

September 7, 2018

By Electronic Delivery

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

**Re: *New York Independent System Operator, Inc., Compliance Filing;*  
Docket Nos. RM17-2-000; ER18-\_\_\_\_-000**

Dear Secretary Bose:

In compliance with Order No. 844 issued by the Federal Energy Regulatory Commission (“Commission”),<sup>1</sup> the New York Independent System Operator, Inc. (“NYISO”) respectfully submits revisions to its Market Administration and Control Area Services Tariff (“Services Tariff”).<sup>2</sup> In Section VI of this filing letter the NYISO requests a flexible effective date to permit its proposed tariff revisions to become effective between December 1, 2018 and January 7, 2019, after the NYISO provides at least two weeks prior notice to the Commission and to its stakeholders.

**I. Documents Submitted**

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

1. A clean version of the proposed revisions to the Services Tariff (“Attachment I”); and
2. A blacklined version of the proposed revisions to the Services Tariff (“Attachment II”).

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<sup>1</sup> *Uplift Allocation and Transparency in Market Operated by Regional Transmission Organizations and Independent System Operators*, Order No. 844, 83 Fed. Reg. 18134 (April 25, 2018), 163 FERC ¶ 61,041 (2018) (“Final Rule”).

<sup>2</sup> Capitalized terms that are not otherwise defined in this filing shall have the meaning specified in Section 2 of the Services Tariff.

## **II. Communications and Correspondence**

All communications and service in this proceeding should be directed to:

Robert E. Fernandez, General Counsel  
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## **III. Background**

The core provisions of the Final Rule require jurisdictional independent system operators (“ISOs”) and regional transmission organizations (“RTOs”) to add the following four sets of rules and/or requirements to their tariffs, if not already contained therein:

- (1) the requirement to report, on a monthly basis, total uplift payments for each transmission zone, broken out by day and uplift category, within 20 calendar days of the end of each month (“Zonal Uplift Report”);
- (2) the requirement to report, on a monthly basis, total uplift payments for each resource, within 90 calendar days of the end of each month (“Resource-Specific Uplift Report”);
- (3) the requirement to report, on a monthly basis, for each operator-initiated commitment made after the day-ahead market for a reason other than minimizing the total production cost of serving load, the size of the commitment, transmission zone, commitment reason, and commitment start time, within 30 calendar days of the end of each month (“Operator-Initiated Commitment Report”); and
- (4) a requirement to identify the transmission constraint penalty factors used in its market software, as well as the circumstances under which those factors can set Locational Based Marginal Prices (“LBMP”), and any process by which they can be changed (“Transmission Constraint Penalty Factor Requirements”).<sup>3</sup>

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<sup>3</sup> See Final Rule at PP 1, 31-34.

The Final Rule provides further detail addressing how each of the above requirements is to be implemented.

The proposed revisions included in this compliance filing are expressly required by the Final Rule, are necessary to implement or clarify the NYISO's existing tariff language to accommodate the Commission's directives, or are non-substantive organizational or clarifying adjustments of the kind that the Commission has previously permitted in compliance filings.<sup>4</sup> In Section IV of this filing letter, the NYISO explains how its compliance filing satisfies each of the Commission's directives.

#### **IV. Compliance Revisions**

The tariff revisions that NYISO proposes in order to achieve compliance with various aspects of the Final Rule are described below. The NYISO also describes how its tariff already complies with the Transmission Constraint Penalty Factor Requirements.

##### **A. Zonal Uplift Report**

The Final Rule set forth the requirements to post a Zonal Uplift Report that provides total daily uplift payments paid to the resources in each transmission zone, broken out by cost category.<sup>5</sup> The Final Rule addresses how ISOs and RTOs should determine appropriate "transmission zones" to use for reporting uplift.<sup>6</sup> The Commission explained that a transmission zone is "a geographic area that is used for the local allocation of charges, such as a load zone that is used to settle charges for energy."<sup>7</sup> The Commission determined that, in order to protect commercially sensitive, resource-specific uplift information, ISOs and RTOs could propose to aggregate transmission zones for uplift reporting purposes "to achieve a minimum of four resources" in each zone.<sup>8</sup> The Commission explained that it defined a "resource" as "an entire generating facility and not each individual unit within a plant."<sup>9</sup> Finally, the Commission stated that it expected the zones used for uplift reporting to remain relatively consistent from month-to-month, because frequently changing the zones used to report uplift "would add complexity and reduce transparency."<sup>10</sup>

