

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

Consolidated Edison Company
of New York, Inc.

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Docket No. ER19-814-000

**MOTION TO INTERVENE AND COMMENTS OF THE
NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.**

Pursuant to Rules 212 and 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”),¹ the New York Independent System Operator, Inc. (“NYISO”) hereby moves to intervene and comment in the above-captioned proceeding concerning the petition of Consolidated Edison Company of New York, Inc. (“Con Edison”) to the Commission for a limited one-time waiver of Section 7.4.1.1.4 of the NYISO Market Administration and Control Area Services Tariff (“Services Tariff”). Con Edison’s request is intended to enable the NYISO to allow Con Edison to correct its Load Serving Entity (“LSE”) bus metering data for April 2018 for the LSEs that purchased energy on behalf of retail customers in Con Edison’s service territory (“Waiver Request”).² For the reasons described below, the NYISO supports Con Edison’s petition for a waiver and requests that the Commission order the NYISO: (1) to allow Con Edison to correct its LSE bus metering data for April 2018; and (2) to re-settle the month of April 2018 with corrected LSE bus metering data for the Con Edison service territory.

¹ 18 C.F.R. §§ 385.212 and 385.214.

² Capitalized terms that are not otherwise defined herein shall have the meaning specified in Article 2 of the Services Tariff and Article 1.0 of the NYISO Open Access Transmission Tariff (“OATT”).

I. Copies of Correspondence

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

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II. Motion to Intervene

The NYISO is a not-for-profit corporation responsible for providing open-access transmission service, maintaining reliability, and administering competitive wholesale electricity, ancillary services, and capacity markets in New York State. Pursuant to its Commission-approved tariffs, the NYISO is responsible for calculating customer settlements and for administering a process for the review, correction, and finalization of customer invoices. Because Con Edison requests that the Commission grant a waiver of certain settlement provisions in the NYISO's Services Tariff to enable the NYISO to accept corrected LSE bus metering data after the date for finalized data pursuant to its tariffs, the NYISO has a direct and substantial interest in this proceeding. This interest cannot be adequately represented by any other party. The NYISO, therefore, should be permitted to intervene in this docket.

III. Comments

The Services Tariff sets forth explicit time periods for the NYISO and its customers to review, challenge, correct, and finalize settlement information.³ This settlement process lasts approximately eight months from the issuance of a customer's initial monthly invoice to the issuance of the corresponding final invoice.⁴ Within this eight-month period, the settlement process contains several discrete, intermediate review periods that provide opportunities for a customer to review its meter and load data to confirm the accuracy of such data. In particular, Services Tariff Section 7.4.1.1 establishes that a meter authority must provide final updates or corrections to LSE bus metering data within one hundred thirty (130) days of the issuance of the initial invoice for the service month. After this period, the NYISO is required to finalize such data. Once the LSE bus metering data is finalized, the NYISO is not permitted by the Services Tariff to adjust the data absent an order from the Commission or a court of competent jurisdiction.⁵

The NYISO supports the relief sought by Con Edison in this case. As described in Con Edison's Waiver Request, Con Edison identified an issue with its April 2018 LSE bus metering data that affects several different LSEs within the Con Edison transmission district. The data issue was identified and investigated during the time period available for customer review and meter authority correction in accordance with the Services Tariff.⁶ Con Edison quickly identified a corresponding software issue that resulted in certain Con Edison customer data being

³ Services Tariff Section 7.4.1.

⁴ Services Tariff Section 7.4.2.

⁵ Services Tariff Section 7.4.

⁶ See Waiver Request at p. 3.

excluded from its billing database and the LSE bus metering data file submitted to the NYISO.⁷ While Con Edison took steps to investigate the data issue and to test potential solutions, they did not correct and submit revised LSE bus metering data for April 2018 to the NYISO within the tariff-prescribed time period.

The NYISO's settlement process carefully balances customers' interests in accurate settlements with the financial certainty afforded customers by finalized invoices, which are not subject to the potential for continued revisions beyond defined settlement periods. In considering this—or any similar—waiver request to permit the NYISO to adjust finalized settlement information, the Commission should carefully weigh the interests of those customers seeking to adjust finalized settlement information with the potential harm to other customers that could result from modifying what would otherwise be settled financial expectations.

In this case, the timing and number of entities involved warrant allowing Con Edison to correct the April 2018 LSE bus metering data. Given Con Edison's ongoing efforts during the settlements process, it was able to prepare corrected data shortly after the tariff deadlines.⁸ The corrected LSE bus metering data will impact settlements for several entities within the Con Edison transmission district. Final invoices for April 2018 were issued on January 8, 2019. Therefore, with an order from the Commission, Con Edison could submit corrected data and the NYISO could resettle the month of April 2018 for entities in the Con Edison transmission district within a few months of the previously finalized invoices. The NYISO expects that it could issue final, corrected invoices within 120 days of a Commission order. This time period would be used for Con Edison to submit its corrected LSE bus metering data, the NYISO to post the data

⁷ See Waiver Request at p. 4.

⁸ See Waiver Request at p. 5.

for customer review, potential further corrections by Con Edison if customers identify issues with the revised April 2018 LSE bus metering data, and for NYISO to issue final invoices.

While the NYISO supports the relief sought in the instant case, it stresses that it relies on customers to carefully review and challenge, as necessary, their settlement information within the timeframes prescribed in the NYISO tariffs. Customer review facilitates the issuance of accurate and timely final invoices.

IV. Conclusion

The NYISO respectfully requests that the Commission allow the NYISO to intervene in this proceeding. The NYISO supports Con Edison's request for a waiver under the circumstances at issue and requests that the Commission order the NYISO: (1) to allow Con Edison to correct its LSE bus metering data for April 2018; and (2) to re-settle the month of April 2018 with corrected LSE bus metering data for the Con Edison service territory.

Respectfully submitted,

/s/ James H. Sweeney

James H. Sweeney, Senior Attorney
New York Independent System Operator, Inc.

Dated: February 1, 2019

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