

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. ER19-2276-000, *et al.*

Dear Secretary Bose:

In accordance with the requirements of the Federal Energy Regulatory Commission's January 23, 2020 *Order Accepting Tariff Revisions and Directing Compliance Filing and Informational Report*¹ and April 21, 2020 Delegated Letter Order,² the New York Independent System Operator, Inc. ("NYISO") submits this filing to provide notice of its intended effective date of October 19, 2023, for the tariff amendments submitted in this docket³ to permit Distributed Energy Resource ("DER") and Aggregation participation in the NYISO-administered wholesale markets.⁴ Today the NYISO is submitting notice of a October 19, 2023 effective date in this Docket No. ER19-2276-000, *et al.*, and in Docket No. ER23-2040-000, *et al.* The tariff amendments proposed and accepted in these dockets comprise the NYISO's "DER and Aggregation Participation Model", and the NYISO proposes to make the two sets of tariff amendments effective on the same date.

¹ *New York Indep. Sys. Operator, Inc.*, Order Accepting Tariff Revisions and Directing Compliance Filing and Informational Report, 179 FERC ¶ 61,033 (Jan. 23, 2020).

² *New York Indep. Sys. Operator, Inc.*, Docket No. ER19-2276-003 (Apr. 21, 2020) (unpublished letter order) ("2020 Letter Order").

³ *New York Indep. Sys. Operator, Inc.*, Proposed Tariff Revisions Regarding Establishment of Participation Model for Aggregations of Resources, Including Distributed Energy Resources, and Proposed Effective Dates, Docket No. ER19-2276-000, *et al.* (Jun. 27, 2019) ("2019 DER Filing").

⁴ The 2019 DER Filing proposed separate effective dates for the various tariff revisions contained in that filing. *See* 2019 DER Filing at 16-17. The NYISO is giving notice here of an October 19, 2023, intended effective date for the tariff revisions proposed and accepted in Attachments XI and XII (clean and blacklined versions of revisions to the Market Administration and Control Area Services Tariff ("Services Tariff")), as well as XIII and XIV (clean and blacklined versions of revisions to the Open Access Transmission Tariff ("OATT")), except as described in Part I(b) of this submittal. *See* 2020 Letter Order at 2.

I. Notice of Effective Date

a. Effective Date for DER and Aggregation Participation Model

In compliance with the *Order Accepting Tariff Revisions and Directing Compliance Filing and Informational Report* and *2020 Letter Order*, the NYISO hereby provides notice that it intends to make the accepted revisions implementing the DER and Aggregation participation model effective on October 19, 2023, unless the Commission rejects the NYISO's June 1, 2023 Proposed Tariff Revisions Regarding the Participation of Distributed Energy Resources and Aggregations in Docket No. ER23-2040-000, *et al.* ("June 1 Filing"), or directs the NYISO to materially modify one or more components of that filing.⁵ 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 tariff revisions implementing the DER and Aggregation participation model effective.

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. Provided that the Commission does not reject or require material revisions in Docket No. ER23-2040-000, *et al.*, the NYISO will submit the applicable tariff records in this proceeding reflecting the effective date prior to October 19, 2023. Should the Commission reject or require material modification to the tariff revisions proposed in Docket No. ER23-2040-000, *et al.*, the NYISO will inform the Commission that it did not make the revisions effective on October 19, 2023.

Submitting this Notice of Effective Date now complies with the Commission's earlier directives that the NYISO provide at least two weeks' notice of the actual effective date for the tariff revisions accepted in this proceeding. Waiting to submit the effective-dated tariff records until after the tariff revisions in Docket No. ER23-2040-000, *et al.*, 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 tariff revisions proposed in the June 1 Filing. The NYISO's revised approach is 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

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). To the extent that the Commission deems necessary, the NYISO respectfully requests that the Commission reconsider earlier directives in the January 23 and April 21, 2020 Orders accepting NYISO's proposal to submit tariff revisions incorporating actual effective dates at least two weeks in advance. The NYISO did not anticipate the interaction between this proceeding and Docket No. ER23-2040 when it made those effective date proposals. Moreover, the NYISO's changed approach is a

b. Termination of the DSASP and DADRP

The NYISO's 2019 DER and Aggregation filing included a proposal to terminate the DSASP and DADRP, which will be replaced by the market rules for DER and Aggregations.⁷ 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 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.

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.

minor and technical change that still provides ample advance notice of the actual effective date to the Commission and to market participants.

⁷ 2019 DER Filing at 33-35. As described in the 2019 DER Filing, the DSASP and DADRP tariff language that will be deleted after the DER Participation Model becomes effective are in (i) Services Tariff Sections 2.1, 2.2, 2.4, 2.5, 2.9, 2.13, 2.14, 2.15, 2.18, 4.1, 4.2, 4.4, 4.6, 5.12, 15.3, 15.4, 18.1, 18.8, 18.10, 18.11, 25.2, 25.3, 26.4, and 26.10, and (ii) OATT Sections 1.4, 1.9, 1.13, 1.15, and 6.1.

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/ Elizabeth Rilling

Elizabeth Rilling
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