

October 18, 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 of Effective Date /
Amendment Setting Proposed Effective Date in Accordance with Section 205(d)
of the Federal Power Act, Docket No. ER23-2040-000, *et al.*

Dear Secretary Bose:

On June 1, 2023, the New York Independent System Operator, Inc. (“NYISO”) submitted proposed revisions to 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.²

In accordance with Section 205(d) of the Federal Power Act and the Commission’s guidance,³ the NYISO hereby amends the June 1 Filing to affix an effective date of Monday, December 18, 2023, for the tariff records submitted in Attachments I through IV of this filing. December 18 is sixty-one (61) days from the date of this submission. The NYISO intends to make the revisions implementing the DER and Aggregation participation model effective on December 18, 2023, unless the Commission rejects the June 1 Filing or directs the NYISO to materially modify one or more components of that filing.

Today the NYISO is ready to implement its DER and Aggregation participation model and is eager to realize the benefits of DER and Aggregations in the wholesale electricity markets it administers. Therefore, if the Commission issues an Order accepting the tariff revisions proposed in the June 1 Filing (without requiring material modification) prior to December 18, 2023, the NYISO will make the tariff revisions effective approximately three business days after

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 *Id.* at 22-23.

³ *Notice of Procedures for Making Statutory Filings when Authorization for New or Revised Tariff Provisions is Not Required*, Docket No. RM01-5, at 5 (June 3, 2020) (“In cases in which a filer proposes an effective date for a tariff record that is later than the day after the end of the statutory notice period, the filing would become effective on that later date in the absence of a Commission order issued before that later date that rejects the filing or suspends its effectiveness.”)

the Commission's Order and will submit the applicable tariff records to the Commission with revised effective dates.

I. Documents Submitted

The NYISO submits the following documents with this filing letter:

1. A clean version of the revisions to the Services Tariff necessary to implement the DER and Aggregation participation model with an effective date of December 18, 2023 ("Attachment I");
2. A blacklined version of the revisions to the Services Tariff necessary to implement the DER and Aggregation participation model with an effective date of December 18, 2023 ("Attachment II");
3. A clean version of the revisions to the OATT necessary to implement the DER and Aggregation participation model with an effective date of December 18, 2023 ("Attachment III"); and
4. A blacklined version of the revisions to the OATT necessary to implement the DER and Aggregation participation model with an effective date of December 18, 2023 ("Attachment IV").

II. Notice of Amended Effective Date

The NYISO hereby amends the June 1 Filing to provide notice of a December 18, 2023, effective date for the tariff revisions contained in Attachments I through IV of this filing. The NYISO will make the attached tariff revisions effective on December 18, 2023, unless (i) it is instructed to do otherwise by the Commission, or (ii) the Commission accepts the June 1 Filing (without material modification) prior to December 18, 2023. Should the Commission issue an Order accepting the June 1 Filing prior to December 18, 2023, the NYISO will make the attached tariff revisions effective approximately three business days after acceptance and will submit the applicable tariff records to the Commission with revised effective dates.

The June 1 Filing included a proposal to delete certain tariff language related to the termination of the Demand Side Ancillary Services Program ("DSASP") and Day-Ahead Demand Response Program ("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 participants in the NYISO-administered markets while completing the DER and Aggregation registration and enrollment processes and establishing the required metering and telemetry infrastructure.

The June 1 Filing included six attachments. Attachments I, II, III, and IV to that filing constituted clean and marked versions of the Services Tariff and OATT, respectively, that are now proposed to become effective on December 18, 2023. Attachments V and VI were clean and marked versions of the Services Tariff that the NYISO intends to make effective twelve months after the effective date of the tariff revisions proposed in Attachments I-IV. Please note that the NYISO inadvertently deleted certain provisions in Services Tariff Sections 2.13, 2.5, 4.1,

and 25 related to the termination of the DSASP and DADRP that were submitted in Attachments I and II. Those deletions, proposed in the NYISO's June 27, 2019, filing in Docket No. ER19-2276-000, will not be made effective on December 18, 2023, but instead at the time the NYISO terminates the DSASP and DADRP. Additionally, Attachments III, IV, V and VI of the June 1 Filing contained revisions to Services Tariff Section 18. The NYISO inadvertently submitted an eTariff record of that Section that only contained the revisions proposed in Attachments III and IV. The tariff record for Services Tariff Section 18 accompanying the instant filing has been corrected.

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 continues to propose a flexible effective date for those revisions and is therefore not submitting dated records for those tariff revisions with the instant filing. The NYISO will submit a "Notice of Effective Date" for those tariff revisions at a later date.

III. 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.

IV. Conclusion

The NYISO respectfully requests that the Commission (i) accept the June 1 Filing without any modifications consistent with the Federal Power Act's statutory notice period, and (ii) grant the NYISO's the proposed effective date of December 18, 2023, for the tariff revisions identified in Attachments I through IV.

Respectfully submitted,

/s/ Gregory James Campbell

Gregory James Campbell, Senior Attorney
New York Independent System Operator, Inc.

cc:	Janel Burdick	Jignasa Gadani	Kurt Longo
	Emily Chen	Jette Gebhart	David Morenoff
	Matthew Christiansen	Leanne Khammal	Douglas Roe
	Robert Fares	Jaime Knepper	Eric Vandenberg

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 October 2023.

/s/ Elizabeth Rilling

Elizabeth Rilling
New York Independent System Operator, Inc.
10 Krey Blvd.
Rensselaer, NY 12144
(518) 356-6177