

May 24, 2016

**By Electronic Delivery**

Honorable Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
888 First St, NE  
Washington, DC 20426

**Re: New York Independent System Operator, Inc., Errata Correcting Compliance Filing,  
Docket Nos. ER13-102-009, ER13-102-0\_\_**

Dear Secretary Bose:

On March 22, 2016, the New York Independent System Operator, Inc. (“NYISO”) submitted proposed tariff revisions to its Open Access Transmission Tariff (“OATT”)<sup>1</sup> to fulfill the Commission’s directives in its December 23, 2015 order in the above-captioned proceeding (“March Compliance Filing”).<sup>2</sup> The NYISO submits this errata filing to correct two minor, inadvertent errors in the tariff revisions submitted in the March Compliance Filing and to realign two tariff sections with correct Tariff Record Identifiers. The NYISO respectfully requests that Commission accept the corrected tariff sections, as re-filed in this errata filing, with the same effective date that was requested in the March Compliance Filing, *i.e.*, April 1, 2016.

**I. ERRATA CORRECTIONS**

**A. Correction of Inadvertent Errors in Pro Forma Operating Agreement**

As part of the March Compliance Filing, the NYISO submitted a *pro forma* operating agreement for non-incumbent Developers<sup>3</sup> (“Operating Agreement”).<sup>4</sup> The Operating Agreement is comparable to the existing *Agreement Between New York Independent System*

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<sup>1</sup> *New York Independent System Operator, Inc.*, Compliance Filing, Docket No. ER13-102-009 (March 22, 2016).

<sup>2</sup> *New York Independent System Operator, Inc.*, Order Conditionally Accepting Tariff Revisions and Requiring Further Compliance, 153 FERC ¶ 61,341 (2015) (“December Order”); *New York Independent System Operator, Inc.*, Notice of Extension of Time, Docket No. ER13-102-007 (January 14, 2016).

<sup>3</sup> Capitalized terms that are not otherwise defined in this filing letter shall have the meaning specified in Attachment Y of the NYISO OATT, and if not defined therein, in the NYISO OATT and the NYISO Market Administration and Control Area Services Tariff.

<sup>4</sup> Proposed OATT Section 31.11.

*Operator and Transmission Owners* executed by the NYISO and incumbent New York Transmission Owners in 1999 (“ISO/TO Agreement”).<sup>5</sup> Following its submission of the March Compliance Filing, the NYISO identified the following two inadvertent errors in the filed version of the Operating Agreement:

First, the filed version of Section 3.03c of the Operating Agreement contains an inadvertent duplication of the language in Section 3.03b, and does not reflect the language for Section 3.03c that was contained in the ISO/TO Agreement and that the NYISO reviewed with its stakeholders and intended to file. Section 3.03 establishes that the non-incumbent transmission owner (“NTO”) grants the NYISO the responsibilities set forth in Article 3 of the Operating Agreement so long as certain conditions are met. Section 3.03c was intended to describe the following condition that the NYISO must meet: “The ISO does not act in violation of lawful PSC or FERC Orders.” This condition mirrors the same condition set forth in Section 3.04e of the ISO/TO Agreement and was included in the version of the Operating Agreement reviewed by stakeholders. This language was inadvertently deleted and replaced with duplicate language from Section 3.03b in the version of the Operating Agreement submitted in the March Compliance Filing.<sup>6</sup>

Second, the filed version of Section 2.10 of the Operating Agreement inadvertently includes language that the NYISO agreed with its stakeholders to remove. Specifically, the filed version of Section 2.10 currently provides that the NTO can “arrange for its ITO(s) [Interconnection Transmission Owners] to determine” the level of resources to be applied to restore facilities to service. In developing the March Compliance Filing, the NYISO concluded, following discussions with its stakeholders, that this language was not necessary because Section 2.12 of the Operating Agreement already provides that the NTO may arrange for one or more third parties to perform the NTO’s responsibilities under this agreement. Given this Section 2.12, the NYISO agreed with its stakeholders to remove all of the references to the NTO “arranging with its ITOs” to perform certain obligations in the Operating Agreement, but inadvertently retained the language in Section 2.10 in its March Compliance Filing.

The NYISO requests that the Commission accept its corrections to these inadvertent errors in the Operating Agreement through this errata filing.

