

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

NextEra Energy Transmission New York Inc.

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Docket No. ER16-2719-000

**MOTION TO INTERVENE OUT OF TIME
OF THE NEW YORK INDEPENDENT SYSTEM OPERATOR**

In accordance with Rules 212 and 214 of the Federal Energy Regulatory Commission’s (“FERC” or “Commission”) Rules of Practice and Procedure,¹ the New York Independent System Operator, Inc. (“NYISO”), respectfully moves to intervene out of time in the above-captioned proceeding. As set forth below, the NYISO should be permitted to intervene out of time in this proceeding because it has a direct and substantial interest that cannot be adequately addressed by any other party, and its late intervention will not disrupt the proceeding or prejudice any party.

I. BACKGROUND

On September 30, 2016, NextEra Energy Transmission New York, Inc. (“NEET New York”) filed a request for the Commission to: (i) accept NEET New York’s filing to establish a formula rate template (“Template”) and implementation protocols (“Protocols”) (together, “Formula Rate”) to determine and recover the costs of NEET New York’s investment in transmission facilities located in the NYISO region; and (ii) authorize NEET New York to use

¹ 18 C.F.R. §§ 385.212 and 385.214 (2011).

certain incentive rate treatments.² According to its filing, NEET New York was formed to “develop, construct, finance, own, operate, and maintain high-voltage electric transmission facilities in the NYISO region as a portfolio, and plans to become a transmission-owning member of NYISO as soon as the NYISO Open Access Transmission Tariff ([OATT]) and governing documents permit.”³ NEET New York further states that it has been pre-qualified as a Qualified Developer under the OATT, and is thus eligible to be designated to construct and own transmission projects within the New York Control Area.⁴

II. COMMUNICATIONS

Copies of correspondence concerning this filing should be served on:

Robert E. Fernandez, General Counsel
Raymond Stalter, Director of Regulatory Affairs
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III. MOTION TO INTERVENE

The NYISO is a not-for-profit corporation responsible for providing open-access transmission service, administering open and competitive wholesale markets, and bringing together buyers and sellers of electricity, capacity, and ancillary services, in

² See NextERA Energy Transmission New York, Inc. Filing, Docket No. ER16-2719-000, at p 1 (September 30, 2016) (“NEET New York Filing”).

³ *Id.* at p 2.

⁴ *Id.*; see generally, Section 31.2.4.1.1 of the OATT.

New York State. The NYISO is also responsible for the reliable operation of the bulk electricity grid, and both short-term and long-term planning for the bulk power system in New York State. The NYISO manages the flow of power over nearly 11,000 circuit-miles of transmission lines and centrally dispatches over 300 generating units. Given that the Protocols contained in the NEET New York Filing assigns certain posting, notification, and other responsibilities to the NYISO,⁵ no other party can adequately represent the NYISO's direct and substantial interests in this proceeding. Accordingly, it is in the public interest to permit this intervention.

The NYISO submits that good cause exists for the Commission to grant this motion to intervene out of time in accordance with Rule 214(d), 18 C.F.R. § 385.214(d). The NYISO was unable to timely intervene because the NYISO had no advance knowledge of the proposed Protocols from NEET New York, and NEET New York did not serve its September 30, 2016 rate filing on the NYISO. Moreover, because the proposed Protocols assigns responsibilities to the NYISO, such as making postings and notifications associated with the billing and settlement of NEET New York's transmission charges under its tariffs, the NYISO is directly affected by this filing and its interests cannot be adequately represented by any other party.⁶ NEET New York has authorized the NYISO to indicate that NEET New York does not object to the NYISO's motion to intervene in this proceeding. The NYISO reserves its right to file comments in this proceeding following the NYISO's further review of the proposed Protocols assigning responsibilities to the NYISO.

⁵ NEET New York Filing, at pp 10-12 and Appendix A, Formula Rate Implementation Protocols.

⁶ *Id.*

V. CONCLUSION

WHEREFORE, for the foregoing reasons, the New York Independent System Operator, Inc. respectfully requests that the Commission grant this motion to intervene out of time in this proceeding.

Respectfully submitted,

/s/ Carl F. Patka

Carl F. Patka

Assistant General Counsel

Brian R. Hodgdon

Attorney

New York Independent System Operator, Inc.

October 28, 2016

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

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 28th day of October 2016.

/s/ Joy A. Zimmerlin

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