

170 FERC ¶ 61,022  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Neil Chatterjee, Chairman;  
Richard Glick and Bernard L. McNamee.

Helix Ravenswood, LLC  
Ravenswood Development, LLC

Docket No. ER20-323-000

ORDER GRANTING WAIVER

(Issued January 23, 2020)

1. On November 6, 2019, Helix Ravenswood, LLC and Ravenswood Development, LLC (collectively, Ravenswood) submitted a request, pursuant to section 207(a)(5) of the Commission's Rules of Practice and Procedure,<sup>1</sup> for a limited waiver of the three-year period set forth in section 25.9.3.1 of Attachment S of the Open Access Transmission Tariff (OATT) of the New York Independent System Operator, Inc. (NYISO).<sup>2</sup> Specifically, Ravenswood seeks a waiver to allow Ravenswood to transfer 129 MW of its existing Capacity Resource Interconnection Service (CRIS)<sup>3</sup> rights from its deactivated generation gas turbine facilities to its proposed energy storage resources. As discussed below, we grant Ravenswood a waiver of the three-year reactivation requirement under section 25.9.3.1 of Attachment S of NYISO's OATT to allow Ravenswood to retain 129 MW of the Helix GTs' CRIS rights until December 31, 2022.

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<sup>1</sup> 18 C.F.R. § 385.207(a)(5) (2019).

<sup>2</sup> NYISO, NYISO Tariffs, NYISO OATT, att. S 25.9 Going Forward (7.0.0) § 25.9.3.1.

<sup>3</sup> CRIS is the level of interconnection service provided by NYISO to Developers that satisfies the NYISO Deliverability Interconnection Standard or that is otherwise eligible to receive CRIS in accordance with Attachment S. Such service is one of the eligibility requirements for participation as a NYISO Installed Capacity Supplier. NYISO, NYISO Tariffs, NYISO OATT, att. S 25.1 Introduction (8.0.0).

## I. Background

2. Ravenswood states that, in 2017, in response to New York State’s emerging public policy and regulatory initiatives,<sup>4</sup> it began replacing the gas turbine facilities (Helix GT)<sup>5</sup> at its Ravenswood Generation Station with battery-based energy storage resources (Replacement Project).<sup>6</sup> According to Ravenswood, the Replacement Project will be located at the Ravenswood Generating Station in New York City, NYISO Zone J. Ravenswood explains that the Replacement Project is a stand-alone, battery-based energy storage facility that will supply up to “four hours of storage capacity at its rated output and will be able to charge and discharge at up to 316 MW of power to provide peak capacity, energy, and ancillary services and enhance grid reliability in New York City . . .”<sup>7</sup>

3. On March 9, 2018, Ravenswood submitted two 129 MW interconnection requests to NYISO for the Replacement Project, one of which is at issue in this proceeding.<sup>8</sup> Ravenswood states that both facilities will be connected to the Consolidated Edison Company of New York, Inc.’s (ConEd) 345kV transmission system.<sup>9</sup> Having satisfied the eligibility and entry requirements for the Class Year Interconnection Facilities Study (Class Year Study), Ravenswood states that the Replacement Project is a member of NYISO’s Class Year 2019.<sup>10</sup>

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<sup>4</sup> Ravenswood Request for Limited Tariff Waiver (Filing) at 7-10 (noting, for example, DEC Peaker Rule, N.Y. State Reg., Vol. XLI, Issue 9, pg. 6-10. (Feb. 27, 2019); Climate Leadership and Community Protection Act, N.Y. Pub. Serv. Law §§ 17a, 17b (2019); Order Establishing Energy Storage Goal and Deployment Policy, N.Y. Pub. Serv. Law § 74 (Dec. 13, 2018) (New York Energy Storage Order)).

<sup>5</sup> Helix GTs consist of seven gas turbine units GTs 2-1, 2-2, 2-3, 2-4, 3-1, 3-2, and 3-4. *Id.* at n.2.

<sup>6</sup> *Id.* at 11-12.