## **B. Realignment of Electronic Tariff Record Identifiers**

In the March Compliance Filing the NYISO submitted proposed revisions to OATT Section 31.5, which aligns with Tariff Record Identifier (“Record ID”) 390. In the filing the

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<sup>5</sup> The ISO/TO Agreement is available at:  
[http://www.nyiso.com/public/webdocs/markets\\_operations/documents/Legal\\_and\\_Regulatory/Agreement\\_s/NYISO/nyiso\\_to\\_agreement.pdf](http://www.nyiso.com/public/webdocs/markets_operations/documents/Legal_and_Regulatory/Agreement_s/NYISO/nyiso_to_agreement.pdf).

<sup>6</sup> In the filed version of the Operating Agreement, both Sections 3.03b and 3.03c include the following condition: “The ISO has a FERC-accepted transmission tariff(s) and rate schedules which provide(s) for full recovery of the transmission revenue requirement of the NTO to the extent allowed, accepted or approved by FERC.”

NYISO inadvertently aligned Section 31.5 with Record ID 394. In this instant filing the NYISO resubmits Section 31.5 to align with Record ID 390 and also submits OATT Section 31.6 to align with Record ID 394.<sup>7</sup>

## **II. LIST OF DOCUMENT SUBMITTED**

The NYISO respectfully submits the following documents with this filing letter:

1. A clean version of the corrected OATT Sections (“Attachment I”); and
2. A blacklined version of the corrected OATT Sections (“Attachment II”).

## **III. EFFECTIVE DATE**

The NYISO respectfully requests that the Commission accept the errata filing, with the minor corrections and ministerial Tariff clarifications described above, with the same April 1, 2016 effective date requested in the March Compliance Filing. The errata filing will bring the terms of the *pro forma* Operating Agreement into line with the language that the NYISO developed for filing with its stakeholders’ input and will correct the alignment of tariff records with appropriate Record IDs. The corrections to the March Compliance Filing will not adversely impact any stakeholders or interested parties.

## **IV. SERVICE**

The NYISO will send an electronic copy of this filing to the official representative of each party to this proceeding, to the official representative of each of its customers, to each participant on its stakeholder committees, to the New York Public Service Commission and the New Jersey Board of Public Utilities. In addition, the complete public version of this filing will be posted on the NYISO’s website at [www.nyiso.com](http://www.nyiso.com).

## **V. COMMUNICATIONS AND CORRESPONDENCE**

Communications and correspondence regarding this filing should be directed to:

Robert E. Fernandez, General Counsel  
Raymond Stalter, Director of Regulatory Affairs  
Karen G. Gach, Deputy General Counsel  
\*Carl F. Patka, Assistant General Counsel  
New York Independent System Operator, Inc.  
10 Krey Boulevard  
Rensselaer, NY 12144  
Tel: (518) 356-6000  
Fax: (518) 356-4702

\*Ted J. Murphy  
Hunton & Williams LLP  
2200 Pennsylvania Ave, NW  
Washington, DC 20037  
Tel: (202) 955-1500  
Fax: (202) 778-2201  
[tmurphy@hunton.com](mailto:tmurphy@hunton.com)

\*Michael J. Messonnier<sup>8</sup>

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<sup>7</sup> Section 31.6 was not revised in the March Compliance Filing and is included herewith solely to correct and complete the record in FERC’s eTariff system.

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rfernandez@nyiso.com  
rstalter@nyiso.com  
kgach@nyiso.com  
cpatka@nyiso.com

Hunton & Williams LLP  
Riverfront Plaza, East Tower  
951 East Byrd Street  
Richmond, VA 23219  
Tel: (804) 788-8712  
Fax: (804) 343-4646  
mmessonnier@hunton.com

\*Persons designated for receipt of service.

## VI. CONCLUSION

WHEREFORE, the New York Independent System Operator, Inc. respectfully requests that the Commission accept this errata filing with an effective date of April 1, 2016.

Respectfully submitted,

By: /s/ Carl F. Patka  
Carl F. Patka, Assistant General Counsel  
New York Independent System Operator, Inc.

cc: Michael Bardee  
Anna Cochrane  
Kurt Longo  
Max Minzer  
Daniel Nowak  
Larry Parkinson  
J. Arnold Quinn  
Douglas Roe  
Kathleen Schnorf  
Jamie Simler  
Gary Will

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<sup>8</sup> 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, DC.