

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

**TC Ravenswood, LLC )**

**Docket No. EL12-9-000**

**MOTION TO INTERVENE AND COMMENTS, AND  
REQUEST FOR DISMISSAL  
BY THE NEW YORK STATE RELIABILITY COUNCIL, LLC**

Pursuant to Rules 212 and 214 of the Federal Energy Regulatory Commission’s (“Commission”) Rules of Practice and Procedure, 18 C.F.R. §§ 385.212 and 385.214 (2011), the New York State Reliability Council, L.L.C. (“NYSRC”), moves to intervene in response to the November 7, 2011 submittal by TC Ravenswood, LLC (“TC Ravenswood”) in the above-captioned proceeding.

**I. BACKGROUND**

On November 7, 2011, TC Ravenswood submitted a complaint (“Ravenswood Complaint” or “Complaint”) against the New York Independent System Operator, Inc. (“NYISO”) and the NYSRC. The Complaint, among other requests for relief, seeks to have the Commission enjoin the “NYSRC from requiring TC Ravenswood Units 10, 20 and 30 to provide blackstart service under the NYISO Services Tariff, or engage in the testing requirements for that service, consistent with the Commission’s September 27

Order”<sup>1</sup> However, the Complaint contains several misstatements concerning the NYSRC and its role with respect to TC Ravenswood’s participation in the NYISO’s blackstart program, and TC Ravenswood’s request for injunctive or any relief against the NYSRC is totally unjustified. In these comments the NYSRC seeks to correct the misstatements in the Complaint regarding the NYSRC and to explain why the Complaint should be dismissed with regard to the NYSRC.

## **II. COMMUNICATIONS**

All communications, pleadings, and orders with respect to this proceeding should be sent to the following individuals:

Michael Mager  
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## **III. MOTION TO INTERVENE**

Establishment of the NYSRC was approved by an order issued by the Commission in 1998,<sup>2</sup> and subsequent Commission orders,<sup>3</sup> as part of the restructuring of

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<sup>1</sup> Complaint at 41.

<sup>2</sup> *Cent. Hudson Gas & Elec. Corp.*, 83 FERC ¶ 61,352 (1998), *order on reh’g*, 87 FERC ¶ 61,135 (1999).

<sup>3</sup> *Cent. Hudson Gas & Elec. Corp.*, 86 FERC ¶ 61,062 (1999); *Cent. Hudson Gas & Elec. Corp.*, 88 FERC ¶ 61,138 (1999).

the electricity market in New York State and the formation of the NYISO. In its orders, the Commission approved the NYSRC Agreement<sup>4</sup> among the members of the New York Power Pool, which established the NYSRC and described its responsibilities, and the NYISO/NYSRC Agreement<sup>5</sup> which established the relationship between the NYISO and the NYSRC, and outlined their respective responsibilities. Of particular relevance here, the NYSRC's responsibilities include: (i) the development of reliability rules that are more stringent or more specific than Northeast Power Coordinating Council, Inc. ("NPCC") and North American Electric Reliability Corporation ("NERC") standards and criteria that are necessary to meet the special requirements of New York's bulk electricity grid, (ii) the assessment of NYISO and market participant compliance with those reliability rules, and (iii) the adoption of the annual statewide installed capacity requirement.<sup>6</sup> Given that the NYSRC is one of the subjects of Ravenswood Complaint, the NYSRC has a significant and special interest in this proceeding, and, therefore it is in the public interest to approve this motion to intervene.

#### **IV. COMMENTS**

##### The Ravenswood Complaint

The focus of the Complaint is a declaratory ruling ("Declaratory Ruling") issued by the New York Public Service Commission ("NYPSC") on September 28, 2011 in response to a petition filed by Consolidated Edison Company of New York, Inc. ("Con

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<sup>4</sup> New York State Reliability Council LLC Agreement, *available at* [http:// www. nysrc.org /pdf/Agreements /nysrc\\_nyiso\\_ agmt. pdf](http://www.nysrc.org/pdf/Agreements/nysrc_nyiso_agmt.pdf).

<sup>5</sup> The New York Independent System Operator, Inc. and New York State Reliability Council LLC Agreement *available at* [http:// www. nysrc.org /pdf/Agreements /nysrc\\_nyiso\\_ agmt. pdf](http://www.nysrc.org/pdf/Agreements/nysrc_nyiso_agmt.pdf).

<sup>6</sup> NYSRC Agreement § 301; NYISO/NYSRC Agreement §§ 4.2 and 4.5.