<sup>7</sup> *Id.* at 11.

<sup>8</sup> *Id.* at 2.

<sup>9</sup> *Id.* at 12. Ravenswood notes that, in the New York Energy Storage Order, the New York State Public Service Commission (New York Commission) announced a utility procurement program that highlighted the need to develop storage capability in New York City and directed ConEd to undertake procurement of 300 MW of energy storage resources to be operational before the end of 2022. *Id.* at 9.

<sup>10</sup> *Id.* at 12-13.

4. Ravenswood seeks to retain part of its inactive CRIS rights (129 MW) from four of the Helix GTs, and transfer those rights to the Replacement Project.<sup>11</sup> To do that, however, Ravenswood states that it needs a waiver of section 25.9.3.1 of Attachment S of NYISO's OATT, which addresses a facility's ability to retain its CRIS rights when it has been deactivated. Ravenswood states that significant operational risks arose shortly after beginning the development of the Replacement Project, causing Ravenswood to deactivate the Helix GTs by placing them into ICAP Ineligible Forced Outage (IIFO)<sup>12</sup> status effective April 1, 2018.<sup>13</sup>

5. Ravenswood states that, under NYISO's OATT, CRIS rights terminate three years after deactivation of a facility unless the facility takes one of the following actions before the end of the three-year period: (1) returns to service and participates in NYISO capacity auctions, or (2) transfers capacity deliverability rights to another facility. Therefore,

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<sup>11</sup> Ravenswood seeks to transfer the existing CRIS rights of only a subset of the Helix GTs: GT2-4, GT3-1, GT3-2, and GT3-4. *Id.* at n.2. In addition to the Helix GTs, Ravenswood owns additional units: GTs 04, 05, 06, 07, 08, 09, 10, 11, and 3-3. Of them, seven are inactive: GTs 04, 05, 06, 07, 08, 09 and 3-3. GTs 10 and 11 are currently in service. Ravenswood has requested to NYISO to transfer the CRIS Rights of GT 10 and 11 to address its other 129 MW interconnection request to support the Replacement Project. *Id.* at n.28.

<sup>12</sup> ICAP Ineligible Forced Outage is defined as:

The outage state of a Market Participant's Generator after:

- i) the expiration or termination of its Forced Outage pursuant to the provisions in Section 5.18.1.6 of this Services Tariff, which Forced Outage started on or after May 1, 2015; ii) the Market Participant voluntarily reclassified its Forced Outage pursuant to the provisions in Section 5.18.2.1 of this Services Tariff, which Forced Outage started on or after May 1, 2015; or
- iii) substantial actions have been taken, such as dismantling or disabling essential equipment, which actions are inconsistent with an intention to return the Generator to operation and the Energy market. A Generator in an ICAP Ineligible Forced Outage is subject to the return-to-service provisions in Section 5.18.4 of this Services Tariff and is ineligible to participate in the Installed Capacity market.

NYISO, NYISO Tariffs, NYISO MST, 2 MST Definitions (0.0.0) § 2.9.

<sup>13</sup> Filing at 4.

Ravenswood states that, by operation of NYISO's OATT, the Helix GTs' CRIS rights will expire on April 1, 2021, and can only be transferred to the Replacement Project if the project becomes operational before that date.<sup>14</sup>

6. According to Ravenswood, the Replacement Project could have been completed by April 1, 2021.<sup>15</sup> However, despite its extensive redevelopment efforts since 2017, Ravenswood notes that it must rely on work to be completed by third parties before the Replacement Project can become operational, namely ConEd's construction of necessary interconnection facilities to be identified by NYISO in the Class Year 2019 Study. Ravenswood states that NYISO has identified a 2019 Class Year Study completion date of September 2020. Ravenswood adds that, after the completion of the 2019 Class Year Study, it estimates ConEd's work will require approximately 24 months to complete. Given these circumstances, Ravenswood states that the Replacement Project cannot be expected to be operational before the Helix GTs' CRIS rights expire on April 1, 2021. Ravenswood stresses that, although it has good reason to believe that the Replacement Project will be operational at the end of 2022,<sup>16</sup> the scope of the project's required interconnection facility construction and the time needed to complete the project cannot be definitively known.<sup>17</sup>

