

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

Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., New York State Electric and Gas Corp., Rochester Gas and Electric Corp., and Central Hudson Gas and Electric Corp.)	
)	
v.)	
)	
New York Independent System Operator, Inc.)	Docket No. EL15-26-001

**MOTION OF NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.
FOR EXTENSION OF TIME TO SUBMIT COMPLIANCE FILING,
REQUEST FOR SHORTENED COMMENT PERIOD, AND
REQUEST FOR EXPEDITED COMMISSION ACTION BY MARCH 30, 2015**

Pursuant to Rules 212 and 2008(a) of the Commission’s Rules of Practice and Procedure,¹ the New York Independent System Operator, Inc. (“NYISO”) respectfully requests a brief two week extension, *i.e.*, until April 13, 2015, to submit the compliance filing required by Ordering Paragraph (C) of the Commission’s February 26, 2015 order in this proceeding the (“February Order”).² An extension would allow the NYISO to complete the development of its compliance tariff revisions, provide additional time so that the NYISO can obtain stakeholder input and consult with the independent Market Monitoring Unit (“MMU”), and enable the NYISO to better make necessary adjustments to reflect the Commission’s March 19, 2015 order in Docket EL07-39, *et. al.*³ Because the compliance filing is currently due by March 30, 2015,

¹ 18 C.F.R. §§ 385.212 and 385.2008.

² *Consolidated Edison Company of New York, Inc., et al. v. New York Independent System Operator, Inc.*, 150 FERC ¶ 61,139 (2015).

³ *New York Independent System Operator, Inc.*, 150 FERC ¶ 61,208 (March 19, 2015) (“March Order”).

the NYISO respectfully requests that the Commission act expeditiously to issue an order granting the requested extension by that date.

I. BACKGROUND

On December 4, 2014, Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., New York State Electric and Gas Corp., Rochester Gas and Electric Corp., and Central Hudson Gas and Electric Corp. (collectively, “Complainants”) filed a complaint alleging that the rules governing buyer-side market power mitigation (“BSM Rules”) in the NYISO’s Market Administration and Control Area Services Tariff (“Services Tariff”) were unjust, unreasonable, and unduly discriminatory (“Complaint”). The Complainants asked the Commission to order the NYISO to modify the BSM Rules to add a competitive entry exemption.

The Commission granted the Complaint and directed the NYISO to add a competitive entry exemption to the BSM Rules.⁴ The Commission ordered the NYISO to make a compliance filing within 30 days to adopt certain provisions as proposed by the Complainants, to adopt other proposed provisions with modifications,⁵ and to include certain additional provisions that the NYISO proposed in its answer to the Complaint.⁶ As part of its compliance obligation, the NYISO must develop new procedures to govern possible revocations of exemptions granted based on the submission of false, misleading, or inaccurate information in an application for a competitive entry exemption (“revocation procedures”).⁷ The Commission required that these

⁴ February Order at P 14.

⁵ *See e.g. id.* at PP 103-04.

⁶ *Id.* at P 108.

⁷ February Order at PP 88, 90.

procedures achieve the same objective as those adopted by PJM Interconnection, LLC.⁸ The revocation procedures include an option to revoke the exemption without first obtaining the Commission's approval; should provide the applicant with an opportunity to explain its submission; and should require that non-public referrals be made to the Commission, pursuant to its regulations.⁹

II. MOTION TO EXTEND DEADLINE TO FILE COMPLIANCE FILING

The NYISO respectfully requests that the Commission grant its motion for a two week extension, *i.e.*, until April 13, 2015, to make its compliance filing. As described below, there is "good cause" for purposes of Rule 2008 for the Commission to grant an extension and permit the NYISO to file its compliance filing on April 13, 2015.¹⁰

Granting the requested extension would give the NYISO needed time to finalize its compliance tariff revisions. These revisions are not merely ministerial and involve some complex questions. In particular, the NYISO must develop new proposed revocation procedures that differ from those previously reviewed with stakeholders or discussed in the Complaint. The NYISO must also carefully ensure that the March Order's acceptance of a number of previously pending tariff revisions will be accurately incorporated into the revisions to be included in the compliance filing. In addition, the NYISO is working to ensure that the compliance filing clearly explains the relationship between its proposals and the tariff revisions the NYISO submitted on March 13, 2015 in Docket No. ER15-1281-000¹¹ and other pending revisions. The

⁸ February Order at P 88, citing PJM Interconnection, L.L.C., Intra-PJM Tariffs, OATT, Attachment DD, § 5.14(h)(10) (17.0.0).

⁹ February Order at P 91.

¹⁰ 18 C.F.R. § 385.2008(a) (2013) (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").

¹¹ That filing proposed revisions to the BSM Rules to govern exemption and Offer

NYISO has been working diligently on these matters but granting the requested extension will enable it to complete its review of these issues with due care.

