

January 11, 2021

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.*, Docket No. ER21-____-000;
Proposed Tariff Revisions to Remove Notarization Requirement from
Officer's Certificate.**

Dear Secretary Bose:

In accordance with Section 205 of the Federal Power Act (“FPA”)¹ and Part 35 of the regulations of the Federal Energy Regulatory Commission (“Commission”), the New York Independent System Operator, Inc. (“NYISO”) respectfully submits proposed amendments to its Market Administration and Control Area Services Tariff (“Services Tariff”).² The proposed revisions seek to remove the notarization requirement from the officer’s certificate of compliance with minimum participation requirements established by the NYISO.

The NYISO respectfully requests that the tariff revisions proposed in this filing become effective the day immediately following the end of the statutory sixty-day notice period (*i.e.*, March 13, 2021).

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”).

¹ 16 U.S.C. § 824d.

² Capitalized terms not otherwise defined herein shall have the meaning specified in the Services Tariff.

II. Background

To participate in the NYISO markets, Customers and applicants must satisfy, and remain in compliance with, all minimum participation requirements as set forth in the Section 26.1 of the Services Tariff. The minimum participation requirements relate to risk management, training, operational capabilities, financial capabilities, and capitalization.³ The Services Tariff requires that all Customers demonstrate ongoing compliance with these requirements by submitting on or before April 30 of each year a “notarized” officer certificate.⁴ An applicant to enter the ISO-Administered Markets must also submit a “notarized” officer certificate with its completed application.⁵

III. Description of Proposed Tariff Revisions

The NYISO proposes to remove the requirement in Section 26.1.2 of the Services Tariff that the officer’s certificate submitted by applicants and Customers be “notarized.” The NYISO believes that notarization is of limited value for this form. The primary purpose of notarization is to confirm the identity of the signor, not to confirm the truthfulness of the signed statements, which is the object of the officer certification. For this reason, the NYISO plans to include in its officer certification form an acknowledgement by the signing officer stating that the information provided is true and correct to the best of the officer’s belief and knowledge after due investigation.⁶ The NYISO believes that such an acknowledgment would be of greater value than notarization. Furthermore, removing the notarization requirement would alleviate an administrative burden for applicants and Customers, while retaining the value of the officer certification form to the NYISO.

IV. Effective Date

The NYISO respectfully requests that the Commission accept the tariff revisions proposed in this filing to become effective on March 13, 2021 (*i.e.*, the day following the end of the statutory 60-day notice period).

V. Stakeholder Process

The proposed amendments were approved unanimously by the NYISO Management Committee on November 18, 2020. The NYISO’s Board of Directors approved the proposed revisions on December 3, 2020.

³ Services Tariff Section 26.1.1.

⁴ Services Tariff Section 26.1.2.

⁵ *Id.*

⁶ PJM Interconnection, L.L.C. and California Independent System Operator Corporation do not require notarizing of similar officer certification forms and instead include such an acknowledgment.

VI. Communications and Correspondence

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

Robert E. Fernandez, Executive Vice President & General Counsel
Karen G. Gach, Deputy General Counsel
Raymond Stalter, Director, Regulatory Affairs
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*Person designated for receipt of service.

VII. Service

The NYISO will send an electronic link to this filing to the official representative of each of its customers, each participant on its stakeholder committees, the New York State Public Service Commission, and the New Jersey Board of Public Utilities. In addition, the complete filing will be posted on the NYISO's website at www.nyiso.com.

VIII. Conclusion

The NYISO respectfully requests that the Commission accept the tariff revisions proposed in this filing to become effective on March 13, 2021.

Respectfully submitted,

/s/ Amie Jamieson
Amie Jamieson, Senior Attorney/Registered In-House Counsel
New York Independent System Operator, Inc.

cc: Jignasa Gadani
Jette Gebhart
Leanne Khammal
Kurt Longo
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David Morenoff
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Frank Swigonski
Eric Vandenberg
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