7. Ravenswood emphasizes that it did not choose, nor could it have chosen, the date on which the Helix GTs were placed in IIFO status.<sup>18</sup> Ravenswood states that, if possible, it would have avoided triggering the three-year period designated by the NYISO OATT, and would have elected to operate the Helix GTs until their disconnection was required to facilitate the interconnection of the Replacement Project. However, Ravenswood contends that continuing to operate and maintain the units presented significant risks to the safety of employees and the integrity of the system.<sup>19</sup>

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<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Ravenswood notes that ConEd has set a December 31, 2022 deadline for operation of interconnection facilities in its energy storage procurement solicitation, which is the date that Ravenswood is targeting for completion of the Replacement Project. *Id.* at n.9.

<sup>17</sup> *Id.* at 15.

<sup>18</sup> *Id.* at 17.

<sup>19</sup> *Id.* at 2, 12, 17.

## II. Ravenswood's Waiver Request

8. Ravenswood requests that the Commission waive the requirements of NYISO's OATT, Attachment S, section 25.9.3.1 under which the CRIS rights of the Helix GTs will terminate on March 31, 2021 and allow it to retain the 129 MW of the CRIS rights associated with Helix GTs 2-4, 3-1, 3-2, and 3-4 to the later of December 31, 2022 or ConEd's completion of the necessary interconnection steps for the Replacement Project to become operational. Ravenswood states that, without the waiver of section 25.9.3.1 of Attachment S of NYISO's OATT, it will lose the ability to transfer the Helix GTs' existing CRIS rights to the Replacement Project, despite its extensive efforts to develop the Replacement Project. Ravenswood contends that good cause exists for the Commission to grant this waiver request. According to Ravenswood, in determining whether to authorize a tariff waiver, the Commission determines whether: (1) the waiver will remedy a concrete issue; (2) the entity seeking the waiver is acting in good faith, (3) the waiver will not have undesirable consequences, such as harming third parties and (4) the waiver is of limited scope.<sup>20</sup>

9. Ravenswood argues that the waiver requested will solve a concrete issue and help New York State achieve its efforts to address an increasingly vital public policy consideration.<sup>21</sup> Ravenswood states that the waiver would allow Ravenswood to complete the Replacement Project in a timely, efficient, and effective manner with the assurance of its ability to transfer 129 MW of the Helix GTs' existing CRIS rights to the Replacement Project. Ravenswood argues that the unique opportunity presented by the Replacement Project<sup>22</sup> "should not be wasted" by the strict application of the three-year period set forth in section 25.9.3.1 of Attachment S of NYISO's OATT and emphasizes that the rule was

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<sup>20</sup> *Id.* at 10.

<sup>21</sup> *Id.* at 20.

<sup>22</sup> Ravenswood stresses the need for energy storage resources in New York City to meet both the Commission's initiative to break down artificial barriers to energy storage resource development and New York State's public policy initiatives targeted at limiting the effects of climate change. Ravenswood notes that the construction of energy storage resource facilities in New York City faces unique limitations that highlight the importance of the Replacement Project. In addition to identifying itself as "a sophisticated market participant with employees that have years of experience operating facilities on the New York City system," Ravenswood notes that it owns the existing Ravenswood Generating Station site, which is located near interconnection facilities in Zone J and is situated between the 138 kV and 345 kV systems. *Id.* at 22.

implemented to encourage and support the kind of system reutilization that the energy storage resource Replacement Project represents.<sup>23</sup>

