient outcomes." The Compliance Filing's proposal to require RMR Generators to offer at an RMR Offer Price if their RMR Agreement is based on a resource adequacy need is consistent with efficient price formation. It addresses the specific case in which requiring price-taker offers would permit an RMR Agreement to cause an artificially low clearing price. This specific case was not discussed in *IPPNY*. Thus, nothing in *IPPNY* prevents the Commission from accepting the Compliance Filing's Offer Price proposal to address the limited circumstance of an RMR Agreement that addresses a resource adequacy need.

Accordingly, the Commission should rule on rehearing that an RMR Generator that is selected to address a resource adequacy need should not be required to offer its UCAP as a price-taker. As the Compliance Filing explained,[23] requiring such Generators to offer at the level of their RMR Avoidable Costs would send a price signal for efficient investment in both new and existing capacity resources and could reduce the need for, and duration of, RMR Agreements.

The Commission's concern that subjecting RMR Generators that address a resource adequacy need to an Offer Price requirement could result in ratepayers "paying twice" does not appear to have considered the ratepayer consequences of the Commission's mandated $0.00

[23] *See* Compliance Filing at 47-48.

Offer Price. The April 2016 Order illustrates the Commission's concern by posing the following hypothetical: "If NYISO imposes a higher than $0.00/kW-month offer price on an RMR generator and the generator does not clear in the ICAP spot market auction, another generator that otherwise would not have cleared will clear instead. In this instance, ratepayers will pay twice—once for the cost of the RMR agreement, and again for the generator that otherwise would not have cleared the market."[24] The Commission's exclusive focus on this unlikely scenario is unreasonable because it ignores the consequences of the Commission's directive in spite of to the Commission's intent.

Specifically, the Commission's scenario implicitly relies on an assumption that there is another generator participating in the capacity market at cost based offers, *i.e.*, not bidding as a price-taker, that this other generator's offers are lower than the RMR Generator's going-forward cost-based Offer Price, and that the hypothetical generator would not clear in the market if the RMR Generator participates as a price-taker. However, assuming the other generator is behaving in a rational and competitive manner, its going-forward costs would have to be lower than the RMR Generator's. In addition, because the other generator would not clear its offers when the RMR Generator's offers clear, it likely would have mothballed, or have noticed its intent to mothball or retire, at the time of the RMR Generator's retirement notice.[25] This means that in a resource adequacy scenario it would have been eligible for an RMR Agreement and the NYISO, in all likelihood, would have selected it for RMR service instead of the RMR Generator.

[24] April 2016 Order at P 82

[25] In the NYISO's experience, generators do not continue to offer their going-forward costs into the NYISO's capacity market if they do not clear. Instead, they either take steps to mothball or retire, or continue to operate but offer at a *de-minimus* amount in order to secure what payments they can.

Although there are limited circumstances in which a scenario similar to the Commission's example could occur,[26] it is unlikely to occur, especially given the rules proposed in the Compliance Filing. However, it is true that if an RMR Generator's Offer Price is set at its going forward costs and it does not clear, consumers will pay a higher price for the capacity that is procured in the auction. To address the potential for this event, it is the NYISO's expectation that the rules could be designed to protect ratepayers from having to "pay twice," or from having to pay more than they otherwise would have, while retaining the ability of the markets to aid in the resolution of a resource adequacy need.

Thus, if the Commission continues to believe that the Compliance Filing's original proposal with respect to RMR Generators retained to address a resource adequacy need creates too great a risk of ratepayers having to "pay twice," or having to pay a higher price for capacity than they would otherwise, the NYISO seeks clarification. The intent of the April 2016 Order appears to have been to protect ratepayers from overpaying while avoiding "inefficient outcomes." In order to better accomplish that intent the Commission should clarify that the NYISO may propose revised offer floor rules in its further compliance filing that would provide additional ratepayer protections while avoiding the price formation problems that are associated with requiring price-taker offers from an RMR Generator that addresses a resource adequacy need.

[26] Examples of this scenario are if the cheaper generator does not accept an RMR Agreement, or if it is not large enough to resolve the need *and* there are no other eligible generators with which it can be combined to form a viable and sufficient solution. Also, if the generator is too small to resolve the resource adequacy need, then it must necessarily be smaller than the RMR Generator and, as a result, ratepayers would be paying somewhat less than twice.

B. The Commission Should Grant Rehearing of the April 2016 Order's Determinations Related to Toggling

Paragraphs 122-125 of the April 2016 Order rejected, in part, the Compliance Filing's proposed rules to disincentivize toggling between cost-based and market-based compensation. The Commission was concerned that the NYISO's proposed claw-back provision did not adequately prevent a Generator from noticing an intent to deactivate in order to temporarily obtain cost-based compensation that exceeds the Generator's expected market compensation.

