

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

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

**MOTION FOR EXTENSION OF COMPLIANCE FILING DEADLINE
AND FOR EXPEDITED COMMISSION ACTION
OF THE NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.**

In accordance with Rules 212 and 2008 of the Commission’s Rules of Practice and Procedure,¹ the New York Independent System Operator, Inc. (“NYISO”) respectfully requests that the Commission grant a 30-day extension of the compliance filing deadline in this proceeding.² The filing is currently due on December 16, 2017. It would be filed not later than January 16, 2018 if the requested extension is granted.³

The NYISO further requests that the standard five-day period for answering motions for extension of time established under Rule 213(d)(1)(i) apply to this filing.⁴ Finally, the NYISO asks that the Commission act expeditiously to grant the requested extension no later than December 5, 2017, so that the NYISO will know with certainty when its compliance filing is due.

The Commission’s November 16, 2017 Order in this proceeding (“November Order”) directed the NYISO to submit a number of revisions to the proposed “reliability must run” (“RMR”) requirements in its Open Access Transmission Tariff (“OATT”) and Market

¹ 18 C.F.R. §§ 385.212 and 2008 (2015).

² Capitalized terms that are not otherwise defined in this filing letter shall have the meaning specified in Attachment FF of the NYISO OATT, and if not defined therein, in the NYISO OATT and the NYISO Services Tariff.

³ The 30th day after December 16, 2017 is January 15, 2018. Because January 15 is a federal holiday, Martin Luther King, Jr. Day, granting a 30-day extension would make the compliance filing due on January 16, 2018 pursuant to 18 C.F.R. 385.2007 (2015).

⁴ 18 C.F.R. § 385.213(d)(1)(i) (2015).

Administration and Control Area Services Tariff (“Services Tariff”) within a 30-day period.⁵

There is “good cause” for granting a 30-day extension. As discussed below, the NYISO is acting diligently to address the Commission’s directives. However, the NYISO requires additional time to adequately consider the Commission’s directives, to develop compliance revisions that address the directives, and to allow NYISO stakeholders an opportunity to review and provide feedback. Granting the requested extension will provide the NYISO with the time it needs to develop the required compliance revisions and review them with its stakeholders. The requested brief extension will not delay the implementation of the RMR rules accepted by the Commission or prejudice any party’s interests.

I. Communications

Communications and correspondence regarding this filing should be directed to:

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⁵ *New York Indep. Sys. Operator, Inc.*, Order On Compliance and Rehearing, 161 FERC ¶ 61,189 at P 11 (2017) (“November Order”).

⁶ The NYISO respectfully requests waiver of 18 C.F.R. § 385.203(b)(3) (2015) to permit service on counsel for the NYISO in both Washington, D.C. and Richmond, VA.

II. Background

In its November Order, the Commission accepted in large part the NYISO's second compliance filing to establish RMR requirements in its tariff in accordance with the Commission's February 19, 2015, and April 21, 2016, orders in this proceeding.⁷ The Commission also directed the NYISO to submit a number of revisions in a further compliance filing within 30 days.⁸ Specifically, the November Order directed the NYISO to revise its OATT and Services Tariff to:

- (1) clarify that a developer may propose generator solutions to a reliability need that are not-market based, or that involve generators that are currently mothballed or in an ICAP ineligible forced outage⁹;
- (2) revise the anti-toggling mechanism to require repayment of above-market revenues that exceed an RMR generator's going-forward costs for RMR service and to allow RMR generators that accepted an APR to retain their availability and performance incentives¹⁰;
- (3) revise the anti-toggling mechanism to require repayment of either capital expenditures or above-market revenues in the shorter of thirty-six months or twice the duration of the applicable RMR agreement¹¹;
- (4) revise the anti-toggling mechanism to make two technical corrections to calculations¹²; and
- (5) clarify which reliability solutions the NYISO will include in its base case for assessment of reliability needs.¹³

III. Request for Extension of Compliance Filing Deadline

The NYISO respectfully requests that the Commission grant a 30-day extension, *i.e.*, until January 16, 2018, to submit the compliance filing required by the November Order. Rule

⁷ See *New York Indep. Sys. Operator, Inc.*, 150 FERC ¶ 61,116 (2015); *New York Indep. Sys. Operator, Inc.*, 155 FERC ¶ 61,076 (2016).

⁸ November Order at P. 11.

⁹ *Id.* at P 49.

¹⁰ *Id.* at PP 82-85.

¹¹ *Id.* at P 86

¹² *Id.* at P 87.

¹³ *Id.* at P 93.

2008 authorizes the Commission to extend any deadline, including one imposed by a Commission compliance directive, before it expires if a requesting party demonstrates that there is “good cause” to do so. As described below, good cause exists for the Commission to grant this short extension.

The NYISO is working diligently to address the directives in the November Order. However, the NYISO needs additional time to adequately consider the directives and to develop compliance revisions that fully address them within the context of the complete RMR process, particularly the development and application of the revised anti-toggling requirements. NYISO also proposes to provide an opportunity for stakeholder review and feedback on the compliance changes. Providing an opportunity for stakeholder review may enable the NYISO to avoid disputes that might otherwise be presented to the Commission. Granting the requested extension will also provide the NYISO with an enhanced opportunity to obtain input from the independent Market Monitoring Unit while developing the tariff revisions to comply with the November Order.

The NYISO recognizes the importance that the Commission places on timely and complete compliance with its orders but believes that a 30-day extension is both necessary and reasonable. The requested extension will permit the NYISO to submit a well-developed and fully supported compliance filing, and to minimize stakeholder protests.

The requested extension will not delay the implementation of the RMR rules accepted by the Commission. In addition, the NYISO does not believe that the proposed extension will prejudice any party’s interests. The NYISO is not aware of any stakeholder opposition to the requested extension.

Finally, the NYISO requests that the Commission apply the standard five-day answer period for motions for extensions of time and act expeditiously to grant the requested extension by December 5, 2017. Commission action by that date will provide certainty regarding the NYISO's compliance timetable.

IV. Conclusion

WHEREFORE, for the foregoing reasons, the NYISO respectfully requests that the Commission grant a 30-day extension to the compliance filing deadline in the above-captioned proceeding so that the NYISO may submit its compliance tariff and agreement revisions no later than January 16, 2018. The NYISO also respectfully requests that the Commission issue an order granting the requested extension by no later than December 5, 2017.

Respectfully submitted,

/s/ Alex M. Schnell

Alex M. Schnell

Assistant General Counsel/Registered Corporate
Counsel

New York Independent System Operator, Inc.

November 21, 2017

cc: Michael Bardee
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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 21st day of November 2017.

/s/ Joy A. Zimmerlin

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