10. Ravenswood states that it has acted and will continue to act in good faith.<sup>24</sup> Ravenswood states that it has worked diligently to develop the Replacement Project and has pursued options available to it to expeditiously advance the Replacement Project since New York State first signaled the need to advance battery storage projects in New York City. Specifically, Ravenswood adds that it began redevelopment activities prior to the date the Helix GTs were required to be deactivated and has pursued redevelopment ever since, incurring additional cost to do so.<sup>25</sup> Ravenswood notes that, to expedite the Replacement Project's interconnection process, it chose the tariff option that allowed it to proceed directly to, and fund, the system reliability impact studies (SRIS) to ensure that the project would be included in the 2019 Class Year. Ravenswood also states that it completed the first milestone by completing the necessary steps for the SRIS reports to be approved by the NYISO Operating Committee in July 2019.<sup>26</sup> To satisfy the second milestone and permit the Replacement Project to become eligible to participate in the 2019 Class Year, Ravenswood states that it agreed to post an additional deposit of about \$1 million. Ravenswood further states that NYISO's 2017 Class Year began about the same time as Ravenswood submitted its interconnection requests for the Replacement Project, and no other Class Year has been available in the interim. Ravenswood states that it then entered the Replacement Project into the 2019 Class Year, the Class Year in which the Replacement Project was eligible.<sup>27</sup> Ravenswood adds that it has already obtained from the New York Commission the required siting declaration and the Certificate of Public Convenience and Necessity for the Replacement Project.<sup>28</sup>

11. Notwithstanding its efforts and financial commitments, Ravenswood states that the Replacement Project will not be operational by April 1, 2021 due to interconnection issues. However, Ravenswood argues that the 2019 Class Year is NYISO's largest class ever and

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<sup>23</sup> *Id.* at 23.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* at 24.

<sup>26</sup> *Id.* at 12.

<sup>27</sup> *Id.* at 13.

<sup>28</sup> *Id.* at 13-14.

neither Ravenswood nor NYISO can control how many decision rounds will be necessary before the Class Year Study can be completed.<sup>29</sup>

12. Ravenswood states that the requested waiver will avoid the undesirable consequences of missing an opportunity to develop the Replacement Project in a timely manner and will assist New York State in achieving its energy storage goals.<sup>30</sup> Ravenswood states that the Replacement Project is the only large, utility-scale energy storage project eligible to participate in the 2019 Class Year and that the project can bring energy storage facilities to Zone J.<sup>31</sup> Ravenswood also states that the Replacement Project will be constructed on the Ravenswood Generation Station site, eliminating the need to purchase land and allowing the resource to begin operation sooner rather than later.

13. Ravenswood states that the requested waiver will not harm third parties in the 2019 Class Year and that any contention of harm to any third party beyond the Class Year is speculative.<sup>32</sup> Ravenswood states that its waiver request is limited to a subset of the Helix GTs' CRIS rights. Ravenswood adds, absent transfer to the Replacement Project, the full capability of the Helix GTs will be modeled as in-service in the 2019 Class Year, and any additional headroom resulting from the expiration of their CRIS status cannot be assigned until at least the next Class Year. Ravenswood notes that, due to the dense urban development setting in which the site is located, the use of the interconnection and CRIS rights at issue is effectively unavailable for any other purpose.<sup>33</sup> Finally, Ravenswood states that NYISO has confirmed that Ravenswood's waiver application will not interfere with or delay NYISO's completion of the 2019 Class Year Study.<sup>34</sup>

14. Ravenswood states that its waiver request is limited in scope. Ravenswood states that it has "tightly defined" its requested waiver of the three-year period set forth in section 25.9.3.1 of Attachment S of NYISO's OATT to transfer 129 MWs of the Helix GTs' existing CRIS status to the Replacement Project.<sup>35</sup> Ravenswood states that

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<sup>29</sup> *Id.* at 24.

<sup>30</sup> *Id.* at 25.

<sup>31</sup> *Id.* at 19, 25.

<sup>32</sup> *Id.* at 25.

<sup>33</sup> *Id.* at 26.

<sup>34</sup> *Id.* at 27.

<sup>35</sup> *Id.*

its request is limited to the time period required for the Replacement Project to be interconnected to the system thereby allowing it to become operational.

