

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

***New York Independent System Operator, Inc.’s  
Proposed Tariff Amendments to Enhance  
Financial Transaction Capabilities and  
Improve Fast-Start Resource Scheduling in the  
Day-Ahead Market***

**Docket No. ER24-1655-000**

**MOTION OF THE NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.  
TO DEFER EFFECTIVE DATE OF PREVIOUSLY ACCEPTED TARIFF REVISIONS  
AND REQUEST FOR WAIVER**

Pursuant to Rule 212 of the Rules of Practice and Procedure promulgated by the Federal Energy Regulatory Commission (“FERC” or “Commission”),<sup>1</sup> the New York Independent System Operator, Inc. (the “NYISO”) respectfully requests that the Commission defer the June 11, 2024, effective date for the tariff revisions to enhance the way Fast-Start Resources are scheduled in the Day-Ahead Market, which were accepted in this proceeding. The NYISO recently identified software issues that prevent the NYISO from being able to implement the tariff revisions on June 11, 2024. The NYISO respectfully requests a new, flexible effective date between October 1, 2024, and December 31, 2024, for the Fast-Start Resource scheduling tariff revisions, as discussed below.

**I. BACKGROUND**

On March 29, 2024, the New York Independent System Operator, Inc. (“NYISO”) filed proposed revisions to its Market Administration and Control Area Services Tariff (“Services Tariff”) and its Open Access Transmission Tariff (“OATT”) (“March 29 Filing”).<sup>2</sup> The March filing included two distinct sets of tariff revisions, which were described and will be

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<sup>1</sup> 18 C.F.R. § 385.212 (2023).

<sup>2</sup> Capitalized terms not otherwise defined herein shall have the meaning specified in the Services Tariff.

implemented independently. Relevant here, one set of tariff revisions enhances the way Fast-Start Resources are scheduled in the Day-Ahead Market.<sup>3</sup> On May 29, 2024, the Director of the Division of Electric Power Regulation – East, acting pursuant to authority delegated by the Federal Energy Regulatory Commission (“Commission”) under 18 C.F.R. § 375.307, issued an order accepting the NYISO’s proposed tariff revisions (“May 29 Order”).<sup>4</sup>

The May 29 Order accepted the NYISO’s request for a June 11, 2024, effective date for these tariff revisions related to Fast-Start Resource scheduling in the Day-Ahead Market.<sup>5</sup> Due to a software development issue, the NYISO is no longer able to achieve the June 11, 2024, effective date. During its ongoing comprehensive testing and validation of the enabling software, the NYISO identified an unanticipated software issue that prevents schedules for Fast-Start Resources from being finalized and posted to the Market Information Software system. The NYISO needs to engage an external software developer to resolve this issue before the implementing software can be deployed. The NYISO must resolve, test, and validate further software enhancements prior to implementing the tariff revisions. The NYISO is expeditiously working with the external contractor and internal resources to resolve this matter but is not in a position, at this time, to definitively provide an updated effective date for the tariff revisions accepted by the May 29 Order.

The NYISO anticipates developing the necessary additional software modifications, further testing, and validation of the enabling software could take several months. As a result, the NYISO currently anticipates that the effective for the relevant tariff revisions will be delayed until at least October 1, 2024.

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<sup>3</sup> See March 29 Filing at pages 3-4 and 5.

<sup>4</sup> Docket No. ER24-1655-000, *New York Independent System Operator, Inc.*, Letter Order (May 29, 2024).

<sup>5</sup> *Id.*

## II. MOTION AND REQUEST FOR WAIVER

The NYISO respectfully requests a new, flexible effective date for the tariff revisions to enhance Fast-Start Resource scheduling in the Day-Ahead Market. The NYISO proposes to submit a subsequent notice filing to specify, upon at least two weeks' prior notice, the date on which the revisions will take effect and to submit up-to-date tariff sections as necessary to reflect other pending tariff revisions that may become effective between now and the date when these revisions become effective. The NYISO currently anticipates that the effective date for the proposed tariff revisions will be between October 1, 2024, and December 31, 2024. The NYISO, however, will be unable to propose a precise effective date until the software changes necessary to implement the proposed tariff revisions are ready for deployment and testing thereof is completed. Consistent with Commission precedent, including the May 29 Order in this proceeding, the subsequent filing obligation will provide adequate notice to the Commission and Market Participants of the effective date for the tariff revisions.<sup>6</sup>

