



**Public Service
Commission**

Public Service Commission

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Three Empire State Plaza, Albany, NY 12223-1350
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June 26, 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. ER15-1926-000 - Innoventive Power LLC

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,

David G. Drexler
Assistant Counsel

Attachment
cc: Service List

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Innoventive Power LLC

)

Docket No. ER15-1926-000

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

NOTICE OF INTERVENTION

On June 16, 2015, Innoventive Power LLC (Innoventive) 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 waiver would allow for a one-day extension to the submission period for resource response data with respect to Special Case Resources (SCRs) brought to market for the Winter 2014/2015 capability period.

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 #2, issued on June 16, 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 Innoventive's waiver request so that the NYISO may recognize the performance of Innoventive's SCRs, and reflect those resources in the ICAP market.² In the absence of a waiver, capacity prices for the Winter 2015/2016 and Summer 2016 capability periods would be artificially distorted upward by over \$50 million, while Innoventive would be subject to an additional penalty of approximately \$2 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

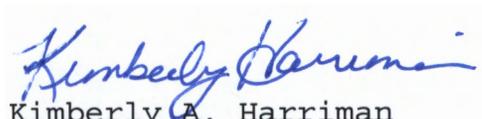
Innoventive's requested waiver satisfies the four factors identified by the Commission. First, the underlying error was due to a breakdown in internal controls. This inadvertent omission made in good faith, and was rectified within one day. Second, the requested waiver is of a very limited scope (i.e., one day), and is entirely procedural in nature. Third, the waiver is needed to recognize the actual performance data provided by Innoventive's SCR resources, and to reflect those resources in the ICAP market. Failure to reflect these SCR resources could cause consumers to unnecessarily pay over \$50 million in artificial price increases for the Winter 2015/2016 and Summer 2016 capability periods. Additionally, if the performance data is not correctly reflected, these resources may choose to leave the SCR program. A waiver is also needed to avoid the imposition of a severe deficiency charge upon Innoventive, and to avoid a derating of those resources in

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.

future ICAP capability periods. These are all concrete problems needed to be remedied. Fourth, the requested waiver would not have undesirable consequences, such as disrupting the NYISO's processes or harming any other market participants.

Because Innoventive'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
of the State of New York
By: David G. Drexler
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(518) 473-8178

Dated: June 26, 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 26, 2015



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