15. In addition to section 25.9.3.1 of Attachment S of NYISO's OATT, Ravenswood asks that the Commission, to the extent it deems necessary, waive NYISO's Market Administration and Control Area Service Tariff (Services Tariff) section 5.18.2.3.1, under which the Helix GTs' IIFO status expires on March 31, 2021, and allow the Helix GTs to remain in IIFO status pending transfer of their CRIS rights.<sup>36</sup>

16. Ravenswood requests Commission action as soon possible, but in no event later than a date that aligns with when NYISO completes constitution of the 2019 Class Year, finalizes the base case for the 2019 Class Year Study, and completes Ravenswood's CRIS rights transfer analysis, which is expected to be completed by the end of 2019. Ravenswood states that, pursuant to NYISO's OATT, Attachment S, section 25.9.3.1, Ravenswood must notify NYISO whether it will accept the CRIS rights transfers within five days of NYISO's Ravenswood's CRIS rights transfer analysis.<sup>37</sup>

### **III. Notice of Filing and Responsive Pleadings**

17. Notice of Ravenswood's filing was published in the *Federal Register*, 84 Fed. Reg. 61,610 (2019), with protests and interventions due on or before November 27, 2019.

18. The New York Commission filed a notice of intervention. NRG Power Marketing, LLC, ConEd, Keystone Capture Energy and Calpine Corporation filed timely motions to intervene. NYISO filed a timely motion to intervene and comments.

19. On December 6, 2019, Ravenswood filed an answer to NYISO's comments.

#### **A. NYISO's Comments**

20. NYISO states that it does not oppose or support the requested waiver and instead offers observations for the Commission's consideration.<sup>38</sup> NYISO adds that it is important that the Commission continue to reinforce the importance of tariffs and manual deadlines that

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<sup>36</sup> *Id.* at 11-12. Section 5.18.2.3.1 of NYISO's Services Tariff provides, in pertinent part, "a Generator's [IIFO] shall expire if: 1) its CRIS rights have expired; . . . A Generator shall be Retired if its [IIFO] expires." NYISO, NYISO Tariffs, NYISO MST, 5.18 Generator Outages and Generator Obligations While In These Outages (5.0.0) § 5.18.2.3.1.

<sup>37</sup> Filing at 28.

<sup>38</sup> NYISO Comments at 1.



enhance the certainty and transparency in NYISO's administration of the interconnection process.<sup>39</sup>

21. NYISO states that CRIS rights may be transferred from an existing facility that is deactivating and exiting the market to another facility that is existing or new.<sup>40</sup> NYISO explains that a CRIS rights transfer that is proposed between facilities at different electrical locations is subject to a deliverability evaluation in a Class Year Study that is performed separately and prior to completion of the deliverability evaluation of the remaining collective Class Year CRIS projects.

22. NYISO states that Ravenswood has requested a deliverability evaluation in the 2019 Class Year for its contemplated CRIS rights transfer from the Helix GTs to the Replacement Project, at a different electrical location. NYISO anticipates that the evaluation of such CRIS rights transfer will be completed by January 2020. NYISO states that the three-year CRIS expiration rule represents a reasonable balancing of interests, allowing existing resources some level of flexibility to return to service or transfer their rights while not establishing unnecessary barriers to entry for new resources.<sup>41</sup>

23. NYISO states that it recently introduced an option for an extension of the three-year rule for certain units in an IFO or Mothball Outage. NYISO notes that this option is available to facilities that have adequate, detailed plans to return to service and extends expiration for an additional 120 days, and explicitly prohibits extension of CRIS rights if such extension is only for the purpose of a CRIS transfer.<sup>42</sup>

24. NYISO states that, under existing NYISO processes, there are alternate paths available for Ravenswood to obtain CRIS status that would alleviate the need for the instant waiver request.<sup>43</sup> NYISO states that Ravenswood can request CRIS rights in the 2019 Class Year Study, of which the Replacement Project is already a member. NYISO adds that Ravenswood has already submitted a CRIS request for such an evaluation in the current Class Year Study. Next, NYISO explains that if the CRIS rights transfer proceeds and the Replacement Project is not in-service before the CRIS expires, the project may request CRIS in a subsequent Class Year or through a new expedited deliverability study

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<sup>39</sup> *Id.* at 6-7.