An extension will also allow additional time for the NYISO to provide stakeholders with a draft of the proposed compliance revisions and conduct a meeting to get their input (which we would endeavor to do on or about April 6.) It would also allow the NYISO further time to consult with the independent MMU with respect to the issues noted above. Obtaining this input is likely to improve the compliance tariff language and may help to avoid controversies before the Commission.

Granting the requested extension would not harm any party. The February Order determined that the competitive entry exemption should be available to any project seeking to enter Class Year 2015. The NYISO complied with this directive by making competitive entry exemption request and initial certification forms available to projects that wished to request an exemption coincident with entering Class Year 2015.¹² Thus, the requested extension will not prejudice potential Class Year 2015 projects.

III. PARTIES' SUPPORT FOR AND NON-OPPOSITION TO THE REQUESTED EXTENSION

The NYISO notified all parties that filed comments and protests in this proceeding regarding this request, and no party opposes this request. The City of New York, Cogen

Floor determinations for generators and UDR projects that request additional Capacity Resource Interconnection Service or "Additional CRIS."

¹² Attachment I to this motion contains the email notice with instructions, and its attached request and initial certification form, that were sent on March 5, 2015 to the members of the NYISO's Business Issues Committee, Installed Capacity Working Group, Operating Committed, the Transmission Planning Advisory Subcommittee (of the Operating Committee,) and potentially eligible members of Class Year 2015. The form is also posted on the NYISO's website at:

<http://www.nyiso.com/public/webdocs/markets_operations/services/market_monitoring/ICAP_Market_Mitigation/Data_Submission/CEE-Request%20Certification%20Acknowledgement%20Form%203-5-2015.pdf>.

Technologies Linden Venture L.P., Entergy Nuclear Power Marketing, Inc., and the New York State Public Service Commission have authorized the NYISO to state that they support this request. The Complainants, TDI USA Holdings Corp., Cricket Valley Energy Center LLC, the Long Island Power Authority, the New York Power Authority, the Independent Power Producers of New York, the Electric Power Supply Association, and Potomac Economics (the Market Monitoring Unit for the NYISO) have authorized the NYISO to state they do not oppose this request.

IV. CONCLUSION

For the reasons set forth above the NYISO respectfully requests that the Commission: (i) allow two additional weeks, providing for a due date of April 13, 2015, for the NYISO to make the compliance filing required by the Commission in the February Order; (ii) establish a shortened comment period; and (iii) act expeditiously to issue the requested extension no later than the current compliance filing due date (*i.e.*, by March 30, 2015).

Respectfully submitted,
/s/ Gloria Kavanah
Gloria Kavanah
Counsel for the
New York Independent System Operator, Inc.

Dated: March 26, 2015

cc: Michael Bardee
Gregory Berson
Anna Cochrane
Morris Margolis
David Morenoff
Daniel Nowak
Kathleen Schnorf
Jamie Simler
Kevin Siqveland

ATTACHMENT I

From: BIC Committee List [mailto:nyiso_bic@comsupport.nyiso.com]

Sent: Thursday, March 05, 2015 5:19 PM

To:

Subject: Buyer-Side Mitigation Competitive Entry Exemption Request, Acknowledgement and Certification Form and Deadline

Dear NYISO stakeholders and potentially eligible member of Class Year 2015 with a project located in Load Zones G, H, I, or J:

In accordance with the Federal Energy Regulatory Commission's Order issued on February 26, 2015 in Docket Number EL15-26 (150 FERC ¶ 61,139), requests for Competitive Entry Exemptions for Generators or UDR projects in a Mitigated Capacity Zone (*i.e.*, Load Zones G, H, I or J) and the completed form of certification and acknowledgement must be received by the NYISO. The executed and completed request, acknowledgement and certification must be received by NYISO at icapmitigation@nyiso.com no later than March 13, 2015 at 5:00 P.M. Also in accordance with the Order, the NYISO will post on its web site the list of Generators and UDR projects that request a Competitive Entry Exemption. Please be aware that by March 30, 2015, the NYISO will be filing revisions to its tariffs with a proposed effective date of February 26, 2015, also in accordance with the Order.

If you have questions regarding this matter, please contact icapmitigation@nyiso.com or via phone to NYISO Stakeholder Services at 518-356-6060.

Regards,

Kirk Dixon

NYISO Operating Committee Liaison

Office: 518-356-6223

Mobile: 518-339-8599

Email: kdixon@nyiso.com



REQUEST, CERTIFICATION, AND ACKNOWLEDGMENT

I [NAME & TITLE] hereby certify on behalf of myself and [NAME OF PROJECT] that each of the following statements is true and correct:

1. I am an officer whose responsibilities include the development of the [INSERT NAME OF PROJECT], New York Independent System Operator, Inc.'s ("NYISO") Interconnection queue position Number [INSERT NUMBER] (the "Project").
2. I am duly authorized to make representations concerning the Project, including each of the certifications and acknowledgements that I have made in this document.
3. I hereby request a Competitive Entry Exemption for the Project.
4. I have reviewed and understand the Federal Energy Regulatory Commission's (the "Commission's") February 26, 2015 order, *Consolidated Edison Company of New York, et al. v. New York Independent System Operator*, 150 FERC ¶ 61,139 (2015) (the "CEE Order"). I understand that the CEE Order directed the NYISO to make a compliance filing to incorporate provisions related to obtaining a "Competitive Entry Exemption" into its Market Administration and Control Area Services Tariff ("Services Tariff"), effective February 26, 2015. I understand and agree that my request for a Competitive Entry Exemption on behalf of Project will be evaluated by the NYISO under the tariff provisions accepted by the CEE Order.
5. I have personal knowledge of the facts and circumstances supporting the Project's request for a Competitive Entry Exemption as of the date of this Request, Certification and Acknowledgment, including all data and other information submitted by the Project to the NYISO.
6. To the best of my knowledge and having conducted due diligence that is current as of the date of this Certification there [ARE/ARE NOT ANY] direct or indirect non-qualifying contractual relationships for the Project with a "Non-Qualifying Entry Sponsor," as those terms are defined in the tariff sections accepted by the CEE Order and to be submitted in the NYISO's compliance filing.
7. If the Answer to (6) is that there are one or more direct or indirect contractual relationships for the Project with a Non-Qualifying Entry Sponsor, then I certify that to the best of my knowledge and having conducted due diligence that they are "allowable contracts" as discussed at Paragraphs 101-105 of the CEE Order (which the Commission has directed the NYISO to incorporate in its compliance filing.) I have listed all such contracts with Non-Qualifying Entry Sponsors on Schedule 1 to this Certification.
8. To the best of my knowledge and having conducted due diligence, no unexecuted agreements, written or unwritten, with a Non-Qualifying Entry Sponsor exist that would support the development of the Project, except those that are "allowable contracts" as referenced in Paragraph 7 of this Certification and Acknowledgment (*i.e.*, as discussed

at Paragraphs 101-105 of the CEE Order, which the Commission has directed the NYISO to incorporate in its compliance filing,) and which I have listed on Schedule 1 to this Certification.

9. To the best of my knowledge and having conducted due diligence, the Project is not itself, and is not an “Affiliate,” as that term is defined in the tariff provisions accepted by the CEE Order and to be submitted in the NYISO’s compliance filing,, of a Non-Qualifying Entry Sponsor.
10. The Project shall provide any information or cooperation requested by the NYISO in connection with the Project’s request for a Competitive Entry Exemption.

I hereby acknowledge on behalf of myself and **[INSERT NAME OF PROJECT]** that:

- a. The submission of false, misleading, or inaccurate information, or the failure to submit information requested by the NYISO related to the Project’s request for a Competitive Entry Exemption, including but not limited to information contained or submitted in my Request, Certification, and Acknowledgement on behalf of the Project, shall constitute a violation of Section 4.1.7 of the Services Tariff, of Section 35.41(b) of the Commission’s regulations, and Section 316A of the Federal Power Act.
- b. If the Project submits false, misleading, or inaccurate information, or fails to submit requested information to the NYISO, including but not limited to information contained or submitted in my Request, Certification, and Acknowledgement on behalf of the Project, it shall cease to be eligible for a Competitive Entry Exemption and, if the Project has already received a Competitive Entry Exemption, that exemption shall be subject to revocation by the NYISO or the Commission after which the Project shall be subject to an Offer Floor set at the Mitigation Net CONE Offer Floor¹ as of the date of the revocation pursuant to tariff provisions to be included in the NYISO’s compliance filing in accordance with the CEE Order.
- c. If the Project submits false, misleading, or inaccurate information, or fails to submit requested information to the NYISO, including but not limited to information contained or submitted in my Request, Certification, and Acknowledgement on behalf of the Project, it may be subject to civil penalties that may be imposed by the Commission for violations of the Commission’s rules and/or Section 4.1.7 of Services Tariff.
- d. The NYISO reserves the right to submit in the compliance filing required by the CEE Order, a Request, Certification and Acknowledgement form that differs from this version of the Request, Certification and Acknowledgement form. The NYISO reserves the right to require a duly authorized executive of the Project to execute any such revised Request,

¹ Mitigation Net CONE means 75% of the capacity price on the currently effective ICAP Demand Curve for the Mitigated Capacity Zone corresponding to the average amount of excess capacity above the Mitigated Capacity Zone Installed Capacity requirement.

Certification and Acknowledgement form that is submitted in compliance with the CEE Order and accepted by the Commission.

[PRINT NAME]
[DATE]

Subscribed and sworn to before me
this [] day of **[MONTH]** **[YEAR]**.

Notary Public

My commission expires: _____

[PROJECT NAME] SCHEDULE 1
[DATE]

Parties to agreement **Date Executed** **Effective Date** **Date Performance Commences**

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 26th day of March, 2015.

/s/ Joy A. Zimmerlin

Joy A. Zimmerlin
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