

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

**New York Independent System  
Operator, Inc.**

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**Docket No. ER22-772-000**

**MOTION FOR EXTENSION OF TIME TO ANSWER OF THE  
NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.**

In accordance with Rules 212, 213, and 2008(a) of the Commission’s Rules of Practice and Procedure,<sup>1</sup> the New York Independent System Operator, Inc. (“NYISO”), respectfully requests an extension of time to answer the comments submitted by the “Clean Energy Advocates” (“CEA”), Equinor Wind, LLC (“Equinor”), and the City of New York (“NYC”), as well as the “Protest Comments” of the PEAK Coalition in the above-captioned proceeding. As discussed below, the NYISO requests an extension until no later than March 16, 2022, *i.e.*, three business days after the deadline for the NYISO’s response to the Commission’s February 9, 2022 letter in this proceeding (the “February 9 Letter”).

**I. MOTION FOR EXTENSION OF TIME**

The NYISO has been preparing to answer portions of the CEA, Equinor, NYC, and PEAK Coalition pleadings. The referenced pleadings address the NYISO’s January 5, 2022, filing (“January 5 Filing”)<sup>2</sup> under Section 205 of the Federal Power Act (“FPA”). The NYISO is entitled to answer the CEA, Equinor, and NYC comments as a matter of right under Rule

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<sup>1</sup> 18 C.F.R. §§ 385.212, 213, and 385.2008(a) (2021),

<sup>2</sup> New York Independent System Operator, Inc., *Excluding Certain Resources from the “Buyer-Side” Capacity Market Power Mitigation Measures, Adopting a Marginal Capacity Accreditation Market Design, and Enhancing Capacity Reference Point Price Translation*, Docket No. ER22-772-000 (January 5, 2022).

213(a)(2) and (3) because they are not styled as “protests.”<sup>3</sup> The NYISO intended to submit its answer within the customary 15-day period that parties commonly follow in Commission proceedings.<sup>4</sup> That 15-day period ends today, February 10, 2022.

The February 9 Letter advised the NYISO that additional information was required before the January 5 Filing could be processed. The February 9 Letter was issued late in the afternoon one day before the expiration of the customary 15-day answer period. It seeks information on several questions that directly overlap with, or are related, to issues that the NYISO had planned to address in a February 10 answer. Many of the questions raise complex issues concerning the design, implementation, impacts, interactions, and language of the NYISO’s proposed marginal capacity accreditation design. Some of the information sought by the February 9 Letter also implicates implementation details and technical specifications that the NYISO was originally had not planned to address in a February 10 answer, but which may now need to be addressed. The NYISO must also determine whether various responses belong in an answer to comments, in responses to the February 9 Letter, or both. Given the timing of the February 9 Letter the NYISO needs additional time to re-evaluate its answer to the issues raised by commenters.

In short, there is good cause under Rule 2008(a) for an extension of time for submitting answers in this proceeding. Granting an extension would allow the NYISO to focus first on preparing substantive and complete responses to the February 9 Letter. The NYISO could then

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<sup>3</sup> The NYISO’s answer would have sought leave to answer these comments, to the extent the Commission deemed them to be tantamount to protests, and the PEAK Coalition’s “Protest Comments” (to the extent necessary).

<sup>4</sup> Rule 213(d)(2)(ii) states that an answer to a pleading that is not noticed in the *Federal Register* is due 30 days after the pleading is submitted. Nevertheless, the practice of filing answers in 15 days is commonly followed in Commission proceedings.

update its answer to commenters to reflect those responses while also addressing issues that are beyond the scope of the February 9 Letter. Moreover, an extension would serve administrative efficiency, and preserve the parties' and the Commission's resources. An extension will allow the NYISO and other parties to develop more complete and focused filings. It should also help to discourage the submission of piecemeal or duplicative pleadings.

The NYISO has been instructed to respond to the February 9 Letter within thirty days, *i.e.*, by no later than March 11, 2022. The NYISO requests an additional three business days, *i.e.*, until March 16, 2022 to update its answer in light of NYISO's responses to the February 9 Letter. This extension should not prejudice any parties' interests, or result in further material delays in the processing of the January 5 Filing, given that the NYISO's responses to the February 9 Letter will trigger a new notice period under Section 205 of the FPA.

The NYISO requests that the Commission allow no more than the standard five calendar days for answers to this motion under Rule 213(d)(1)(i)

## **II. CONCLUSION**

For the reasons set forth above, the NYISO respectfully moves that the Commission grant an extension until March 16, 2022 for it to submit its answer to CEA, Equinor, NYC, and the PEAK Coalition.

Respectfully Submitted,

s/ Ted J. Murphy  
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Gary Will

February 10, 2022

## **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 10<sup>th</sup> day of February 2022.

/s/ Mitchell W. Lucas

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