<sup>40</sup> *Id.* at 4.

<sup>41</sup> *Id.*

<sup>42</sup> *Id.* at 5.

<sup>43</sup> *Id.* at 7.

provision that was recently approved by the NYISO's Management Committee.<sup>44</sup> Further, NYISO states that the Replacement Project can take certain steps before the Class Year Study is completed to accelerate the construction of required upgrades, such as proceeding with an engineering and procurement agreement with the connecting transmission owner and/or requesting that NYISO tender an interconnection agreement that can potentially be finalized as early as completion of the local design studies in the Class Year. Additionally, NYISO states that Ravenswood can request a limited operations study to evaluate the possibility of going in-service prior to completion of all System Upgrade Facilities.<sup>45</sup>

25. NYISO contends that it is uncertain that the waiver, if granted, would have adverse impact on other projects. NYISO states that this impact is more likely to occur if a proposed project is proposing to locate in the same deliverability source area as the resource retaining its CRIS, but notes that there are currently no other projects in the 2019 Class Year or NYISO's interconnection queue that propose to connect in the same deliverability source area as the Replacement Project.<sup>46</sup> NYISO cautions, however, that the duration of Ravenswood's requested CRIS rights extension raises the potential that upcoming proposed projects could be impacted by the requested waiver and that the requested waiver could act as a barrier to entry for future projects seeking to interconnect in the same area as the Helix GTs.

26. NYISO states that it is concerned by the fact that the request is being made so far in advance of the CRIS rights actually expiring, and that the request is to delay expiration by such an extended, and open-ended, time frame.<sup>47</sup> NYISO asserts that the broad scope of the requested waiver may also raise questions regarding the applicability of the same tariff requirements to other projects, given that NYISO is seeing more retired units or units in long-term outage states with CRIS set to expire in the near future.

27. NYISO notes that the requested waiver appears, perhaps inadvertently, to request an extension of the IIFO status for the Helix GTs in addition to the request to extend the expiration for the existing CRIS rights.<sup>48</sup> NYISO explains that a unit that remains in an IIFO status retains its interconnection rights (Energy Resource Interconnection Service, or ERIS)

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<sup>44</sup> *Id.* at 7-8. NYISO anticipates that tariff revisions for the proposed expedited deliverability study will be filed with the Commission in December 2019, pending Board approval. *Id.*

<sup>45</sup> *Id.* at 8.

<sup>46</sup> *Id.* at 9.

<sup>47</sup> *Id.* at 10.

<sup>48</sup> *Id.* at 11.

and would be able to return to service without being studied in the interconnection process. NYISO argues that extending the Helix GTs' CRIS rights does not require or support maintaining the units' other interconnection rights. NYISO states that Ravenswood's request for the ability to transfer 129 MW of the Helix GTs' existing CRIS to the Replacement Project can be achieved without extending the IIFO status of the Helix GTs.<sup>49</sup> NYISO requests that if the Commission grants the waiver request, the Commission's order make clear that the extension granted applies only to the 129 MW of CRIS rights from the Helix GTs and not all interconnection rights of the Helix GTs.

**B. Ravenswood's Answer**

28. Ravenswood acknowledges NYISO's observation that Ravenswood filed a waiver request well in advance of the Helix GTs' CRIS rights' expiration date and that the extension request is for an open-ended time frame.<sup>50</sup> Ravenswood argues that it needs to submit its request at this time because there is no assurance that NYISO will hold another Class Year before the CRIS rights at issue expire. Ravenswood states that the next Class Year will not likely be held until Spring 2021 at the earliest, which risks the CRIS rights expiring before a transfer can be completed. Ravenswood submits that had it waited to file this waiver request until after the next Class Year process began, its action would have been challenged as failing to meet the good faith prong of the Commission's waiver requirements.<sup>51</sup> Moreover, Ravenswood argues that it limited its waiver request to the minimum period required for the Replacement Project to become operational, which is December 31, 2022 or until ConEd completes interconnection facilities.<sup>52</sup>

