

On October 17, 2011, the NYISO proposed a study to evaluate the recently imposed ACL baseline methodology in response to a request made by Con Edison and agreed upon at the January 2011 BIC.

The NYISO's proposal is to collect hourly interval data from all RIPS for all Resources or customers for all months during a future 18-24 month period.

The undersigned parties object to this proposal due to a number of factors. Among those factors is the extraordinary and excessive burden that this huge new data request levies upon DR providers of NY, which is largely caused by the exceptional difficulty DR providers have in acquiring complete and accurate interval data from New York's Utilities. This burden on DR Providers is, in turn, an additional cost that erects a new barrier and encumbrance on SCR resources/utility customers. This requirement requires commitment of considerable resources from the RIP and the Resource- customer. To organize, format, and submit large data sets to the NYISO involves considerable time and effort on the part of DR Providers. This new costly mandate could have the consequence of limiting small customer participation in NYISO DR Programs and should be avoided.

The NYISO staff has been made aware that utilities have been unable to provide complete and accurate event/test compliance data in a timely manner. We believe this raises an important issue that affects all RIPS and Resources-customers, which is the accuracy and availability of data. The NYISO, judiciously, depends upon the NYS PSC's approval and oversight of MDSPs and MSPs for data accuracy. However, it has been our experience that meter data from TOs is not always accurate, available in a timely manner, nor available at all. While we understand that the NYISO has no authority over the NYS PSC, that should not obviate the need for the NYISO to understand the difficulty this unfunded mandate creates for the highly successful NYISO SCR Program.

The NYISO has stated that DRIS must be updated to accommodate extremely large sets of data that it proposes to collect and to then process this data. Market Participants have heard the NYISO state on many occasions that various projects would be put on hold due to a lack of resources at the NYISO, such as Real Time DR participation in the Energy Markets. We question whether this new proposed method of performing this study is the appropriate allocation of such limited resources. Modifications to DRIS require not only considerable financial resources, but the time and input of a number of key NYISO staff as well. We believe that certain key elements of the ACL baseline methodology as it now stands can be modified without undertaking such a costly effort. In fact, the NYISO has already undergone a time consuming and resource-draining study when it proposed the ACL baseline methodology in 2009. Market Participants were satisfied with the results of that effort. At that time, NYISO committed to tackling additional components to the SCR baseline, such as a weather adjustment, which we believe should be required.

In conclusion, we hereby request that the NYISO come back to the PRLWG and the ICAPWG with an alternate proposal that does not place such a large impracticable burden on the RIPS. We also request that discussions between the NYISO and the NYS PSC begin to correct the poor performance of meter data systems at TOs. For all of the reasons above, we respectfully request the NYISO to convene the PRLWG to determine how an alternative proposal can be developed to comply with the pledge of a timely ACL study.<sup>1</sup>

Respectfully submitted,

*Ruben Brown*

Ruben Brown, President

Joint Supporters

*David Neiburg*

David Neiburg, President

Energy Spectrum

*Jackson Morris*

Jackson Morris, Senior Policy Advisor

Pace Energy and Climate Center

*John Dowling*

John Dowling, Director, Regulatory Issues

Consumer Power Advocates

*Saul Rigberg*

Saul Rigberg, Utility Intervenor Attorney

Department of State - Division of Consumer Protection<sub>1</sub>

---

<sup>1</sup> The Utility Intervention Unit of the Department of State's Division of Consumer Protection has authorized us to state that it supports the request to develop an alternative proposal at the PRLWG.