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<sup>4</sup> See *New York Independent System Operator, Inc.*, 125 FERC ¶ 61,206 (2008), *reh'g*, 127 FERC ¶ 61,042 (2009) (accepting proposed additional tariff revisions that were necessary to implement the modifications directed by the Commission and to correct drafting errors or ambiguities in a compliance filing).

<sup>5</sup> Final Rule at PP 50-62.

<sup>6</sup> Final Rule at PP 52-59.

<sup>7</sup> Final Rule at P 52.

<sup>8</sup> Final Rule at P 56.

<sup>9</sup> Final Rule at P 57.

<sup>10</sup> Final Rule at P 56.

The NYISO's proposal to achieve compliance with the Commission's instructions is set forth in Services Tariff Section 4.1.3.2. The NYISO proposes to report zonal uplift by Load Zone.<sup>11</sup> There are eleven Load Zones in New York. Load Serving Entities are charged for Energy based on the Load Zone in which their Loads are located.

Because there are only two generating resources located in Load Zone H (one of these is Indian Point Energy Center, which is expected to be retired in 2020-2021) and there is only one generating resource located in Load Zone I (a 0.2 MW run-of-river hydroelectric facility), the NYISO proposes to consolidate Load Zones H and I with Load Zone J (New York City) for purposes of the Zonal Uplift Report. The NYISO does not propose to aggregate any other Load Zones together for uplift reporting purposes. All of the other Load Zones contains at least four resources.

The Final Rule explained that the Zonal Uplift Report should report uplift based on the uplift charge codes that are used for settlements.<sup>12</sup> To comply with the Commission's instruction, proposed Services Tariff Section 4.1.3.2 identifies the charges that the NYISO proposes to include in its Zonal Uplift Report. The proposed categories are consistent with the charge codes that the NYISO uses for settlements.

The Final Rule instructs that the Zonal Uplift Report should be posted within 20 calendar days of the end of each month.<sup>13</sup> Proposed Services Tariff Section 4.1.3.2 incorporates this requirement. However, because the invoice does not ordinarily incorporate meter data for Special Case Resources ("SCRs") until approximately 120 calendar days after the end of each month,<sup>14</sup> the NYISO proposes to initially post its Zonal Uplift Report within 20 calendar days of the end of each month as required, and then, subsequently, to update and supplement the report shortly after the NYISO issues its four-month settlement true-up for the relevant month.<sup>15</sup>

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<sup>11</sup> Section 2.12 of the Services Tariff defines a Load Zone as "One (1) of eleven (11) geographical areas located within the NYCA that is bounded by one (1) or more of the fourteen (14) New York State Interfaces."

<sup>12</sup> Final Rule at P 60.

<sup>13</sup> Final Rule at P 61.

<sup>14</sup> See Services Tariff Section 5.12.11.1 ("Responsible Interface Parties that were requested to reduce Load in any month shall submit performance data to the NYISO, within 75 days of each called event or test, in accordance with ISO Procedures"); Installed Capacity Manual Section 4.12.7 ("For event performance data received from a RIP at least ten (10) business days prior to the date of the initial settlement invoice for the month in which the event occurred ... the NYISO will, on a best efforts basis, process the received event performance data such that Energy payments for the event are reflected in the initial settlement invoice. Event data received [thereafter] shall be processed for the [four-month] true-up or final invoice").

<sup>15</sup> See Services Tariff Section 7.2.2.2(iv).

Finally, the Final Rule requires that the Zonal Uplift Report be posted on a publicly accessible portion of the NYISO's website, in a machine-readable format.<sup>16</sup> This posting requirement is set forth in proposed Section 4.1.3.2. Proposed Services Tariff Section 4.1.3.2 satisfies the Final Rule's Zonal Uplift Report requirements.

