

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

New York Independent System Operator, Inc.     )

Docket No. ER14-39-000

**MOTION OF THE NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.  
REQUESTING A ONE WEEK EXTENSION OF TIME TO SUBMIT COMPLIANCE  
FILING, A FIVE-DAY ANSWER PERIOD, AND EXPEDITED COMMISSION ACTION**

Pursuant to Rules 101(e), 212, and 208(a) of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”),<sup>1</sup> the New York Independent System Operator, Inc. (“NYISO”) hereby moves for a seven day extension of time, *i.e.*, until January 10, 2014, to submit the compliance filing required by the Commission’s December 4, 2013 order in this proceeding (“December 4 Order”).<sup>2</sup> The requested extension would afford the NYISO the opportunity to review with stakeholders the conforming tariff changes the Commission directed the NYISO to make in the December 4 Order prior to filing those revisions with the Commission.

The NYISO also respectfully requests that the Commission adopt the standard five day answer period provided for responses under Rule 213(d)(1)(i) and expeditiously issue an order granting the requested extension no later than January 3, 2014, *i.e.*, the date that the NYISO’s compliance filing is currently due.<sup>3</sup>

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<sup>1</sup> 18 C.F.R. §§ 385.101(2), 385.212, and 385.2008(a) (2013).

<sup>2</sup> See *New York Independent System Operator, Inc.*, Order Conditionally Accepting Proposed Tariff Revisions, 145 FERC ¶ 61,192 at P 26 (2013) (“December 4 Order”).

<sup>3</sup> 18 C.F.R. §385.213(d)(1)(i) (2013).

## **I. BACKGROUND**

On October 4, 2013, the NYISO submitted revisions to its Market Administration and Control Area Services Tariff (Services Tariff) to enhance its Special Case Resource (SCR) installed capacity market demand response program.<sup>4</sup> In its December 4 Order, the Commission accepted the NYISO's proposed tariff revisions, effective March 15, 2014, as requested, subject to condition. The Commission found that "section 5.14.2 [of the Services Tariff] is unclear and, therefore, may conflict with NYISO's interpretation of how shortfall penalties and deficiency charges are to be assessed under that section in light of the proposed revisions."<sup>5</sup> The Commission ordered the NYISO to make conforming changes to section 5.14.2 to clearly reflect its new proposal with respect to shortfall penalties within 30 days of the December 4 Order.<sup>6</sup>

## **II. MOTION FOR EXTENSION OF TIME**

The NYISO respectfully requests that the Commission allow a seven day extension of time, *i.e.*, until January 10, 2014, to submit the compliance filing required by the December 4 Order. In accordance with Rules 2008(a) and 101(e), good cause exists for the Commission to allow this extension.<sup>7</sup>

There is good cause to grant this motion because additional time would allow the NYISO to discuss the December 4 Order, and its proposed tariff revisions, with its stakeholders.

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<sup>4</sup> *New York Independent System Operator, Inc.*, Proposed Tariff Revisions Related to Special Case Resources; Docket No. ER14-39-000 (October 4, 2013).

<sup>5</sup> December 4 Order at P 26.

<sup>6</sup> *Id.*

<sup>7</sup> 18 C.F.R. § 385.2008(a) (providing that "the time by which any person is required or allowed to act under any statute, rule, or order may be extended by the decisional authority for good cause, upon a motion made before the expiration of the period prescribed or previously extended"); 18 C.F.R. § 385.101(e) (providing that "the Commission may, for good cause, waive any provision of this part or prescribe any alternative procedures that it determines to be appropriate").

Stakeholders have requested that the NYISO consider an extension in order to better allow for review of the NYISO's conforming changes proposed in response to the December 4 Order. Allowing for a one week extension would allow for this review to occur at the next Installed Capacity Working Group ("ICAPWG") meeting, scheduled for January 7, 2014. The NYISO recognizes that stakeholder approvals are not required before it submits a compliance filing, but believes that allowing for this additional time for stakeholder review and input would be valuable to potentially improve the quality of the NYISO's compliance filing, and possibly reduce the number and intensity of disputed issues that ultimately come before the Commission. The NYISO does not believe that granting the relatively brief extension it has requested would harm the interests of any stakeholder or any party in this proceeding.

### **III. REQUEST FOR FIVE DAY ANSWER PERIOD AND FOR EXPEDITED ACTION**

In Order No. 769,<sup>8</sup> the Commission amended its procedural rules to provide for shortened answer periods to motions for extension of time or requests for expedited action. The Commission found that a five day answer period to such motions struck "an appropriate balance for the need to expedite action on such requests while preserving interested parties ability to respond . . . ." because "motions regarding time periods are not controversial or complex."<sup>9</sup> Accordingly, the NYISO asks that the Commission establish the now standard five day deadline for answers to this motion under Rule 213(d)(1)(i) of the Commission's Rules of Practice and Procedure.<sup>10</sup>

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<sup>8</sup> *Filing of Privileged Materials and Answers to Motions*, Order No. 769, 141 FERC ¶ 61,049 (2012).

<sup>9</sup> Order No. 769 at P 85.

<sup>10</sup> 18 C.F.R. §385.213(d)(1)(i) (2013).

The NYISO also requests that the Commission expeditiously issue an order granting this motion as soon as possible after the close of the five-day answer period and no later than Friday, January 3, 2014, *i.e.*, the date that the NYISO's compliance filing is currently due. Good cause for expedited action exists because the deadline established by the December 4 Order is fast approaching. Until the Commission acts on this motion, neither the NYISO nor its stakeholders will have certainty regarding the time available to develop and submit a compliance filing in this proceeding. As noted above, granting the extension would enable the NYISO to fully present its compliance filing to its stakeholders at the January 7, 2014 ICAPWG to potentially produce a filing that raises fewer disputed issues. Expedited action granting this request will allow that effort to proceed in an orderly fashion as soon as possible.

#### **IV. CONCLUSION**

For the reasons specified above, the NYISO respectfully requests that the Commission: (i) grant its request for a brief extension of time so that it may make the compliance filing mandated by the December 4 Order no later than January 10, 2014; (ii) establish a five day period for answers to this motion, consistent with the recent changes to the Commission's procedural rules; and (iii) act expeditiously and issue an order granting this motion no later than January 3, 2014.

Respectfully submitted,

/s/ David Allen  
Senior Attorney for the  
New York Independent System Operator, Inc.

December 16, 2013

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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 16<sup>th</sup> day of December, 2013.

/s/ Joy A. Zimmerlin

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