For the reasons explained below, protections that are already included in the NYISO's RMR rules render the additional claw-back measure the Commission instructed the NYISO to include in its tariffs unnecessary. However, if the Commission concludes an additional claw-back refund *is* necessary to prevent misuse of the RMR process, the claw-back formula the Commission instructed the NYISO to implement can be overly punitive and its application is inconsistent with the NYISO's decision to implement RMR on a voluntary basis in New York. The NYISO is concerned that the more stringent claw-back formula that it was instructed to implement by P 126 of the Order could discourage Generators that are in a Mothball Outage or an ICAP Ineligible Forced Outage ("IIFO"), or that have noticed their intent to enter a Mothball Outage, that are *not* exercising market power, and that reasonably expect to return to the NYISO-administered markets, from voluntarily providing RMR service when the NYISO asks them to do so.

1. The NYISO's Proposed Tariff Rules Already Include Measures to Prevent Misuse of the RMR Process

Paragraph 123 of the Order describes a hypothetical situation in which the owner of a Generator whose "market revenues equal or exceed its going-forward costs" expects or knows that its Generator will be needed for reliability, and submits a Generator Deactivation Notice

with the intent of obtaining compensation that exceeds the Generator's expected market compensation. The NYISO's rules already address the Commission's concern. Under the NYISO's proposed RMR rules, when a Generator Deactivation Notice is submitted the NYISO calculates an Availability and Performance Rate ("APR") that is based on the deactivating Generator's going forward costs.[27] The Compliance Filing described the components and calculation of the APR in detail[28] and the April 2016 Order accepted the proposed APR calculation.[29] A Generator that expects to receive market revenues that equal or exceed its APR, but that wants to use the RMR process to obtain greater revenues, would not be expected to accept the APR.[30] Instead, the owner of such a Generator would be expected to file a proposed Owner Developed Rate with the Commission for its consideration under Section 205 of the Federal Power Act.

The independent Market Monitoring Unit, Potomac Economics, ("MMU") is responsible for participating in Owner Developed Rate proceedings before the Commission to ensure that the resulting rate is just and reasonable.[31] The MMU also participates in the NYISO's calculation of RMR Avoidable Costs for each Generator and has access to all of the Generator cost information

[27] A Generator that is subject to an APR can earn Availability and Performance incentives that exceed its going-forward costs if it meets or exceeds operational targets that are specified in its RMR Agreement. Availability and Performance incentives are substitutes for market incentives. If the Availability and Performance incentives are subject to claw-back, then an RMR Generator may not have any financial incentive to reliably perform while it is receiving RMR compensation.

[28] *See* Compliance Filing at 32-38.

[29] April 2016 Order at PP 98-99.

[30] If the owner accepted the APR, the Generator would be forgoing any potential upside from market revenue above the APR. Any market revenues the Generator earned from its participation in the NYISO's markets that exceeded the APR would accrue to the benefit of RMR Loads. *See* pages 69-70 of the NYISO's October 19, 2015 filing letter and Section 6.14.3.2 of OATT Rate Schedule 14 that the NYISO submitted with its October 19, 2015 compliance filing.

[31] Paragraph 15 of the Commission's April 2016 Order accepted the NYISO's proposed revisions to Section 30.4.6.11 of its Services Tariff that assign this duty to the MMU.

that the NYISO receives.[32] Because an Owner Developed Rate is subject to Commission review in a public Section 205 rate proceeding in which the NYISO's MMU will participate, the Commission will decide whether it would be just and reasonable to accept an Owner Developed Rate for a Generator that is already recovering (and that is expected to continue to recover) revenues in excess of its going-forward costs in the NYISO's markets.

In addition, as the NYISO explained on page 44 of its Compliance Filing, it proposed Tariff revisions to exclude Generators that are operating pursuant to an RMR Agreement from its Reliability Needs Assessment ("RNA") base case. When the NYISO removes an RMR Generator from its RNA base case it plans the system to operate reliably *without* the RMR Generator's participation. This proposed Tariff change should prevent Generators that submitted Generator Deactivation Notices and that received RMR Agreements from being able to repeatedly obtain RMR compensation. The NYISO expects to re-present this proposed Tariff change in its further compliance filing.[33]

2. The More Stringent Refund Requirement Can Be Overly Punitive

Paragraph 123 of the April 2016 Order explains the Commission's concern that the anti-toggling measures the NYISO proposed do not address Generators that attempt to exercise market power by noticing the intention to deactivate, even though the Generator is recovering its going-forward costs in the NYISO's markets (and should reasonably expect to continue recovering its costs). Paragraph 126 of the April 2016 Order instructs the NYISO to implement

[32] See OATT Sections 31.2.11.8.1 and 31.2.11.8.3 that the NYISO submitted with its October 19, 2015 compliance filing.

