

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

New York Independent System Operator, Inc.)))	Docket No. ER21-2460-000, <i>et al.</i>
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MOTION OF THE
NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.
FOR EXTENSION OF TIME TO SUBMIT COMPLIANCE FILING

On June 17, 2022, the Federal Energy Regulatory Commission (“Commission”) issued an order in the above-captioned docket accepting the New York Independent System Operator, Inc.’s (“NYISO”) Order No. 2222¹ compliance filing, subject to a further compliance filing (the “June 17 Order”).² The June 17 Order directed that the NYISO submit the required tariff modifications within sixty (60) days, *i.e.*, by August 16, 2022. In accordance with Rules 212 and 2008 of the Commission’s Rules of Practice and Procedure, 18 C.F.R. §§ 385.212, 385.2008 (2020), the NYISO respectfully requests a ninety (90) day extension of time, *i.e.*, until November 14, 2022, to submit the required tariff modifications.

I. Motion for Extension of Time

The June 17 Order directed the NYISO to make more than thirty tariff revisions. These compliance directives address a variety of issues, including Small-Utility opt-ins, interconnection procedures, eligibility to participate in aggregations, locational requirements, information and

¹ *Participation of Distributed Energy Res. Aggregations in Mkts. Operated by Reg’l Transmission Orgs., & Indep. Sys. Operators*, Order No. 2222, 172 FERC ¶ 61,247 (2020), *order on reh’g*, Order No. 2222-A, 174 FERC ¶ 61,197, *order on reh’g*, Order No. 2222-B, 175 FERC ¶ 61,227 (2021).

² *New York Indep. Sys. Operator, Inc.*, Order on Compliance Filing, 179 FERC ¶ 61,198 (Jun. 17, 2022) (“June 17 Order”).

data requirements, metering and telemetry, and coordination among the NYISO, New York Distribution Utilities, and Relevant Electric Retail Regulatory Authorities.

Several of the required tariff modifications are extensive, require significant resources to develop, and time to coordinate with the appropriate stakeholders. For example, the June 17 Order requires the NYISO to submit “a further compliance filing that establishes protocols for sharing metering and telemetry data, and that such protocols minimize costs and other burdens and address concerns raised with respect to privacy and cybersecurity.”³ This three-part compliance directive requires the NYISO to work with the New York Distribution Utilities to develop protocols that can be consistently applied by each utility, evaluate the burdens of the proposal against other options, and work with stakeholders to resolve any outstanding concerns. The NYISO expects that an extension of the compliance filing deadline, enabling required coordination with stakeholders, will result in market rules that are fully compliant with Order No. 2222 and that are tailored to the specific needs of the New York Control Area.

The NYISO’s requested extension of time will not prejudice any party. The NYISO’s original plan to implement its 2019 DER participation model by the fourth quarter of 2022 was devised more than three years ago. As the NYISO will explain in a forthcoming filing, changing circumstances in the intervening time have necessitated that the implementation date for its 2019 DER participation model be delayed to 2023. The NYISO has faced several challenges in developing the databases, workflows, and software automation necessary for DER implementation. The complexity of the software combined with staffing resource limitations has led to significant delays to the 2019 DER project, which impacts the NYISO’s ability to move forward with designing and developing the software necessary for compliance with Order No.

³ June 17 Order at P 216.

2222.⁴ At the time of the NYISO's July 19, 2021, Order No. 2222 compliance filing, the NYISO anticipated being able to implement its 2019 DER participation model and its Order No. 2222 compliance proposal simultaneously,⁵ and thus requested prompt Commission action to guide its efforts to continue developing its DER participation model.⁶ In the absence of prompt guidance from the Commission the NYISO had no choice but to move forward with its efforts to develop the 2019 DER participation model.

In light of these challenges, the NYISO intends to propose a staged implementation whereby it implements its 2019 DER participation model in 2023 and subsequently modifies and expands that model as necessary to implement the remaining elements of the NYISO's Order No. 2222 compliance proposal, as addressed in the July 17 Order. While some of the incremental work necessary for full Order No. 2222 compliance has already begun (for example, the NYISO is already building software to facilitate data collection for (i) distribution utility review of DER and Aggregations, and (ii) ongoing utility, Aggregator, and NYISO coordination), the NYISO will not be in a position to complete the work necessary to implement the 2019 DER participation model or the incremental changes required to fully comply with Order No. 2222 by the fourth quarter of this year. The NYISO does not believe that the requested extension of time will impact the implementation of either the 2019 DER participation

⁴ The June 17 Order directed the NYISO to propose an effective date in the fourth quarter of 2022. June 17 Order at P 344. The NYISO is not able to comply with this requirement and will submit to the Commission a request for extension of time for the effective date in the near future.

⁵ *New York Indep. Sys. Operator, Inc.*, Compliance Filing and Request for Flexible Effective Date, Docket No. ER21-2460-000 at 48-49 (July 19, 2021).

⁶ *Id.* at 48.

model or the incremental changes required to fully comply with Order No. 2222,⁷ and therefore does not expect it to cause harm to any other party.

II. Conclusion

For the reasons set forth above, the NYISO respectfully requests that the Commission act as expeditiously as possible to grant the NYISO's requested 90-day extension of time, until November 14, 2022, to respond to the June 17 Order.

Respectfully submitted,

/s/ Gregory J. Campbell

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July 18, 2022

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⁷ On July 18, 2022, the NYISO submitted a Request for Clarification or, in the Alternative, Rehearing, of one directive contained in the Jun 17 Order. New York Indep. Sys. Operator, Inc. Request for Clarification or, in the Alternative, Rehearing, Docket No. ER21-2460-00_ (Jul. 18, 2022). As described in that submission, if the Commission requires the NYISO to permit a single Aggregation to provide multiple Operating Reserve products, each with distinct limits, the NYISO must redesign its Real-Time Commitment and Real-Time Dispatch software, along with other supporting software (*e.g.*, settlement software, market monitoring capabilities) to achieve compliance. These additional changes may affect the NYISO's implementation schedule.

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 18th day of July, 2022.

/s/ Mohsana Akter

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