## **B. Resource-Specific Uplift Report**

The Final Rule specifies the requirements that apply to the Resource-Specific Uplift Report.<sup>17</sup> The basic requirement is to report the total amount of uplift paid to each resource that received uplift within the calendar month.<sup>18</sup>

In order to protect potentially commercially sensitive information, the Final Rule permits the Resource-Specific Uplift Report to be posted up to 90 calendar days after the end of a month, and permits monthly uplift payments to each resource to be aggregated, rather than being reported by billing category.<sup>19</sup> Like the Zonal Uplift Report, the Resource-Specific Uplift Report is required to be posted in machine-readable format on a publicly accessible portion of the NYISO's website.<sup>20</sup>

Proposed Section 4.1.3.3 of the Services Tariff complies with the Commission's instructions. The NYISO proposes to post in a machine readable format, on a publically accessible portion of its website, a report providing the monthly aggregate of total uplift paid to each Generator, Demand Side Ancillary Service Program Resource, Day-Ahead Demand Response Program resource or aggregation, and Special Case Resource aggregation. The NYISO will initially post this report to its website no more than 90 calendar days after the conclusion of each month. The NYISO proposes to post the total uplift paid each month by resource name and/or point identifier ("PTID"). The NYISO does not propose to report uplift by billing category in its Resource-Specific Uplift Report.<sup>21</sup>

The NYISO records uplift payments to demand-side resources based on the PTID assigned to a resource or to an aggregation of resources. In its Resource-Specific Uplift Report, where a PTID represents an aggregation of demand-side resources, the NYISO proposes to report the uplift paid to the aggregated demand-side resources by PTID. Each PTID usually represents all of the resources assigned to a particular aggregator in a specific Load Zone. Any attempt by the NYISO to assign uplift to the various demand-side resources that comprise an aggregation would be speculative.

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<sup>16</sup> Final Rule at P 62.

<sup>17</sup> Final Rule at PP 74-82.

<sup>18</sup> Final Rule at P 74.

<sup>19</sup> Final Rule at PP 78, 80, 82.

<sup>20</sup> Final Rule at P 81.

<sup>21</sup> Final Rule at P 82.

Because the invoice does not ordinarily incorporate meter data for SCRs until approximately 120 calendar days after the end of each month,<sup>22</sup> the NYISO proposes to initially post its Resource-Specific Uplift Report within 90 calendar days of the end of each month as required, and then, subsequently, to update and supplement the report shortly after the NYISO issues its four-month settlement true-up for the relevant month.

Proposed Services Tariff Section 4.1.3.3 satisfies the Final Rule's Resource-Specific Uplift Report requirements.

### **C. Operator-Initiated Commitment Report**

The Final Rule imposes an obligation on ISOs and RTOs to post on a public portion of their websites operator-initiated commitments, which the Final Rule defines as commitments made after the Day-Ahead Market, whether manual or automated, for a reason other than minimizing the production cost of serving load.<sup>23</sup> The NYISO developed proposed Services Tariff Section 4.1.3.4 to comply with the Operator-Initiated Commitment Report requirements.

The Operator-Initiated Commitment Report posting must include the following information for each qualifying commitment:

- Start time of the commitment;
- Size of the commitment in MW;
  - The NYISO proposes to comply with this requirement by posting both the committed resource's normal upper operating limit<sup>24</sup> and the actual MW quantity that was committed for Generators and Demand Side Ancillary Service Program Resources. When the NYISO calls SCRs it will provide the total enrolled MW in the Load Zone(s) or location(s) where the resources were called.
- The "transmission zone" in which the committed resource is located; and

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<sup>22</sup> See Services Tariff Section 5.12.11.1 ("Responsible Interface Parties that were requested to reduce Load in any month shall submit performance data to the NYISO within 75 days of each called event or test in accordance with ISO Procedures"); Installed Capacity Manual Section 4.12.7 ("For event performance data received from a RIP at least ten (10) business days prior to the date of the initial settlement invoice for the month in which the event occurred ... the NYISO will, on a best efforts basis, process the received event performance data such that Energy payments for the event are reflected in the initial settlement invoice. Event data received [thereafter] shall be processed for the [four-month] true-up or final invoice").