Edison”) appended to the Complaint as Exhibit No. TCR-3.<sup>7</sup> Con Edison sought a Declaratory Ruling from the NYPSC that the owners of electric generation facilities in New York State that provide blackstart service are required to obtain the NYPSC’s consent, pursuant to New York’s Public Service Law Section 70, before they discontinue blackstart service.<sup>8</sup> The NYPSC granted Con Edison’s petition for the reasons set forth in the Declaratory Ruling.

The Complaint alleges that the NYPSC did not have jurisdiction to issue its Declaratory Ruling requiring TC Ravenswood to continue to provide blackstart service and that the NYSRC and the NYISO are relying on the NYPSC’s Declaratory Ruling for their “treatment of, and directives to, TC Ravenswood”.<sup>9</sup> The Complaint poses the following basic issue: Can the NYPSC issue an order that the NYISO and the NYSRC can then use to require TC Ravenswood to provide blackstart service under the NYISO’s Services Tariff?<sup>10</sup>

#### TC Ravenswood’s Allegations Concerning the NYSRC

The Complaint refers to a letter TC Ravenswood received from the NYISO dated October 28, 2011 (“October 28 Letter”),<sup>11</sup> appended to the Complaint as Exhibit No. TCR-2, informing it that the NYSRC “continues to treat TC Ravenswood Units 10, 20,

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<sup>7</sup> Petition of Consolidated Edison Company of New York, Inc. for a Declaratory Ruling Concerning the Discontinuance of Blackstart Service, Case No. 11-E-0423 (Sept. 28, 2011).

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

<sup>9</sup> Complaint at 2-3.

<sup>10</sup> *Id.* at 1-2.

<sup>11</sup> Letter from NYISO to TC Ravenswood re. Blackstart Testing of TC Ravenswood’s Units 10, 20, and 30 for the 2012/2013 Capability Year (Oct. 28, 2011).

and 30 as Blackstart facilities . . . based on a declaratory ruling by the NYPSC.”<sup>12</sup> The Complaint further alleges that the “NYSRC’s treatment of Ravenswood Units 10, 20 and 30 as Blackstart facilities is in direct contravention of the Commission’s September 27 Order.”<sup>13</sup> In addition, the Complaint asserts that in the “NYSRC’s opinion, the Commission’s September 27 Order has no legal affect (*sic*) and/or was rendered a legal nullity by the NYPSC’s September 28 Ruling.”<sup>14</sup> Based on the allegations set forth in the Complaint, TC Ravenswood requests the Commission to enjoin the NYSRC from “requiring TC Ravenswood Units 10, 20 and 30 to provide Blackstart Service under the NYISO Services Tariff, or engage in the testing requirements for that service, consistent with the Commission’s September 27 Order.” (“September 27 Order”)<sup>15</sup>

#### NYSRC Response

The Complaint mischaracterizes the NYSRC’s role with respect to the NYISO’s system restoration plan and the designation of the specific units that participate in that plan. At the outset, it is important to understand the relationship between the NYSRC and the NYISO, and between the NYSRC and TC Ravenswood. Pursuant to the NYISO/NYSRC Agreement, the NYSRC has the responsibility to develop reliability rules (“Reliability Rules”) for the reliable operation of the New York bulk power system which shall be complied with by the NYISO and all entities engaged in transactions on the New York state power system.<sup>16</sup> Importantly, although the NYSRC enacts the

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<sup>12</sup> Complaint at 2.

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

<sup>14</sup> *Id.* at 6.

<sup>15</sup> *Id.* at 3. TC Ravenswood, LLC, 136 FERC ¶ 61,213 (2011).

<sup>16</sup> Agreement Between the New York Independent System Operator, Inc. and New York State

Reliability Rules, it is the NYISO's responsibility to implement those' Reliability Rules. The NYSRC does not determine how the NYISO should implement the Reliability Rules.<sup>17</sup>

While the NYSRC monitors the NYISO's compliance with the Reliability Rules, it does not have direct compliance authority over market participants such as TC Ravenswood. When a Reliability Rule requires action by a market participant, the NYSRC relies on the NYISO to ensure such compliance through the exercise of its authority under tariffs and procedures.<sup>18</sup>

The Complaint assumes or asserts that the NYSRC has designated the TC Ravenswood facilities as blackstart providers, and has issued a finding or directive that the TC Ravenswood units should continue to provide blackstart service. None of these assumptions or assertions is correct. Accordingly, the Complaint has no merit with respect to the NYSRC.

The NYSRC's Reliability Rule G-R1, NYCA System Restoration Plan, reads as follows:

A *NYCA* System Restoration Plan (NYCA SRP) shall be maintained to restore the *NYCA* system to a Normal Operating State in a safe, orderly and prompt manner following a major or total blackout. The NYCA SRP shall

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Reliability Council, LLC, § 2.1 *available at* [http:// www. nysrc.org /pdf/Agreements /nysrc\\_nyiso\\_ agmt. pdf.](http://www.nysrc.org/pdf/Agreements/nysrc_nyiso_agmt.pdf)

<sup>17</sup> *Id.* §§ 3.1, 4.1.

