

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

Compliance Models and Implementation)
Plans for Distributed Energy Resources)
Aggregations in Markets Operated by)
Regional Transmission Organizations)
And Independent System Operators)
)

Docket No. RM18-9-008

**ANSWER OF THE ISO-RTO COUNCIL TO THE
PETITION OF VOLTUS, INC. FOR A TECHNICAL CONFERENCE**

The ISO-RTO Council (“IRC”)¹ respectfully submits this Answer to the Petition of Voltus, Inc. (“Voltus”) for a Technical Conference Regarding Order No. 2222 Compliance Proposals filed December 22, 2021 (“Voltus Filing”).² In that filing, Voltus requested that the Federal Energy Regulatory Commission (“FERC” or “Commission”) “convene a technical conference to collectively discuss key issues arising from the Order No. 2222 compliance proposals of the Regional Transmission Organizations (“RTOs”) and Independent System Operators (“ISOs”), and subsequently provide direction to stakeholders either informally or via the issuance of a policy statement.”³ While the IRC recognizes that additional opportunities to address key issues arising from Order No. 2222 compliance and implementation may be beneficial, any technical conference should be deferred until after the Commission has issued orders on the individual compliance filings, and in no event should a technical conference be held prior to the submission of such

¹ The IRC comprises the following independent system operators (“ISOs”) and regional transmission organization (“RTOs”): Alberta Electric System Operator (“AESO”), California Independent System Operator (“CAISO”), Electric Reliability Council of Texas, Inc. (“ERCOT”), the Independent Electricity System Operator of Ontario, Inc. (“IESO”), ISO New England Inc. (“ISO-NE”), Midcontinent Independent System Operator, Inc. (“MISO”), New York Independent System Operator, Inc. (“NYISO”), PJM Interconnection, L.L.C. (“PJM”), and Southwest Power Pool, Inc. (“SPP”). ERCOT, AESO and IESO are not subject to the FERC’s jurisdiction and therefore do not join this filing.

² Voltus filed its Petition pursuant to 18 C.F.R. § 385.207, the IRC files this Answer to Voltus’ pleading pursuant to 18 C.F.R. § 385.213(a)(3).

³ Voltus Filing at 1.

compliance filings by all of the RTO/ISOs. Further, the IRC requests that the agenda for any technical conference be developed in consultation with all affected entities and that it include the participation of representatives of the RTO/ISOs, Relevant Electric Retail Rate Authorities (“RERRA”), Transmission Owners, Electric Distribution Companies, and DER aggregators.

I. RESPONSE TO PETITION

CAISO and NYISO submitted their respective Order No. 2222 compliance proposals on July 19, 2021.⁴ PJM and ISO-NE have also submitted their respective Order No. 2222 compliance proposals on February 1 and 2, 2022.⁵ MISO and SPP have been ordered to submit their respective Order No. 2222 compliance proposals throughout the spring of 2022. In the orders granting certain RTOs’ requested extension of the Order No. 2222 compliance filing date, the Commission directed each RTO to file stakeholder process schedules and status reports, stating that these schedules and status reports will assist in facilitating stakeholder deliberations and provide information on the progress of Order No. 2222 compliance.⁶ Each RTO has invested considerable resources in conducting robust stakeholder processes to develop compliance proposals that adequately meet the specific needs of their regions, consistent with Commission directives. At a minimum, the Commission should allow the remaining RTOs to submit their compliance proposals, which have been specifically designed to meet the needs of their respective regions prior to holding any technical conference. Ideally, the Commission should defer any technical conference until after it has taken initial action on the RTO/ISO compliance filings in order to provide all interested parties

⁴ Compliance Filing, Cal. Indep. Sys. Operator Corp., ER21-2455 (July 19, 2021); Compliance Filing, N.Y. Indep. Sys. Operator, Inc., ER21-2460 (July 19, 2021).

⁵ Compliance Filing, PJM Interconnection, L.L.C., ER22-962 (February 1, 2022), Compliance Filing, ISO New England Inc., ER22-983 (February 2, 2022).