To the extent necessary, the NYISO requests that the Commission grant a limited waiver of the Fast-Start Resource scheduling tariff revisions accepted in the May 29 Order. The Commission has traditionally granted tariff waiver requests when: (i) the applicant acted in good faith; (ii) the waiver request is limited in scope; (iii) a concrete problem needs to be remedied, and (iv) the request does not have undesirable consequences such as harming third parties.<sup>7</sup>

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<sup>6</sup> See, e.g., *New York Independent System Operator, Inc.*, 106 FERC ¶ 61,111 at P 10 (2004); Docket No. ER11-2544-000, *New York Independent System Operator, Inc.*, Letter Order at 1 (February 10, 2011); Docket No. ER15-485-000, *New York Independent System Operator, Inc.*, Letter Order at 2 (January 15, 2015); *New York Independent System Operator, Inc.*, 151 FERC ¶ 61,057 at P 20 (2015); and *New York Independent System Operator, Inc.*, 154 FERC ¶ 61,152 at P 19 and 25 (2016).

<sup>7</sup> *PJM See, e.g., New York Independent System Operator, Inc.*, 144 FERC ¶ 61,147, at P 8 (2013); *New York Independent System Operator, Inc.*, 139 FERC ¶ 61,108, at P 14 (2012); *PJM Interconnection, L.L.C.*, 137 FERC ¶ 61,184, at P 13 (2011); *ISO New England, Inc.*, 134 FERC ¶ 61,182, at P 8 (2011); *California Independent System Operator Corp.*, 132 FERC ¶ 61,004, at P 10 (2010); *accord ISO New England Inc. –EnerNOC, Inc.*, 122 FERC ¶ 61,297 (2008); *Central Vermont Public Service Corp.*, 121 FERC ¶ 61,225 (2007); *Waterbury Generation LLC*, 120 FERC ¶ 61,007 (2007); *Acushnet Co.*, 122 FERC ¶ 61,045 (2008).

All of these criteria are satisfied in this proceeding. The requested waiver addresses an unforeseen software issue that must be resolved before the NYISO can make the Fast-Start Scheduling tariff revisions effective. The requested waiver is limited in scope. The NYISO needs to delay the effective date of recently accepted tariff revisions by four to six months. The requested waiver addresses a “concrete problem.” Absent the requested waiver, the NYISO will not be able to implement the Fast-Start Resource scheduling revisions recently added to its Services Tariff until the software can be confidently deployed later this year. Finally, the requested waiver will not have undesirable consequences, such as harming the legitimate interests of third parties. The waiver will treat all Fast-Start Resources consistent with the tariff requirements that are effective today and have been in place for several years. Those tariff provisions will support just and reasonable scheduling outcomes until the new software can be implemented later this year.

### **III. COPIES OF CORRESPONDENCE**

Correspondence concerning this filing should be served on:

Robert E. Fernandez, Executive Vice President, General Counsel, and  
Chief Compliance Officer  
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#### **IV. SERVICE**

The NYISO will send an electronic copy of this filing to the official representative of each party to this proceeding, the New York State Public Service Commission, and the New Jersey Board of Public Utilities. The NYISO will also send an electronic link to this filing to the official representative of each of its customers, and each participant on its stakeholder committees. In addition, the NYISO will post a copy of this filing on its website at [www.nyiso.com](http://www.nyiso.com).

#### **V. CONCLUSION**

The NYISO respectfully requests that the Commission accept its request to defer the effective date of the accepted tariff revisions related to Fast-Start Resources scheduling in the Day-Ahead Market until a flexible date between October 1, 2024 and December 31, 2024, and to grant any necessary waivers associated with this deferral request.

Respectfully submitted,

NEW YORK INDEPENDENT SYSTEM  
OPERATOR, INC.

/s/ James H. Sweeney  
James H. Sweeney, Senior Attorney

Dated: June 4, 2024

cc:	Janel Burdick	Douglas Roe
	Matthew Christiansen	Emily Chen
	Jignasa Gadani	Jette Gebhart
	Leanne Khammal	Jaime Knepper
	Kurt Longo	David Morenoff
	Jason Rhee	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 4<sup>th</sup> day of June 2024.

/s/ Elizabeth Rilling

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