<sup>23</sup> Final Rule at PP 99-100.

<sup>24</sup> Reporting a committed resource's normal upper operating limit is consistent with reporting its "economic maximum." See Final Rule at P 103.

- The NYISO proposes to report the Load Zone where each committed resource is located. Reporting operator-initiated commitments based on Load Zones is consistent with the transmission zones that NYISO proposes to use in its Zonal Uplift Report.<sup>25</sup>
- The reason for each commitment.
  - Consistent with the requirements set forth in the Final Rule, the NYISO's Operator-Initiated Commitment Report will specify whether commitments were made for system-wide capacity, constraint management, or voltage support.<sup>26</sup> The NYISO may provide additional information about the reliability reason for a commitment. In particular, the NYISO may also identify when a commitment was made to comply with an application of the New York State Reliability Council's Reliability Rules.<sup>27</sup>

The required information must be posted no later than 30 days after the end of the month.<sup>28</sup> In most cases, NYISO expects that operator initiated commitment information will be posted shortly after a resource is committed. Because the NYISO is not proposing to delay its postings in order to allow additional time for review, proposed Services Tariff Section 4.1.3.4 authorizes the NYISO to correct inaccurate postings after-the-fact. The NYISO's proposal is consistent with the statement in the Final Rule that encourages "each RTO/ISO to design its processes so that this information is provided to market participants as soon as possible."<sup>29</sup>

The Final Rule requires the NYISO to indicate, for each of its commitment processes (whether automated or manual) that execute after the day-ahead market, whether the resulting commitments are for a reason other than minimizing the production cost of serving load.<sup>30</sup> Commitments by the NYISO's Real-Time Commitment ("RTC") and Real-Time Dispatch ("RTD") programs, except for Maximum Generation Pickups issued by RTD's Corrective Action Mode, are intended to minimize the total production cost of serving load. The NYISO does not intend to include commitments by RTC or RTD, other than Maximum Generation Pickups, in its Operator-Initiated Commitment Report. The NYISO proposes to post (a) Out-of-

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<sup>25</sup> Section IV.A of this filing letter explains the rationale for electing to utilize Load Zones as the basis for reporting.

<sup>26</sup> See Final Rule at P 105.

<sup>27</sup> Link to New York State Reliability Council's Reliability Rules:  
<http://www.nysrc.org/NYSRCReliabilityRulesComplianceMonitoring.html>

<sup>28</sup> Final Rule at P 102.

<sup>29</sup> *Id.*

<sup>30</sup> Final Rule at P 101.

Merit<sup>31</sup> commitments, (b) commitments resulting from Supplemental Resource Evaluations,<sup>32</sup> (c) Maximum Generation Pickups,<sup>33</sup> and (d) real-time, demand-side resource commitments that are not made by RTC or RTD.<sup>34</sup>

The NYISO intends to enhance and supplement an existing reporting process to comply with the Final Rule's Operator-Initiated Commitment Report requirements.<sup>35</sup> The existing reporting process is currently used to report both Day-Ahead and real-time reliability commitments. Significant effort would be required to separate the NYISO's reporting of Day-Ahead reliability commitments from its reporting of subsequent reliability commitments. The NYISO proposes to revise existing Services Tariff Section 4.2.3.1 to permit the NYISO to continue to report Day-Ahead and real-time reliability commitment information together. The existing reporting process clearly identifies Day-Ahead Reliability Unit ("DARU") commitments, thereby allowing a Market Participant to readily distinguish operator-initiated commitments from DARU commitments.

The NYISO's compliance proposal satisfies the Final Rule's Operator-Initiated Commitment Report requirements.