29. Ravenswood acknowledges NYISO's observation that the Replacement Project could obtain CRIS rights by participating in the 2019 Class Year. In response, Ravenswood argues that granting the waiver will mean that Ravenswood will receive its deliverability assessment in January 2020, while following the path NYISO suggests will delay the receipt of that information for at least a year.<sup>53</sup> Ravenswood also notes that the CRIS rights are likely to be transferred on a one-for-one basis, while the outcome concerning capacity deliverability rights under the full 2019 Class Year process NYISO suggests is unknown.

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<sup>49</sup> *Id.* at 11-12.

<sup>50</sup> Ravenswood Answer at 2.

<sup>51</sup> *Id.* at 4-5.

<sup>52</sup> *Id.*

<sup>53</sup> *Id.* at 7.

30. Ravenswood argues that granting the requested waiver will effectuate the intended purposes of section 25.9.3.1 of Attachment S of NYISO's OATT because, in approving that provision, the Commission recognized that a generator with existing CRIS rights has invested in and secured a valuable right.<sup>54</sup> Moreover, Ravenswood asserts that the three-year rule was intended to ensure that CRIS rights would be available to effectively be re-utilized by a new facility after an existing facility was deactivated.<sup>55</sup>

31. Ravenswood also argues that granting the waiver to permit the CRIS rights to be transferred to the Replacement Project will enable NYISO to revise its Class Year project list in time for the 2019 Class Year base cases to reflect that the Replacement Project has become an ERIS-only project. This status change, Ravenswood argues, will clearly reflect the disposition of the CRIS rights by January 2020, thereby enhancing the certainty and transparency of NYISO's interconnection process for all market participants.<sup>56</sup>

32. Ravenswood notes that, while NYISO has pointed to its proposal to implement a new, expedited study process, that process has not yet been filed with the Commission and it is unknown whether the new process will be approved or whether it will be utilized with regard to the CRIS right at issue here.<sup>57</sup>

#### **IV. Commission Determination**

##### **A. Procedural Matters**

33. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2019), the notice of intervention and the timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding.

34. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2019), prohibits an answer unless otherwise ordered by the decisional authority. We accept Ravenswood's answer because it has provided information that assisted us in our decision-making process.

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<sup>54</sup> *Id.* at 6 (internal citations omitted).

<sup>55</sup> *Id.*

<sup>56</sup> *Id.* at 8.

<sup>57</sup> *Id.* at 9.

**B. Substantive Matters**

35. We grant Ravenswood's request for waiver of the three-year reactivation requirement under section 25.9.3.1 of Attachment S of NYISO's OATT to allow Ravenswood to retain 129 MW of the Helix GTs' CRIS rights until December 31, 2022. The Commission has granted waiver of tariffs provisions where: (1) the applicant acted in good faith; (2) the waiver is of limited scope; (3) the waiver addresses a concrete problem; and (4) the waiver does not have undesirable consequences, such as harming third parties.<sup>58</sup> We find that the circumstances of Ravenswood's waiver request satisfy these criteria.

36. First, we find that Ravenswood has acted in good faith. Ravenswood has demonstrated that it has worked diligently to develop the Replacement Project but, due to circumstances beyond its control, it is unable to meet the CRIS three-year deadline in section 25.9.3.1 of the NYISO OATT. Ravenswood began redevelopment prior to the Helix GTs' deactivation and has completed several steps in the interconnection process for the Replacement Project, including the first and second milestones of the interconnection process to become eligible to participate in the 2019 Class Year.<sup>59</sup> However, given the timeline of NYISO's 2019 Class Year Study and ConEd's completion of the required interconnection facilities, Ravenswood is unable to have the Replacement Project operational by April 2021.

