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New York Independent System Operator, Inc.) **Docket No. ER16-1404-____**
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The February 20 Order was issued on the same day as several other orders that addressed various aspects of the BSM Rules, and that imposed multiple compliance obligations on the NYISO.⁶ In addition to addressing these compliance obligations, the NYISO staff responsible for administering the BSM Rules also had a series of other significant responsibilities, including making mitigation determinations for the numerous entrants in Class Year 2019, and pursuing the NYISO's "Comprehensive Mitigation Review" initiative.⁷

To allow its staff to address these issues in an orderly and a comprehensive manner, the NYISO sought an extension of time, until September 21, 2020, to file the SSE tariff revisions. This extension was justified on the ground that the NYISO's staff had limited availability to address all the BSM Rule-related issues then pending, and that it needed to prioritize the pending tasks. The NYISO also justified the extension on the ground that multiple entities in Class Year 2019 were seeking a Renewable Exemption (thus requiring immediate attention to Renewable Exemption issues), while no entities in Class Year 2019 were seeking an SSE. The Commission granted the NYISO's extension request.⁸

The NYISO respectfully requests an additional 90 days, *i.e.* from September 21, 2020 until December 21, 2020, to submit the SSE compliance revisions directed by the February 20 Order. In the months since the Commission granted the initial extension, the NYISO staff has been heavily engaged in the review of Class Year 2019 projects, which includes an

⁶ See *New York Public Service Commission, et al. v. New York Independent System Operator, Inc.*, 170 FERC ¶ 61,120 (2020); *New York Public Service Commission, et al. v. New York Independent System Operator, Inc.*, 170 FERC ¶ 61,119 (2020); *Independent Power Producers of New York, Inc. v. New York Independent System Operator, Inc.*, 170 FERC ¶ 61,118 (2020).

⁷ See, e.g., *Comprehensive Mitigation Review Project Plan*, NYISO Staff Presentation to Joint Meeting of the Installed Capacity, Market Issues, and Price Responsive Load Working Groups (February 6, 2020).

⁸ See *Notice of Extension of Time*, New York Independent System Operator, Inc., Docket No. ER16-1404-000, issued March 17, 2020.

unprecedentedly large number of entrants. The NYISO has also designed, proposed, and is now implementing the complex Renewable Exemption Limit formula that was established in compliance with the February 20 Order.⁹ The need to address these matters, and to bring Class Year 2019 to a timely conclusion, has made it impractical for the NYISO to complete work on an SSE compliance filing by September 21.

The NYISO recognizes the importance of developing and submitting SSE tariff revisions that comply with the directives of the February 20 Order. The 90-day extension should allow NYISO Staff to complete the BSM determinations required for the CY 2019 projects. It will then use the additional time to fully develop its SSE compliance revisions and to obtain stakeholder input on them. Furthermore, the requested extension will not prejudice any entity. As previously noted, none of the entities in Class Year 2019 have sought an SSE, and the earliest next Class Year could be expected to commence would be late December of this year. A compliance filing at the end of 2020 would therefore coincide with the start of the next Class Year Study, but the application of the SSE tariff revisions would likely not occur before the fourth quarter of 2021. Therefore, even with the extension requested in this motion, the SSE should be in place in time for any eligible applicants to seek the exemption in Class Year 2021.

For the reasons set forth above, the Commission should grant the NYISO's requested 90-day extension of time, until December 21, 2020, to submit compliance tariff revisions addressing the SSE. The NYISO respectfully requests that the Commission adopt the standard five-day answer period applicable to motions for extensions of time. It also asks that the Commission

⁹ In addition, the Commission's recent order rejecting the NYISO's proposed tariff revisions in Docket No. ER20-1718-000 requires the NYISO to focus its immediate efforts to update and complete its analyses under the BSM Rules for Class Year 2019. *See, e.g., New York Independent System Operator, Inc.*, 172 FERC ¶ 61,206 (2020) (rejecting proposed revisions to Part A of the NYISO's mitigation exemption test).

issue an order accepting this request before the current September 21, 2020 filing deadline so that the NYISO will have certainty regarding its compliance obligations.

Respectfully Submitted,

/s/ David Allen

David Allen

Senior Attorney

New York Independent System Operator, Inc.

September 11, 2020

cc: Jignasa Gadani
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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 11th day of September, 2020.

/s/ Mohsana Akter

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