

September 29, 2023

Submitted Electronically

Honorable Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street N.E.
Washington, D.C. 20426

Re: *New York Independent System Operator, Inc.*, Notice Establishing an Effective Date for the Distributed Energy Resource and Aggregation Participation Model; Docket No. ER23-2040-000, *et al.*

Dear Secretary Bose:

On June 1, 2023, the New York Independent System Operator, Inc. (“NYISO”) proposed to revise its Market Administration and Control Area Services Tariff (“Services Tariff”) and Open Access Transmission Tariff (“OATT”) to enhance its Distributed Energy Resource (“DER”) and Aggregation participation model (the “June 1 Filing”).¹ That filing, which has not yet been accepted by the Federal Energy Regulatory Commission (“Commission”), requested flexible effective dates for the proposed tariff revisions.

The June 1 Filing proposed a flexible effective date, but not later than December 15, 2023, for the tariff revisions related to the implementation of the DER and Aggregation participation model (provided that the Commission accepts the proposed revisions).² The remaining tariff revisions, which are related to the termination of the NYISO’s Demand Side Ancillary Services Program (“DSASP”) and Day-Ahead Demand Response Program (“DADRP”) are proposed to become effective twelve months after the effective date of the DER and Aggregation participation model.³

The NYISO submits this filing to provide notice of an intended effective date of October 19, 2023, for the tariff amendments submitted in this docket that will permit DER and Aggregation participation in the NYISO-administered wholesale markets. Today the NYISO is also submitting notice of an October 19, 2023 effective date in Docket No. ER19-2276-000, *et al.* The tariff amendments proposed and accepted in Docket No. ER19-2276-000, *et al.*, and proposed in Docket No. ER23-2040-000, *et al.*, comprise the NYISO’s “DER and Aggregation

¹*New York Indep. Sys. Operator, Inc.*, Proposed Tariff Revisions Regarding the Participation of Distributed energy Resources and Aggregations, Docket No. ER23-2040-000, *et al.* (June 1, 2023) (“June 1 Filing”).

² June 1 Filing at 4, 22-23.

³ *Id.* The June 1 Filing requested this later effective date for the termination of the DSASP and DADRP to afford existing Market Participants a twelve-month window in which to transition from the DSASP and DADRP to the DER participation model. The transition period will permit existing resources to remain participants in the NYISO-administered markets while DER and Aggregation registration and enrollment processes are completed, and any upgrades to metering and telemetry infrastructure are installed and tested. June 1 Filing at 23.

Participation Model”, and the NYISO proposes to make the two sets of tariff amendments effective on the same date.

I. Notice of Effective Date

a. Effective Date for DER and Aggregation Participation Model

The June 1 Filing requested a flexible effective date of no later than December 15, 2023, for the revisions to the Services Tariff and OATT proposed in Attachments I through IV.⁴ The NYISO also proposed to submit a Notice of Effective Date at least two weeks prior to the date upon which the NYISO intends to make those revisions effective. The NYISO hereby provides notice that it intends to make the revisions implementing the DER and Aggregation Participation Model effective on October 19, 2023, unless the Commission rejects the June 1 Filing or directs the NYISO to materially modify one or more components of that filing.⁵ Additionally, if the Commission rejects or directs the NYISO to materially modify one or more components of the June 1 Filing, the NYISO will not make the corresponding tariff revisions effective in Docket No. ER19-2276-000, *et al.*

The NYISO’s practice has been to submit a complete “clean” (*i.e.*, not blacklined) version of the applicable tariff records concurrent with its submission of a “Notice of Effective Date” at least two weeks before a proposed effective date. In this instance, however, the NYISO submits this Notice of Effective Date without the dated tariff records.

Submitting this Notice of Effective Date now is consistent with the NYISO’s proposal to provide at least two weeks’ notice of the actual effective date for the tariff revisions in this proceeding. Waiting to submit the effective-dated tariff records until after the tariff revisions in the June 1 Filing are accepted will eliminate any possible need for the NYISO to withdraw the affected tariff records and formally revert to the prior version of those sections of the NYISO’s Services Tariff and OATT should the Commission reject or require material modification to the proposed tariff. The NYISO’s approach is also consistent with recent Commission orders directing parties that proposed “flexible” effective dates to submit tariff revisions to fix the actual effective dates as much as five days after the implementation of the relevant tariff revisions.⁶

b. Termination of the DSASP and DADRP

The June 1 Filing included a proposal to terminate certain tariff language related to the DSASP and DADRP, which will be replaced by the market rules for DER and Aggregations. As described in the June 1 Filing, the NYISO anticipates terminating those two programs twelve months after the date upon which the DER and Aggregation Participation Model becomes effective. This transition period will allow existing DSASP and DADRP resources to remain

⁴ June 1 Filing at 22.

⁵ The NYISO submitted its response to the Commission’s July 17, 2023, deficiency letter on August 17, 2023. As stated in the deficiency letter, the NYISO’s August 17, 2023, response resets the Federal Power Act’s standard sixty-day notice period for tariff amendments made pursuant to Section 205. *See* July 18, 2023, Letter Requesting Additional Information, Docket No. ER23-2040-000 at 4 n.11. Therefore, in the absence of further Commission action, the standard sixty-day notice period will expire on October 16, 2023.

⁶ *See, e.g., Cal. Indep. Sys. Operator Corp.*, 183 FERC ¶ 61,146 (2023).

participants in the NYISO-administered markets while completing the DER and Aggregation registration and enrollment processes and establishing the required metering and telemetry infrastructure. If unforeseen circumstances arise that would materially impact the ability of DSASP and/or DADRP Resources to complete the transition process within twelve months, the NYISO may lengthen the twelve-month transition window. The NYISO is not proposing an effective date for the tariff revisions identified in Attachments V and VI to the June 1 Filing at this time and will submit a Notice of Effective Date for those tariff revisions at a later date.

II. Service

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

III. Conclusion

The New York Independent System Operator, Inc. respectfully requests that the Commission accept this Notice of Effective Date and the proposed effective date of October 19, 2023 for the tariff revisions referenced herein.

Respectfully submitted,

/s/ Gregory J. Campbell

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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 29th day of September 2023.

/s/ Stephanie Amann

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