

154 FERC ¶ 61,185
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

March 10, 2016

In Reply Refer To:
California Independent System
Operator Corporation
Docket No. ER15-861-008

Alston & Bird LLP
The Atlantic Building
950 F Street, NW
Washington, DC 20004

Attn: Mr. Michael Kunselman, Esq.

Reference: Request for Waiver

Dear Mr. Kunselman:

1. On February 29, 2016, the California Independent System Operator Corporation (CAISO) filed a petition (February 29 Petition), in the referenced docket, for a limited tariff waiver to modify the effective date of the Energy Imbalance Market (EIM) tariff provisions accepted by the Commission¹ to automate the recognition of Available Balancing Capacity from EIM participants. CAISO requests that the Commission defer the effectiveness of the Available Balancing Capacity provisions until no later than March 30, 2016, which it states is a modest extension of the extension granted by the Commission in its January 4, 2016 order in Docket No. ER15-861-007.² CAISO states that, in the January 4 Order, the Commission granted CAISO's petition to allow the Available Balancing Capacity provisions to become effective no later than March 1, 2016. CAISO explains that, while it was prepared to implement the Available Balancing Capacity provisions on March 1, 2016, an additional waiver is necessary to provide

¹ *Cal. Indep. Sys. Operator Corp.*, 153 FERC ¶ 61,305 (2015).

² *Cal. Indep. Sys. Operator Corp.*, 154 FERC ¶ 61,001 (2016) (January 4 Order).

additional time for the Commission to rule on two separate but related tariff filings made by the current EIM Entities in separate dockets.³ CAISO asserts that an extension of the implementation date for the Available Balancing Capacity proposal to no later than March 30, 2016, will eliminate regulatory uncertainty and enable a smooth transition for current EIM Entities.⁴ CAISO states that it will issue a market notice upon the Commission's issuance informing participants as to the actual implementation date.⁵

2. CAISO asserts that good cause exists to grant the requested change in effective date, in that it is of limited scope as it will apply, at most, for approximately 30 days.⁶ CAISO also states that the waiver would address a concrete problem to ensure the existing EIM Entities have regulatory certainty over their tariff authority to participate in the Available Balancing Capacity procedure.⁷ Lastly, CAISO contends that the waiver has no undesirable consequences because the existing waiver of CAISO's pricing parameters will remain in effect pending the implementation of the Available Balancing Capacity proposal, pursuant to the Commission's order issued in this proceeding on June 19, 2015.⁸

3. Notice of CAISO's filing was published in the *Federal Register*, 81 Fed. Reg. 11,786 (2016), with protests and interventions due on or before March 7, 2016. PacifiCorp filed comments in support.

³ PacifiCorp submitted tariff changes to implement the Available Balancing Capacity provisions on January 4, 2016, which the Commission accepted on March 4, 2016. *PacifiCorp*, 154 FERC ¶ 61,170 (2016). Nevada Power Company and Sierra Pacific Power Company (collectively, NV Energy) also submitted tariff changes to implement the Available Balancing Capacity provisions on January 4, 2016, but modified the filing on February 9, 2016. NV Energy's modifications were noticed, with comments due on March 1, 2016. As a result, the Commission could not issue an order on NV Energy's tariff changes until after the comment date had passed. The Commission accepted NV Energy's filing on March 4, 2016. *Nevada Power Co.*, 154 FERC ¶ 61,171 (2016).

⁴ CAISO February 29 Petition at 2.

⁵ *Id.* at 6-7.

⁶ *Id.* at 2-3, 7.

⁷ *Id.* at 3, 7.

⁸ *Id.* at 7-8 (citing *Cal. Indep. Sys. Operator Corp.*, 151 FERC ¶ 61,247 (2015)).

4. We grant CAISO's petition to permit the Available Balancing Capacity tariff revisions the Commission previously accepted to become effective no later than March 30, 2016. Consistent with the factors the Commission has considered in evaluating requests for waivers of tariff provisions,⁹ we agree with CAISO that the request at issue here is limited in scope, addresses the concrete problem of ensuring the existing EIM Entities' individual tariffs have the necessary language in place when CAISO implements the Available Balancing Capacity procedure, and that no party will be harmed by the request. For these reasons, we grant CAISO's petition. We also direct CAISO to notify the Commission of the actual effective date of the tariff revisions within five business days of their implementation, in an eTariff submittal using Type of Filing Code 150 – Report.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

⁹ See, e.g., *New York Indep. Sys. Operator, Inc.*, 136 FERC ¶ 61,156, at PP 5, 7 (2011); *Southwest Power Pool, Inc.*, 135 FERC ¶ 61,032, at P 12 (2011); *Southwest Power Pool, Inc.*, 138 FERC ¶ 61,200, at P 5 (2012).