<sup>18</sup> Procedure for Monitoring Compliance with the NYSRC Reliability Rules, Policy 4-5, §§ 2, 7 (Nov. 10, 2011), *available at* [http://www.nysrc.org/pdf/Policies/NYSRC%20Policy%204-5%20Final%2011-10-11.pdf.](http://www.nysrc.org/pdf/Policies/NYSRC%20Policy%204-5%20Final%2011-10-11.pdf)

be comprised of a NYISO system restoration plan and *transmission owner* system restoration plans.<sup>19</sup>

Measurement G-M1 sets forth the minimum SRP requirements. Paragraph 4 of Measurement G-M1 provides that the NYISO SRP include the identification of the blackstart facilities required for implementing the SRP, including the names, location, megawatt capability, megavar capabilities, and unit type. Paragraph 6 of Measurement G-M1 provides that the NYISO shall establish procedures requiring that each transmission owner identify the blackstart resources that are necessary for implementing its SRP.<sup>20</sup> Thus, the development of the NYCA SRP, including the designation of the specific generating facilities that are needed to meet the criteria set forth in Reliability Rule G-R1, is the responsibility of the NYISO and the individual transmission owners, and not the NYSRC.

Furthermore, contrary to TC Ravenswood's allegations, and notwithstanding the October 28 Letter, the NYSRC has not directed the continued participation of the TC Ravenswood's units in the NYISO's blackstart program. In this instance, the NYSRC's responsibilities are limited to: (i) establishing the requirements for a NYCA SRP in its Reliability Rules, and (ii) monitoring the NYISO's compliance with those requirements, including the NYISO's exercise of its authority under its tariffs and procedures to ensure that its market participants take whatever actions are necessary for the effective implementation of the NYISO SRP. Whether the NYISO SRP includes the TC Ravenswood units or other units; is implemented through a voluntary or a mandatory

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<sup>19</sup> NYSRC Reliability Rules for Planning and Operating the New York State Power System, Version 30 (Nov. 10, 2011), at 57, *available at* <http://www.nysrc.org/pdf/Reliability%20Rules%20Manuals/RR%20Manual%2030%20Nov.%2010-11%20final.pdf>.

<sup>20</sup> *Id.* at 58-59.

blackstart program; or relies on the NYPSC Declaratory Ruling, is up to the NYISO. The NYSRC's responsibility is to determine whether there is a NYISO SRP in place that meets the criteria established by its Reliability Rule, and not to determine how the NYISO should achieve that compliance.

Thus, it is clear that the NYSRC has not designated the TC Ravenswood units for participation in the NYISO's blackstart program, nor directed their continued participation in that program; and the responsibility for the designation of the facilities that are needed to participate in the NYCA SRP rests with the NYISO and the individual transmission owners and not the NYSRC. Nor has the NYSRC issued any statement or opinion regarding the NYPSC's Declaratory Ruling or the Commission's September 27 Order. Consequently, the Ravenswood Complaint against the NYSRC, and the request for injunctive relief against the NYSRC, are without any justification and should be dismissed.

#### Public Interest in an Effective NYISO System Restoration Plan

Notwithstanding the fact that the Ravenswood Complaint against the NYSRC is without merit, the NYSRC does have a strong interest in the NYISO's ability to develop and implement an effective SRP. While electric system disruptions have serious consequences no matter where they occur in the United States, experience had shown that the consequences are especially serious in the New York Metropolitan Area, with its dense population, concentration of high-rise buildings, and reliance on mass transportation. The longer a power disruption continues, the longer the health and safety of millions of New Yorkers will be at risk. It is essential, therefore, that the NYISO have

the ability to develop and implement a safe, orderly, and prompt NYCA SRP, as required by the NYSRC's Reliability Rule G-R1. The NYSRC respectfully requests that in reviewing the issues raised in this proceeding, the Commission consider the strong public interest in ensuring that the NYISO has the ability to implement an effective SRP.

**V. CONCLUSION**

WHEREFORE, in view of the foregoing, the NYSRC respectfully request that (1) it be permitted to intervene with all the rights that attend to such status; and (2) the Commission take action consistent with the comments set forth herein.

Respectfully submitted,

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Dated: December 6, 2011

### **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list in this proceeding in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure.

Dated at Washington, D.C. this 6th day of December 2011.

/s/ \_\_\_\_\_  
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