#### **D. Transmission Constraint Penalty Factors**

The Final Rule requires that the NYISO include in its tariff: (1) the transmission constraint penalty factors used in its market software; (2) a description of the circumstances under which these penalty factors can set price; and (3) a description of any procedures allowing for temporary changes to such penalty factors with an additional requirement that such procedures provide for notice to market participants when any such temporary changes occur.<sup>36</sup> The ISO Tariffs already comply with these requirements.

Section 17.1.4 of the Services Tariff describes the NYISO's current transmission constraint pricing rules. Section 17.1.1 of the Services Tariff describes how the transmission

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<sup>31</sup> See Services Tariff Section 2.15.

<sup>32</sup> See Services Tariff Section 2.19.

<sup>33</sup> See Services Tariff Section 4.4.3.1.2.

<sup>34</sup> As explained below, the NYISO also proposes to (continue to) include Day-Ahead Reliability Unit ("DARU") commitments in the report that NYISO will enhance and supplement to comply with the Commission's Operator-Initiated Commitment Report requirements. DARU commitments occur in the Day-Ahead Market, so reporting of these commitments is not required by the Final Rule. Section 4.2.3.1 of the Services Tariff requires the NYISO to post DARU commitment information on its website.

<sup>35</sup> Link to a sample NYISO current pdf posting of reliability commitments for August 31, 2018 (machine-readable formats are also available):  
<http://mis.nyiso.com/public/pdf/OperMessages/20180831OperMessages.pdf>

<sup>36</sup> Final Rule at P 121.



constraint pricing logic is accounted for in the calculation of the Congestion Component of LBMPs.

The applicable transmission constraint pricing logic applied is dependent on whether a transmission facility or Interface is assigned a zero or non-zero constraint reliability margin (“CRM”) value.<sup>37</sup> Transmission facilities and Interfaces that have a non-zero CRM value are subject to a graduated Transmission Shortage Cost<sup>38</sup> mechanism. Transmission facilities and Interfaces that have a zero value CRM utilize a single \$4,000 per MWh Shadow Price cap.

For transmission facilities and Interfaces that have a non-zero CRM value, the transmission constraint pricing logic utilizes a graduated Transmission Shortage Cost mechanism. The mechanism consists of both a demand curve and a Shadow Price cap. The first two “steps” of the graduated Transmission Shortage Cost are implemented as a demand curve, providing a total of 20 MW of additional resource capacity to help resolve applicable transmission constraints – 5 MW of resource capacity available at a cost of \$350 per MWh and an additional 15 MW of resource capacity available at \$1,175 per MWh. The final “step” of the graduated Transmission Shortage Cost operates as a Shadow Price cap of \$4,000 per MWh. As such, the transmission constraint pricing logic will, if needed, continue to pursue available resource capacity to resolve a transmission constraint at a cost greater than \$1,175 per MWh based on resource Bids and establish prices consistent with such Bids, subject to a maximum allowable Shadow Price of \$4,000 per MWh.<sup>39</sup>

Transmission facilities and Interfaces that have a zero value CRM are subject to a single \$4,000 per MWh Shortage Price cap. This construct is consistent with the structure of the graduated Transmission Shortage Cost mechanism applicable to facilities and Interfaces with a non-zero CRM value. The first two “steps” of the graduated Transmission Shortage Cost are designed to price the use of the CRM to assist in resolving transmission constraints. Thus, these interim pricing values would not logically apply to transmission facilities and Interfaces without a CRM. For facilities and Interfaces that have a zero value CRM, any shortage would go beyond

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<sup>37</sup> The CRM defines a value below the maximum physical limit on a transmission facility or Interface that is used by the NYISO’s market software as the effective limit when making economic commitment and dispatch determinations. Currently, the CRM values used by the NYISO are typically 20 MW or larger, but are zero for a limited number of internal transmission facilities and effectively zero for all external interfaces. The NYISO maintains a publicly posted list that identifies facilities and Interfaces that utilize a CRM value other than 20 MW, including those that have a zero value CRM. This list is available at: [http://www.nyiso.com/public/webdocs/markets\\_operations/market\\_data/power\\_grid\\_info/Constraint\\_Reliability\\_Margin\\_CRM.pdf](http://www.nyiso.com/public/webdocs/markets_operations/market_data/power_grid_info/Constraint_Reliability_Margin_CRM.pdf).

