

168 FERC ¶ 61,063  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, DC 20426

July 29, 2019

In Reply Refer To:  
New York Independent System Operator, Inc.  
Docket Nos. ER01-3001-000  
ER03-647-000

New York Independent System Operator, Inc.  
10 Krey Boulevard  
Rensselaer, NY 12144

Attention: Gregory J. Campbell

Dear Mr. Campbell:

1. On May 17, 2019, the New York Independent System Operator, Inc. (NYISO) filed a motion to modify its obligation to file informational reports with the Commission in the above-captioned dockets by allowing it to post the information on its website or through other periodic notifications to NYISO stakeholders.<sup>1</sup> The relevant informational reports are: (1) the annual report on NYISO's capacity market, possible withholding, new generation projects, and net revenue analysis (Annual ICAP Report); (2) the semi-annual report on NYISO's new generation projects and demand response programs in the New York Control Area (NYCA) (Semi-Annual Report); and (3) the annual report on NYISO demand-side management programs (Annual DSM Report).<sup>2</sup>

2. The Annual ICAP Report arose out of the original Commission order in Docket No. ER03-647.<sup>3</sup> Over time, the Commission revised the required contents of the report and, since 2010, the Annual ICAP Report has consisted of five sections: (1) an overview of market developments and a regulatory update; (2) an analysis of recent installed capacity (ICAP) auction results, particularly ICAP market clearing prices; (3) a capacity

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<sup>1</sup> Filing at 1.

<sup>2</sup> *Id.* at 1-2.

<sup>3</sup> See *N.Y. Indep. Sys. Operator, Inc.*, 103 FERC ¶ 61,201, *reh'g denied*, 105 FERC ¶ 61,108 (2003).

withholding analysis; (4) a report on new generation projects in NYISO; and (5) a net revenue analysis.<sup>4</sup> The Annual DSM Report and the Semi-Annual Report originated in response to a series of orders issued by the Commission in Docket No. ER01-3001.<sup>5</sup> Beginning in 2001, the Commission directed NYISO to submit two semi-annual reports that separately address NYISO's progress in implementing demand-side management programs and the addition of new generation resources in the NYCA.<sup>6</sup> In 2006, NYISO moved to consolidate Docket Nos. ER01-3001 and ER03-647, noting the "considerable overlap between the information that the Commission requested NYISO to provide in the two reports."<sup>7</sup> The Commission subsequently granted the motion.

3. In compliance with the Commission's directives, NYISO files the Annual ICAP Report in December, the Semi-Annual Report in June, and the DSM Report in January with the Commission on an annual basis. In the instant motion, NYISO requests that the Commission modify these reporting obligations by allowing it to post the requested information on NYISO's website or through other periodic notifications to NYISO stakeholders.

4. NYISO explains that the Annual ICAP Report, the Semi-Annual Report, and the DSM Report cover a total of six categories of information that encompass all of the reporting obligations in Docket Nos. ER01-3001 and ER03-647.<sup>8</sup> NYISO notes that a majority of the information is already accessible on NYISO's website, and that the remainder of the information can be disseminated more efficiently and effectively through web postings as well. NYISO has already started posting the additional information to its website and commits that it will continue to do so.<sup>9</sup>

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<sup>4</sup> See *N.Y. Indep. Sys. Operator, Inc.*, 108 FERC ¶ 61,280 (2004); *N.Y. Indep. Sys. Operator, Inc.*, 111 FERC ¶ 61,427 (2005); *N.Y. Indep. Sys. Operator, Inc.*, 117 FERC ¶ 61,086 (2006); *N.Y. Indep. Sys. Operator, Inc.*, 150 FERC ¶ 61,208 (2015).

<sup>5</sup> See *N.Y. Indep. Sys. Operator, Inc.*, 97 FERC ¶ 61,095 (2001); *N.Y. Indep. Sys. Operator, Inc.*, 100 FERC ¶ 61,081; *N.Y. Indep. Sys. Operator, Inc.*, 100 FERC ¶ 61,243 (2002); *N.Y. Indep. Sys. Operator, Inc.*, 105 FERC ¶ 61,115 (2003).

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

<sup>7</sup> *N.Y. Indep. Sys. Operator, Inc.* Filing, Docket Nos. ER01-3001 and ER03-647-008, at pg. 3 (filed November 15, 2006).

<sup>8</sup> Filing at 5-6.

<sup>9</sup> Filing at 5. According to the filing, NYISO's Market Monitoring Unit, Potomac Economics, LLC. has authorized NYISO to state that it supports NYISO's efforts to modify its reporting obligations.

5. On June 3, 2019, the New York Transmission Owners (NYTOs) filed a limited answer in response to NYISO's motion to modify its reporting obligations. Although the NYTOs do not object to NYISO's motion, they request that the Commission make clear that NYISO "may not materially cease the posting of the information that it commits to post in the motion, or substantively modify the proposed procedure for conducting the capacity withholding analysis described in the motion, without first seeking leave of the Commission."<sup>10</sup>

6. We agree with NYISO that it should be allowed to discontinue formal filing with the Commission, and instead NYISO should be allowed to disseminate the information through web postings and other periodic notifications to NYISO stakeholders. We also agree with the NYTOs that NYISO should not be allowed to unilaterally decrease the type or amount of information available or to modify the procedures used to conduct the capacity withholding analysis. Accordingly, NYISO may discontinue the practice of formally filing this information with the Commission, as requested, on the condition that it continue to provide this information (1) on its website and through periodic notifications to NYISO stakeholders in the manner described in its filing, and (2) with at least the same periodicity as it filed the Annual ICAP Report, the Semi-Annual Report, and the DSM Report. If NYISO wishes to substantively modify its proposed procedure for conducting the capacity withholding analysis described in its motion, it must first seek leave of the Commission to do so.

By direction of the Commission. Commissioner McNamee is not participating.

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

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<sup>10</sup> Answer at 3. The answer indicates that NYISO has authorized the NYTOs to state that it does not object to such conditions on the Commission's approval.