

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

**California Independent System )  
Operator Corporation )**

**Docket No. ER21-1551-\_\_\_**

**PETITION FOR LIMITED TARIFF WAIVER OF THE CALIFORNIA INDEPENDENT  
SYSTEM OPERATOR CORPORATION**

The California Independent System Operator Corporation (CAISO) respectfully requests a limited waiver of the order issued in this proceeding on May 28, 2021, to permit it to implement its new minimum state of charge tool no later than July 30, 2021.<sup>1</sup>

**I. Background**

On March 29, 2021, the CAISO filed tariff revisions in this proceeding to enhance several aspects of the resource adequacy (RA) program.<sup>2</sup> One enhancement was adopting a minimum state of charge requirement for storage resources that provide RA capacity. The March 29 filing requested the Commission approve an effective date for the minimum state of charge tool no later than June 15, 2021. The May 28 Order accepted “the proposed Tariff revisions pertaining to the minimum state of charge tool to be effective no later than June 15, 2021, as requested, subject to CAISO notifying the

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<sup>1</sup> *Cal. Indep. Sys. Operator Corp.*, 175 FERC ¶ 61,168 (2021) (May 28 Order). The CAISO submits this petition for limited waiver pursuant to Rule 207 of the Commission’s Rules of Practice and Procedure, 18 C.F.R. § 385.207. Capitalized terms not otherwise defined herein have the meanings set forth in the CAISO tariff.

<sup>2</sup> *Cal. Indep. Sys. Operator Corp.*, Transmittal Letter, FERC Docket No. ER21-1551 (Mar. 29, 2021).

Commission of the actual effective date of the Tariff revisions within five business days of their implementation.”<sup>3</sup>

Due to implementation issues identified after the CAISO’s March 29, 2021, filing in this proceeding, the CAISO cannot enact the minimum state of charge tool by June 15, 2021. The CAISO received software code from its vendor later than initially expected. This has left insufficient time for the CAISO and its stakeholders to complete the needed testing and market simulation activities before June 15. Rather than risking implementation of this new market feature without adequate testing and simulation, the CAISO proposes to delay implementation. The CAISO expects to implement the minimum state of charge tool on June 30, 2021. To provide additional implementation flexibility and to avoid burdening the Commission with further filings, the CAISO requests a limited waiver of the May 28 Order to permit it to implement those provisions no later than July 30, 2021, subject to the CAISO notifying the Commission of the implementation date within five business days of implementation.

## **II. Petition for Waiver**

Good cause exists for the Commission to grant a limited waiver of the tariff revisions accepted in the May 28 Order. The Commission previously has granted requests for tariff waivers where: (1) the applicant acted in good faith; (2) the waiver was of limited scope; (3) the waiver addressed a concrete problem; and (4) the waiver

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<sup>3</sup> May 28 Order at P 1.

did not have undesirable consequences, such as harming third parties.<sup>4</sup> This waiver petition meets all four conditions.

The CAISO has acted in good faith because it notified its affected stakeholders once it knew that June 15 was no longer a feasible implementation date.<sup>5</sup> The CAISO promptly filed this request after receiving the May 28 Order.<sup>6</sup> The waiver is of limited scope because it will apply only for one-and-a-half months. The waiver will also remedy the concrete problem that the CAISO cannot implement the tariff revisions by June 15 without risking implementation of potentially flawed systems. The Commission previously has recognized that it is reasonable to postpone the effectiveness of tariff revisions where, as in this proceeding, it is infeasible to implement the tariff revisions on their intended effective date because the CAISO cannot deploy the necessary software until a later date.<sup>7</sup> Further, the waiver will not have undesirable consequences because the CAISO can continue to operate under the status quo for the limited waiver period.

Therefore, good cause exists to grant the CAISO's request for limited waiver of the May 28 Order to permit it to implement the minimum state of charge tool no later than July 30, 2021, subject to the CAISO notifying the Commission of the implementation date within five business days of implementation.

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<sup>4</sup> See, e.g., *Cal. Indep. Sys. Operator Corp.*, 158 FERC ¶ 61,072, at P 5 (2017); *N.Y. Indep. Sys. Operator, Inc.*, 146 FERC ¶ 61,061, at P 19 (2014); *PJM Interconnection, L.L.C.*, 146 FERC ¶ 61,041, at P 5 (2014); *ISO New England, Inc.*, 134 FERC ¶ 61,182, at P 8 (2011).

<sup>5</sup> The CAISO informed its stakeholders of this decision on an April 26 market simulation meeting and with an announcement at a May 4 Release User Group meeting.

<sup>6</sup> To avoid concerns about the Commission's *ex parte* rules, the CAISO did not inform Commission staff of this intended delay while the initial filing was pending.

<sup>7</sup> See, e.g., *Cal. Indep. Sys. Operator Corp.*, 165 FERC ¶ 61,038 (2018); *Cal. Indep. Sys. Operator Corp.*, 141 FERC ¶ 61,184 (2012).

### III. Conclusion

For the foregoing reasons, the Commission should find that good cause exists to grant this request for limited waiver to permit a delay in implementing the minimum state of charge tariff provisions the Commission approved in the May 28 Order.

Respectfully submitted,

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Dated: June 8, 2021

## CERTIFICATE OF SERVICE

I certify that I have served the foregoing document upon the parties listed on the official service list in the captioned proceedings, in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.2010).

Dated at Folsom, California this 8<sup>th</sup> day of June, 2021.

*/s/ Jacqueline Meredith*  
Jacqueline Meredith