⁶ *Participation of Distributed Energy Resource Aggregations in Markets Operated by Regional Transmission Organizations and Independent System Operators*, 175 FERC ¶ 61,013 (2021) (“MISO, SPP and PJM Extension Order”) at P 5; *Participation of Distributed Energy Resource Aggregations in Markets Operated by Regional Transmission Organizations and Independent System Operators*, 175 FERC ¶ 61,156 (2021) (“ISO-NE Extension Order”) at P 5.

certainty as to whether the existing compliance obligations under Order No. 2222 have been satisfied.

A. Any Technical Conference should be deferred until after all ISOs and RTOs have submitted their respective Order No. 2222 compliance filings.

The IRC and its respective members support the Commission's policy objectives stated in Order Nos. 2222, 2222-A and 2222-B. To this end, the IRC requests that the Commission allow its members to submit their respective compliance proposals without further delay.

Voltus proposes a technical conference in March of 2022.⁷ At that time, four RTOs will have already submitted their compliance filings and two additional RTOs will be submitting their compliance filings in April of 2022. As a result, holding a technical conference in March 2022 as proposed by Voltus risks prejudging those filings that will be filed with the Commission in the Spring of 2022. In addition, Voltus' proposal to interject a technical conference in the middle of ongoing Order No. 2222 compliance processes could have the adverse effect of distracting critical resources from finalizing compliance proposals and taking a critical step towards Order No. 2222 compliance.

While the IRC recognizes the complexity of Order No. 2222 implementation and appreciates the opportunity to further discuss these issues with stakeholders and the Commission, the timing of the technical conference proposed by Voltus and its proposed issues list are not aligned with the Commission's compliance directives. Any technical conference should be deferred until after the Commission has taken initial action in response to the IRC members' Order No. 2222 compliance filings. At minimum, the requested technical conference should be scheduled no earlier than the time that all IRC members have submitted their Order No. 2222

⁷ Voltus Filing at 1.

compliance filings. This timing will allow all IRC members to identify a common set of issues that should be included on the technical conference agenda.

B. Any Technical Conference should be limited in scope and must include all interested parties including Electric Distribution Companies and Relevant Electric Retail Regulatory Authorities.

The IRC respectfully requests that, if the Commission elects to schedule a technical conference, the Commission should develop the agenda for the technical conference in concert with the IRC as well as other affected entities. The Commission should not merely adopt Voltus' proposed agenda. In addition, the Commission should encourage the participation of Electric Distribution Companies, Transmission Owners, DER aggregators, and RERRAs as these entities are critical to resolving issues impacting Order No. 2222 compliance and implementation.

Although the IRC does not oppose a technical conference, the agenda should be tailored to fully recognize certain issues that the Commission has already decided in its generic Order No. 2222 rulemaking so as to avoid simply re-litigating issues the RTOs/ISOs have already addressed in their respective compliance filings in response to the Commission's directives. For example, Voltus suggests the Commission reconsider the flexibility it has provided with respect to establishing locational requirements, and specifically whether DER aggregations must be multi-nodal or can be limited to single nodes.⁸ The Commission has already addressed this issue in Order No. 2222. Any technical conference should not be used as an opportunity to re-litigate the Commission's final determination on such issues, but rather as a means to discuss implementation issues with applicability across regions.⁹

⁸ Voltus Filing at 3-4. *See also*, Order No. 2222 at P 206-207.

