

Attachment 1

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Compliance with Commission Rule 213(c)(2) and (c)(4); Docket No. EL18-188-000

A. Specific Admissions and Denials of Material Allegations

In accordance with Commission Rule 213(c)(2)(i), the New York Independent System Operator, Inc. (“NYISO”) addresses in its answer the material allegations raised by NRG Curtailment Service Providers, Inc. (“NRG”) in its July 24, 2018, complaint (“Complaint”). In addition to its statements in its answer, the NYISO admits or denies, to the extent practicable and to best of its knowledge and belief at this time, the material factual allegations in the Complaint as specified below. To the extent that any fact or allegation in the Complaint is not specifically admitted in its answer or below, it is denied. Except as specifically stated in the answer or below, the NYISO does not admit any facts in the form or manner stated in the Complaint. Denials of allegations made in the text of the Complaint should be understood as encompassing all related allegations in, and regarding the attachments accompanying the Complaint.

1. Denials

- The NYISO denies all allegations that its meter data service requirements are unjust or unreasonable. Complaint at 2, 17.
- The NYISO has insufficient information on which to form a belief as to the truth or accuracy of NRG’s description of the meters that it has installed and owns at its customer locations. Complaint at 4.
- The NYISO has insufficient information on which to form a belief as to the truth or accuracy concerning NRG’s applications for Meter Data Service Provider (“MDSP”) certification or the New York Department of Public Service’s (“NYDPS’s”) grounds for denying them. Complaint at 6.
- The NYISO denies that it adopted the requirement for NYDPS-certified Meter Service Provider (“MSP”)/MDSPs solely to ensure accurate measurement and verification of performance data. The NYISO adopted the MSP/MDSP requirements for a variety of reasons, including ensuring accurate measurement and verification and to provide alternative avenues for Market Participants to obtain meter data services. Complaint at 14.
- The NYISO denies all allegations that its meter data service requirements have had an anti-competitive result. Complaint at 14, 16.
- The NYISO denies that Responsible Interface Parties (“RIPs”) and Curtailment Service Providers (“CSPs”) are limited in complying with the MSP/MDSP requirement to choosing a competitor RIP/CSP as their MDSP. Complaint at 14.

- The NYISO denies that its meter data service requirements present an unfair advantage to incumbent MDSPs. Complaint at 16.
- The NYISO denies that a RIP/CSP's use of a Transmission Owner as an MDSP presents significant challenges or creates an uneven playing field. Complaint at 16.
- The NYISO denies NRG's characterization of its 2004 proposed removal of Day Ahead Demand Response Program requirement that MSP/MDSP submit meter data. The NYISO's 2004 proposal was to permit CSPs to submit data to the NYISO. The meter data was still required to be obtained by an MDSP. Complaint at 17.

2. Admissions

- The NYISO admits that it is the not-for-profit entity responsible for providing non-discriminatory open access transmission service, maintaining reliability, and administering competitive wholesale markets for electricity, capacity, and ancillary services in New York State in accordance with its tariffs. Complaint at 4.
- The NYISO admits that NRG is registered as a RIP with the NYISO and participates in the NYISO's Special Case Resource program. Complaint at 4.
- The NYISO admits that NRG aggregates and bids into the NYISO-administered installed capacity market and its portfolio encompasses several hundred MWs of demand response resources. Complaint at 4.
- The NYISO admits that its rules require that meter data be collected by an entity certified by the NYDPS to read meters and that the rules are set forth in its manuals. Complaint at 4, 5.
- The NYISO admits that it is its understanding that the NYDPS has largely stopped granting MSP or MDSP certifications. Complaint at 6.
- The NYISO takes no position on, and thus neither admits nor denies, NRG's description of the NYDPS's MDP/MDSP certification program. Complaint at 5, 6, 13, 14, 16.
- The NYISO admits that demand response providers must provide hourly interval metering data to validate their performance, that they must have an hourly integrated metering device for market settlement purposes, and that they must identify to the NYISO the entity that obtained the meter data. Complaint at 14.
- The NYISO admits that its metering requirements permit a RIP/CSP, as an alternative to using an MSP, to install non-revenue grade meter if the RIP/CSP satisfies certain requirements. Complaint at 15.
- The NYISO takes no position on, and thus neither admits nor denies, NRG's description of the meter data validation requirements in other regions. Complaint at 15, 17.

B. Defenses

In accordance with Commission Rule 213(c)(2)(ii), the NYISO sets forth the following defenses:

- Complainants have failed to meet their burden of proof under Sections 206 and 306 of the Federal Power Act and Commission Rule 206.

C. Proposed Resolution Process

Commission Rule 213(c)(4) states that an answer “is required to describe the formal or consensus process it proposes for resolving the complaint.” In compliance with that requirement, the NYISO requests that the Complaint be dismissed based solely on the pleadings in this proceeding.