<sup>38</sup> Section 2.20 of the Services Tariff defines Transmission Shortage Cost as “[a] pricing mechanism utilized in determining the Shadow Price of a particular transmission Constraint that will be used in calculating LBMP in accordance with Section 17.1.4 of Attachment B of this ISO Services Tariff.”

<sup>39</sup> To maintain consistency between prices and schedules, if a resource is available to provide relief, but its costs exceed \$4,000 per MWh, the Shadow Price for the transmission constraint is capped at \$4,000 per MWh and the resource is not dispatched to provide relief.

the applicable physical limit of the facility. Consistent with the graduated Transmission Shortage Cost, shortages of this magnitude are subject to the \$4,000 per MWh Shadow Price cap.

Section 17.1.4 of the Services Tariff also describes the limited authority afforded to the NYISO to temporarily revise the established pricing levels used by its transmission constraint pricing logic. If the NYISO determines that modifications to the pricing levels of the Transmission Shortage Cost are required to avoid operational or reliability issues that would otherwise require system operators to take out-of-market action to address, the NYISO may temporarily modify its Transmission Shortage Costs for a period of up to 90 days. If circumstances allow, the NYISO will consult with its stakeholders, the New York State Public Service Commission and the Market Monitoring Unit prior to implementing any such temporary change. In all cases, the Services Tariff expressly requires the NYISO to provide Market Participants notice of any such temporary changes.

The Services Tariff already complies with the Transmission Constraint Penalty Factor Requirements of the Final Rule. As such, no revisions to the ISO Tariffs are necessary.

## **V. Stakeholder Input**

The NYISO first presented its compliance proposal to its stakeholders at a Market Issues Working Group (“MIWG”) meeting that was held on July 31, 2018. The NYISO posted its draft tariff revisions for stakeholder review and presented the draft tariff provisions to its stakeholders at a MIWG meeting that was held on August 23, 2018. The NYISO made several changes to its proposed tariff revisions in response to comments that NYISO received from its stakeholders.

## **VI. Effective Date**

The NYISO requests a flexible effective date for its proposed tariff revisions. The NYISO proposes to submit a second compliance filing at least two weeks in advance of its intended effective date to specify a date, between December 1, 2018 and January 7, 2019, on which the tariff revisions submitted in this compliance filing will take effect. Consistent with Commission precedent,<sup>40</sup> the NYISO’s submission of a second compliance filing will provide adequate notice to the Commission and Market Participants of the NYISO’s implementation date for the tariff revisions that accompany this filing letter.

The NYISO will not be able to provide a more precise effective date until the software changes needed to implement the proposed tariff revisions are ready for deployment and testing is complete. No Market Participant will be prejudiced by this request because the proposed

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<sup>40</sup> See, e.g., *New York System Operator, Inc.*, 161 FERC ¶ 61,151 at PP 1, 12 and Ordering Paragraph (C) (2017); *New York System Operator, Inc.*, 106 FERC ¶ 61,111 at PP 5, 10 (2004) (“We will allow NYISO to implement parts of the filing prior to September 2004, as such parts become ready for implementation, provided that NYISO adheres to the three steps identified above in Paragraph 5 of this order.”); *New York Independent System Operator, Inc.*, Letter Order, Docket No. ER11-2544-000 (Feb. 10, 2011).

revisions enhance the NYISO's current reporting practices and because the NYISO will provide at least two weeks prior notice before it implements the proposed tariff revisions.

## **VII. Service**

The NYISO will send an electronic link to 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 State Public Service Commission, and to the New Jersey Board of Public Utilities. In addition, the complete filing will be posted on the NYISO's website at [www.nyiso.com](http://www.nyiso.com).

## **VIII. Conclusion**

The NYISO respectfully requests that the Commission accept the NYISO's proposed tariff revisions without modification, and permit the revisions to take effect on a flexible effective date that is determined consistent with Section VI of this filing letter.

Respectfully submitted,

/s/ Alex M. Schnell

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