



Public Service Commission

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Three Empire State Plaza, Albany, NY 12223-1350

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June 29, 2015

SENT VIA ELECTRONIC FILING
Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Room 1-A209
Washington, D.C. 20426

Re: Docket No. ER15-1951-000 - New York Power Authority

Dear Secretary Bose:

For filing, please find the Notice of Intervention and Comments of the New York State Public Service Commission in the above-entitled proceeding. The parties have also been provided with a copy of this filing, as indicated in the attached Certificate of Service. Should you have any questions, please feel free to contact me at (518) 473-8178.

Very truly yours,

A handwritten signature in blue ink that reads "David G. Drexler". The signature is written in a cursive style.

David G. Drexler

Assistant Counsel

Attachment

cc: Service List

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

New York Power Authority

)

Docket No. ER15-1951-000

NOTICE OF INTERVENTION AND COMMENTS
OF THE NEW YORK STATE PUBLIC SERVICE COMMISSION

NOTICE OF INTERVENTION

On June 18, 2015, the New York Power Authority (NYPA) filed a request for waiver of Section 5.12.11.1 of the New York Independent System Operator, Inc.'s (NYISO) Market Administration and Control Area Services Tariff (Services Tariff), and Section 4.4.7 of the NYISO's Installed Capacity (ICAP) Manual. The requested waivers would allow for a new submission period for Special Case Resources (SCRs) to report their performance values based on a March 3, 2015 test to the NYISO.

The New York State Public Service Commission (NYPSC) hereby submits its Notice of Intervention and Comments in the above-captioned proceeding pursuant to the Federal Energy Regulatory Commission's (FERC or Commission) Commission's Combined Notice of Filings #1, issued on June 19, 2015, and Rule 214(a)(2) of the Commission's Rules of Practice and Procedure.¹

¹ 18 C.F.R. §385.214(a)(2). The NYPSC is a regulatory body established under the laws of the State of New York with jurisdiction to regulate rates and charges for the sale of electric energy to consumers within the State, and is therefore a State Commission as defined in section 3(15) of the Federal Power Act (FPA) (16 U.S.C. §796(15)).

Copies of all correspondence and pleadings should be addressed to:

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COMMENTS

The NYPSC supports NYPA's waiver request so that the NYISO may recognize the performance of NYPA's SCRs, and reflect those resources in the ICAP market.² In the absence of a waiver, the performance factor of NYPA's 110 MWs of SCRs would not be accurately accounted for, and capacity prices for the Winter 2015/2016 and Summer 2016 capability periods would be artificially distorted upward by between \$34 million to \$40 million.

The Commission should grant the waiver request consistent with its precedent. The Commission has previously granted limited waivers in similar instances when: (1) the underlying error was made in good faith; (2) the waiver is of limited scope; (3) a concrete problem needed to be remedied; and

² The views expressed herein are not intended to represent those of any individual member of the NYPSC. Pursuant to Section 12 of the New York Public Service Law, the Chair of the NYPSC is authorized to direct this filing on behalf of the NYPSC.

(4) the waiver did not have undesirable consequences, such as harming third parties.³

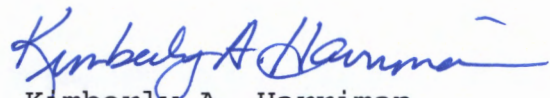
NYPA's requested waiver satisfies the four factors identified by the Commission. First, the inadvertent failure to timely submit the SCR response values was made in good faith. Second, the requested waiver is of a very limited scope, and is entirely procedural in nature. Third, the waiver is needed to recognize the actual performance data provided by NYPA's SCR resources, and to reflect those resources in the ICAP market. Failure to reflect these SCR resources could cause consumers to unnecessarily pay between \$34 million to \$40 million in artificial price increases for the Winter 2015/2016 and Summer 2016 capability periods. A waiver is also needed to avoid a derating of those resources in future ICAP capability periods, which may diminish these resources' likelihood of future participation in the SCR program. These are all concrete problems needed to be remedied. Fourth, the requested waiver

³ See, e.g., Docket No. ER13-2119-000, New York Independent System Operator, Inc., Untitled Order, 145 FERC ¶61,019 (issued October 7, 2013) at ¶7; Docket No. ER12-1215-001, New York Independent System Operator, Inc., Untitled Order, 139 FERC ¶61,108 (issued May 8, 2012) at ¶14; Docket No. ER12-1806-000, New York Power Authority, Order Granting Waiver Request, 139 FERC ¶61,157 (issued May 25, 2012) at ¶¶27-28; Docket No. ER12-2212-000, Demand Response Partners, Inc., Untitled Order, 140 FERC ¶61,093 (issued July 31, 2012) at ¶¶13-18.

would not have undesirable consequences, such as disrupting the NYISO's processes or harming any other market participants.

Because NYPA's request satisfies the Commission's conditions, the NYPSC respectfully requests that the Commission grant it a limited waiver of the NYISO's Services Tariff and ICAP manual.

Respectfully submitted,



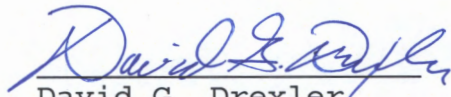
Kimberly A. Harriman
General Counsel
Public Service Commission
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By: David G. Drexler
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(518) 473-8178

Dated: June 29, 2015
Albany, New York

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.

Dated: Albany, New York
June 29, 2015


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