⁹ Despite its title, certain requests in the Voltus Petition constitute an out-of-time Request for Rehearing of Order Nos. 2222, 2222-A and 2222-B. *See San Diego Gas & Electric Co. v. Sellers of Energy and Ancillary Services into Markets Operated by the California Indep. Sys. Operator*, 133 FERC ¶ 61,014, at P 15 (2010) (the Commission is "not obligated to accept a pleading solely on the basis of its party bestowed title and, instead, determines the substance of the pleading"). *See also*, 18 CFR § 385.713 (allowing for no more than 30 days after issuance of any final order to request a rehearing); *ISO New England Inc.*, 121 FERC ¶ 61,125, 61,553 (2007) (finding that because the 30-day

II. NOTICE AND COMMUNICATIONS

All correspondence and communications in this matter should be addressed to:

Gregory J. Campbell
Senior Attorney
**New York Independent System
Operator, Inc.**
10 Krey Boulevard
Rensselaer, NY 12144
gcampbell@nyiso.com

Thomas DeVita
Senior Counsel
PJM Interconnection, L.L.C.
2750 Monroe Boulevard
Audubon, Pennsylvania 19403
thomas.devita@pjm.com

Andrew Ulmer
Assistant General Counsel
**California Independent System
Operator Corporation**
250 Outcropping Way
Folsom, California 95630
aulmer@caiso.com

Graham Jesmer
Regulatory Counsel – Operations and
Planning
ISO New England Inc.
One Sullivan Road
Holyoke, Massachusetts 01040
gjesmer@iso-ne.com

Michael Kessler
Managing Assistant General Counsel
**Midcontinent Independent System
Operator, Inc.**
720 City Center Drive
Carmel, IN 46032
mkessler@misoenergy.org

Paul Suskie
Executive Vice President & General Counsel
Southwest Power Pool, Inc.
201 Worthen Drive
Little Rock, Arkansas 72223-4936
psuskie@spp.org

rehearing deadline is statutory, it cannot be extended); *Am. Elec. Power Serv. Corp.*, 95 FERC ¶ 61130, 61411 (2001); *See also Columbia Gas Transmission Corp. Columbia Gulf Transmission Co.*, 64 FERC ¶ 61365 (1993) (finding that a request for rehearing was “essentially a collateral attack” on a final order and rejecting the same).

III. CONCLUSION

WHEREFORE, the IRC respectfully requests that the Commission consider its requests presented herein when evaluating the Petition of Voltus, Inc. for a Technical Conference Regarding Order No. 2222 Compliance Proposals.

/s/ Raymond Stalter

Robert E. Fernandez
General Counsel
Raymond Stalter
Director of Regulatory Affairs
Gregory J. Campbell
Senior Attorney
**New York Independent System
Operator, Inc.**
10 Krey Boulevard
Rensselaer, NY 12144
gcampbell@nyiso.com

/s/ Andrew Ulmer

Roger E. Collanton
General Counsel
Anthony Ivancovich
Deputy General Counsel, Regulatory
Andrew Ulmer
Assistant General Counsel
**California Independent System
Operator Corporation**
250 Outcropping Way
Folsom, California 95630
aulmer@caiso.com

/s/ Michael Kessler

Michael Kessler
Managing Assistant General Counsel
**Midcontinent Independent System
Operator, Inc.**
720 City Center Drive
Carmel, IN 46032
mkessler@misoenergy.org

/s/ Thomas DeVita

Craig Glazer
Vice President-Federal Government Policy
Thomas DeVita
Senior Counsel
PJM Interconnection, L.L.C.
2750 Monroe Boulevard
Audubon, Pennsylvania 19403
thomas.devita@pjm.com

/s/ Graham Jesmer

Maria Gulluni
Vice President & General Counsel
Graham Jesmer
Regulatory Counsel – Operations and
Planning
ISO New England Inc.
One Sullivan Road
Holyoke, Massachusetts 01040
gjesmer@iso-ne.com

/s/ Paul Suskie

Paul Suskie
Executive Vice President & General Counsel
Southwest Power Pool, Inc.
201 Worthen Drive
Little Rock, Arkansas 72223-4936
psuskie@spp.org

CERTIFICATE OF SERVICE

I hereby certify that I have this day e-served a copy of this document upon all parties listed on the official service list compiled by the Secretary in the above-captioned proceeding, in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.2010).

Dated this 7th day of February, 2022, in Carmel, Indiana

/s/ Julie Bunn _____

Julie Bunn
Midcontinent Independent System
Operator, Inc.
720 City Center Drive
Carmel, IN 46032
317-249-5400