37. Second, Ravenswood requests a waiver of the relevant NYISO OATT provision until December 31, 2022, when the Replacement Project is currently scheduled to become operational *or* until ConEd's completion of the interconnection facilities. We find that the request to grant the waiver until December 31, 2022, the anticipated completion date of the Replacement Project, is of limited scope because it is a one-time extension of the three-year deadline to permit Ravenswood to transfer a subset of the Helix GTs' CRIS rights to the Replacement Project. However, we find that Ravenswood's request to extend the requested waiver beyond December 21, 2022, should the Replacement Project not be completed by this date, until ConEd's completion of the interconnection facilities is not limited in scope. Therefore, we grant waiver of section 25.9.3.1 of Attachment S of NYISO's OATT until December 31, 2022.

38. Third, we find that the requested waiver addresses a concrete problem by enabling Ravenswood to retain 129 MW of CRIS rights from the Helix GTs. Absent waiver, the

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<sup>58</sup> See, e.g., *Midcontinent Indep. Sys. Operator, Inc.*, 154 FERC ¶ 61,059, at P 13 (2016).

<sup>59</sup> See *supra* P 10.

Helix GTs' CRIS rights would expire on March 31, 2021,<sup>60</sup> and the next class year that the Replacement Project could enter in order to obtain new CRIS rights is not scheduled to begin until Spring 2021. Although NYISO argues that Ravenswood could alternatively submit a CRIS request in the current Class Year Study, we find that extending the deadline to permit Ravenswood to effectuate the transfer provides greater certainty and transparency to NYISO's interconnection process by ensuring that the process accurately reflects the service needed by the Replacement Project and the status of the Helix GTs. We also find that the new expedited deliverability study NYISO mentions does not address the concrete problem of permitting Ravenswood to transfer the CRIS rights; since that process has not yet been accepted by the Commission, its viability as an alternative option for Ravenswood is speculative.<sup>61</sup>

39. Finally, we find that granting this waiver request will not have undesirable consequences, such as harm to third parties. At this time, based on the instant record, there is no evidence of any adverse impact on other projects, as there are no other projects in the 2019 Class Year or the interconnection queue that are proposing to connect in the same deliverability source area as Ravenswood's Replacement Project.<sup>62</sup> Although extending the waiver to an undefined period beyond December 31, 2022 could increase the likelihood that new projects could enter the interconnection queue in a future Class Year seeking to connect to the same deliverability source area, we find that granting the requested waiver, as limited above to December 31, 2022, will not result in harm to other interconnection customers.

40. In regard to Ravenswood's request to include section 5.18.2.3.1 of NYISO's Services Tariff in its waiver request, we find that a waiver of that section is not necessary to effectuate the extension of the CRIS rights to be used by the Replacement Project beyond the three-year time frame. Ravenswood can transfer 129 MW of the Helix GTs' 2-4, 3-1, 3-2, and 3-4, CRIS rights to the Replacement Project with waiver of

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<sup>60</sup> Ravenswood represents that the CRIS rights at issue here expire on April 1, 2021, and NYISO indicates March 31, 2021 as the expiration date. Out of abundance of caution, we assume that the ability to transfer these rights will expire on the earlier date of March 31, 2021.

<sup>61</sup> NYISO submitted this filing on December 19, 2019, in Docket No. ER20-638-000.

<sup>62</sup> See NYISO Comments at 9.

section 25.9.3.1 of Attachment S of NYISO's OATT without extending the IIFO status of the Helix GTs.<sup>63</sup>

The Commission orders:

Ravenswood is hereby granted a waiver of the three-year reactivation requirement under section 25.9.3.1 of Attachment S of NYISO's OATT to allow Ravenswood to retain 129 MW of the Helix GTs' CRIS rights until December 31, 2022, as discussed in the body of this order.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

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<sup>63</sup> Ravenswood clarifies that it is not seeking to keep the Helix GTs in IIFO status for an additional period of time to repair them or to take any other action. Ravenswood Answer at n.3.