

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

<b>NRG Curtailment Solutions, Inc.</b>	)	
	)	
<b>Complainant</b>	)	
	)	<b>Docket No. EL18-188-____</b>
<b>v.</b>	)	
	)	
<b>New York Independent System Operator, Inc.</b>	)	

**MOTION FOR LEAVE TO ANSWER AND ANSWER OF THE NEW YORK  
INDEPENDENT SYSTEM OPERATOR, INC.**

Pursuant to Rule 213 of the Federal Energy Regulatory Commission’s (“FERC” or “Commission”) Rules of Practice and Procedure, 18 C.F.R. § 385.213 (2018), the New York Independent System Operator, Inc. (“NYISO”) respectfully submits this Motion for Leave to Answer and Answer (“Answer”) in response to NRG Curtailment Solutions, Inc.’s (“NRGCS”) Answer (“NRGCS Answer”) filed on May 24, 2019.<sup>1</sup> The NYISO submits this Answer to clarify elements of NRGCS’ concerns regarding the timing of the NYISO’s planned filing under Federal Power Act Section 205 to implement a distributed energy resource participation model (the “DER Filing”). The DER Filing will include a new metering framework addressing the issues under consideration in this proceeding.

**I. Motion for Leave to Answer**

The NYISO respectfully requests leave to answer the NRGCS Answer. The information provided in this Answer responds to discreet issues raised in the NRGCS Answer and will aid in the Commission’s decision-making process. Although the Commission does not generally

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<sup>1</sup> *NRG Curtailment Solutions, Inc. v. New York Indep. Sys. Operator, Inc.*, Motion for Leave to Answer and Answer of NRG Curtailment Solutions, Inc., Docket No. EL18-188-000 (May 24, 2019) (“*NRGCS Answer*”).

permit answers to answers under Rule 213, 18 C.F.R. § 385.213(a)(2) (2018), the Commission has made exception when an answer clarifies the issues or assists in creating a complete record.<sup>2</sup> In this Answer, NYISO provides the Commission with information that clarifies issues raised by NRGCS. Accordingly, the NYISO respectfully requests that this answer be permitted.

## **II. Answer**

The NRGCS Answer to the motion to hold this proceeding in abeyance argued that: (i) there should be no further delay in resolving the issues in this proceeding;<sup>3</sup> (ii) it was unaware of when the NYISO intended to present the tariff provisions to its Board of Directors for approval, and subsequently, that it was concerned about further delays to the submission of the applicable tariff revisions for Commission consideration;<sup>4</sup> and (iii) the revisions to the ISO Procedures<sup>5</sup> associated with the proposed tariff revisions have not been presented to NYISO stakeholders for review, raising concerns over the limited amount of time for NRGCS to develop internal procedures to comply with the new rules.<sup>6</sup>

With respect to NRGCS' first concern, the NYISO clarifies that it is not seeking further delay in resolving the issues in this proceeding. As previously stated in this proceeding, the earliest the NYISO can transition to the proposed metering framework is November 1, 2019, the first day of the Winter 2019-2020 Capability Period.<sup>7</sup> The NYISO identified this date so that its

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<sup>2</sup> See, e.g., *New York Indep. Sys. Operator, Inc.*, 121 FERC ¶ 61,112 at P 4 (2007) (answer to protest accepted because it provided information that assisted the Commission in its decision-making process); *PJM Interconnection, L.L.C.*, 119 FERC ¶ 61,318 at P 36 (2007) (accepted answer to answer that "provided information that assisted ... [the] decision-making process.").

<sup>3</sup> *NRGCS Answer* at 2.

<sup>4</sup> *Id.* at 2-3.

<sup>5</sup> Capitalized terms not otherwise defined herein shall have the meaning specified in the NYISO's Market Administration and Control Area Services Tariff and the Open Access Transmission Tariff.

<sup>6</sup> *Id.* at 3.

<sup>7</sup> *NRG Curtailment Solutions, Inc. v. New York Indep. Sys. Operator, Inc.*, Motion to Hold Proceeding in Abeyance, Docket No. EL18-188-000 (May 10, 2019) at 2 n.5.

metering rules would become effective at the beginning of a Capability Period. Implementing these tariff revisions at the beginning of a Capability Period (rather than in the middle of a Capability Period) reduces the risk of potential meter data errors and potential financial penalties to Market Participants. The NYISO has not altered its intended implementation timeline as described in the motion to hold this proceeding in abeyance.

In response to NRGCS' second concern, the NYISO clarifies that, on May 21, 2019, the NYISO Board of Directors approved the proposed tariff revisions, and authorized NYISO staff to submit the DER Filing to the Commission for consideration. As described in the motion to hold the instant proceeding in abeyance, the NYISO anticipates submitting the DER Filing by the end of June 2019.

Finally, the NYISO confirms that the ISO Procedures associated with the Meter Services Entity framework are under development and have not yet been presented to stakeholders. The NYISO commits to providing those materials to stakeholders as soon as practicable. The NYISO recognizes that the proposed November 1, 2019 effective date provides a tight timeline for NRGCS and other Market Participants to review the applicable ISO Procedures and develop their own internal compliance procedures. However, providing Market Participants additional time to develop their procedures would delay the implementation of the Meter Services Entity tariff revisions until May 1, 2020.<sup>8</sup>

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<sup>8</sup> May 1, 2020 is the start of the Summer 2020 Capability Period, the Capability Period immediately following the Winter 2019 – 2020 Capability Period.

### **III. Conclusion**

The NYISO respectfully requests that the Commission permit this Answer and consider the information contained herein in its decision-making process.

Respectfully submitted,

/s/Gregory J. Campbell

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May 31, 2019  
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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 31<sup>st</sup> day of May, 2019.

/s/ Mohsana Akter

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