[33] Paragraph 15 of the April 2016 Order states that "aspects" of the Compliance Filing that were not discussed by order "are accepted." It is not entirely clear whether the tariff provisions referenced above are encompassed by Paragraph 15. Accordingly, the NYISO intends to re-submit them in case the Commission concludes that Paragraph 15 did not apply to them.

a more stringent claw-back refund requirement that will reduce the Generator's compensation back down to what it would have received in the NYISO's markets.

The NYISO is concerned about applying the Commission's more stringent claw-back refund to Generators that (x) are not presently able to recover their going-forward costs in the NYISO's markets, but that (y) reasonably anticipate returning to the NYISO markets at a later date, when conditions improve. The NYISO has proposed to implement a voluntary RMR regime. If available compensation is insufficient, a Generator can decline the NYISO's request to provide RMR service. The NYISO is concerned that the Commission's more stringent refund mechanism could discourage or prevent a Generator that is subject to conditions (x) and (y) from agreeing to provide RMR service because, after the refund has been applied, the Generator will have provided RMR service at a rate that is less than the Generator's going-forward costs.[34]

If, after considering the NYISO's arguments in Section IV.B.1 above, the Commission determines that more stringent claw-back rules are necessary to prevent potential abuse of the RMR process, the NYISO requests that the Commission allow it to work with its stakeholders to revise the claw-back formula in P 126 of the April 2016 Order to (a) permit Generators that voluntarily agree to provide RMR service in New York to recover their going-forward cost of providing RMR service, and (b) permit Generators that accepted an APR to retain the Availability and Performance incentives that they earn by performing well during the term of their RMR Agreement. The NYISO proposes to work with its stakeholders to develop an alternative set of anti-toggling rules that address the Commission's concerns, and that are consistent with the voluntary RMR regimen the NYISO seeks to implement in New York.

[34] The Commission's enhanced refund formula could discourage or prevent a noticing Generator, or a Generator that is in a Mothball Outage or IIFO that would be a viable and sufficient solution if it returned to service, from agreeing to provide RMR service.

V. REQUEST FOR CLARIFICATION

The April 2016 Order accepted a number of the Compliance Filing's proposed RMR provisions effective on October 20, 2015. The Order also directed the NYISO to revise and re-submit significant components of its Generator deactivation review process. This raises the question of how the NYISO should proceed if it receives a Generator Deactivation Notice before it submits a second compliance filing that contains the revised deactivation review process tariff rules.

Under the circumstances, the NYISO believes that the most reasonable interim approach would be for it to generally follow the timetable and procedures for evaluating Generator deactivation notices that was proposed in its original Compliance Filing. That is, the NYISO would require a deactivating Generators to submit all tariff-required information before commencing its review,[35] take up to 90 days to perform reliability assessments, take up to 120 days to review market power concerns, and require owners to have their Generator Deactivation Notices submitted and determined to be complete at least 365 days before they want the relevant Generator to enter a Mothball Outage or to be Retired.[36] This approach is reasonable because the NYISO can act within those timeframes, which is why it proposed them in the first place.

In the absence of tariff provisions specifying an alternate process the NYISO could follow, and in light of the Commission's instructions in its April 2016 Order, the NYISO seeks

[35] The Commission accepted the NYISO's data submission requirements in P 64 of the April 2016 Order.

[36] In its December 2015 answer in this proceeding the NYISO indicated its support for ensuring Generators that submit Generator Deactivation Notices and that are required to continue operating beyond the 180th day of the notice period be given an opportunity to ensure recovery of their going-forward costs during the remainder of the notice period. The NYISO anticipates proposing rules to implement this mechanism in its further compliance filing. The Commission will determine the date on which those rules become effective, if it accepts them for filing.

clarification from the Commission to confirm that this is an appropriate interim approach subject to changes that may be proposed in its further compliance filing.

The NYISO commits to informing the Commission if it receives a Generator Deactivation Notice and identifies a Reliability Need resulting from the noticed deactivation before it submits its proposed tariff revisions to comply with the April 2016 Order.

VI. CONCLUSION

WHEREFORE, for the foregoing reasons, the New York Independent System Operator, Inc., respectfully requests that the Commission grant rehearing and clarification of the April 2016 Order as specified above.

Respectfully submitted,

s/Ted J. Murphy
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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 this proceeding in accordance with the requirements of Rule 2010 of the Rules of Practice and Procedure, 18 C.F.R. §385.2010.

Dated at Rensselaer, NY this 23rd day of May 2016.

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