UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

California Independent System Operator Corporation	))	**Docket No. ER21-1192-000**

MOTION FOR LEAVE TO ANSWER AND ANSWER OF THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION

The California Independent System Operator Corporation (CAISO)[1] submits this motion for leave to answer and answer to the protest filed by the Western Power Trading Forum (WPTF) and the comments filed by Brookfield Renewable Trading and Marketing LP (Brookfield)[2] in this proceeding on the CAISO's tariff amendment (Tariff Amendment) to make enhancements on market parameters and bidding related to Commission Order No. 831.[3] For the reasons explained below and in the Tariff Amendment, the Commission should accept the Tariff Amendment as filed.

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1 Capitalized terms not otherwise defined herein have the meanings set forth in appendix A to the CAISO tariff. References herein to specific tariff sections are references to sections of the CAISO tariff.

2 The CAISO submits this motion for leave to answer and answer pursuant to Rules 212 and 213 of the Commission's Rules of Practice and Procedure, 18 C.F.R. §§ 385.212, 385.213. The CAISO respectfully moves for waiver of Rule 213(a)(2), 18 C.F.R. § 385.213(a)(2), to permit it to answer WPTF's protest. Good cause for this waiver exists here because the answer will answer will aid the Commission in understanding the issues in the proceeding, provide additional information to assist the Commission in the decision-making process, and help to ensure a complete and accurate record in the proceeding. *See, e.g., Equitrans, L.P.,* 134 FERC ¶ 61,250 at P 6 (2011); *Cal. Indep. Sys. Operator Corp*., 132 FERC ¶ 61,023 at P 16 (2010); *Xcel Energy Servs., Inc.,* 124 FERC ¶ 61,011 at P 20 (2008).

3 *Offer Caps in Markets Operated by Regional Transmission Organizations and Independent System Operators*, Order No. 831, FERC Stats. & Regs. ¶ 31,387 (2016) (Order No. 831), *order on reh'g and clarification*, Order No. 831-A, 161 FERC ¶ 61,156 (2017) (Order No. 831-A).

I. Background and Summary

The CAISO proposed two enhancements in the Tariff Amendment. The first enhancement is designed to use the CAISO's current market scheduling and pricing parameters based on a $1,000/MWh soft energy bid cap unless market conditions can support costs and bids above $1,000/MWh. The second enhancement provides rules for allowing import bids, export bids, demand bids, and virtual bids above $1,000/MWh. The CAISO requested that the Commission accept the changes proposed in the Tariff Amendment no later than June 15, 2021.

The Department of Market Monitoring for the CAISO (DMM) and the EIM Entity Parties[4] filed comments supporting Commission acceptance of the Tariff Amendment without modification.[5] Brookfield asks the Commission to accept the Tariff Amendment subject to the modification and condition described below.[6] WTPF is the only entity that protested the Tariff Amendment, and that is solely with regard to the market parameters enhancement.[7]

WPTF erroneously argues that the market parameters the CAISO proposes constitute a collateral attack on the directives in Order No. 831 that

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4 The EIM Entity Parties consist of Nevada Power Company and Sierra Pacific Power Company, Arizona Public Service Company, Idaho Power Company, Portland General Electric, PacifiCorp, and Puget Sound Energy.

5 DMM at 2-3; EIM Entity Parties at 6-12. Motions to intervene were filed by: the Balancing Authority of Northern California; California Municipal Utilities Commission; California Public Utilities Commission; Calpine Corporation; Cities of Anaheim, Azusa, Banning, Colton, Pasadena, and Riverside, California; Modesto Irrigation District; Northern California Power Agency; NRG Power Marketing LLC; Powerex Corp.; and Southern California Edison Company.

6 Brookfield at 6-8.

7 WPTF at 4-12.

established a $2,000/MWh energy offer cap and will undo or degrade the Commission's prior acceptance of the CAISO's filing to comply with Order No. 831. But Order No. 831 only addressed energy offer price caps, not penalty prices. Nowhere in Order No. 831 did the Commission express any position on penalty pricing issues, such as the appropriate scaling of those prices. In fact, the Commission expressly stated that mechanisms such as penalty prices were *not* the subject of Order No. 831, and therefore indicated that proposed revisions to such elements should be separately filed, pursuant to section 205 of the Federal Power Act (FPA). The Commission has fully accepted the CAISO's Order No. 831 compliance filing, and nothing in the Tariff Amendment alters the offer price cap structure contained in that compliance filing. As such, WPTF's claim that the Tariff Amendment constitutes a collateral attack on Order No. 831 is spurious.

WPTF also makes several arguments regarding the constraint relaxation threshold proposed in the Tariff Amendment to determine the circumstances in which the CAISO will relax the system energy-balance constraint to reduce real-time market prices below the $2,000/MWh offer cap (*i.e.*, the hard energy bid cap set forth in the CAISO tariff).[8] The CAISO's formula for calculating the constraint relaxation threshold is based on, but not identical to, a North American Electric Reliability Corporation (NERC) Reliability Standard formula. WPTF argues that the CAISO should not have omitted a portion of the NERC formula. However,

[8] The system energy-balance constraint is sometimes also called the power balance constraint, which is the name WPTF uses.

WPTF ignores the fact that it would not be possible for the CAISO to incorporate that part of the NERC formula to set constraint relaxation threshold limits in advance. WPTF also is mistaken that the constraint relaxation threshold will produce unjust and unreasonable pricing outcomes between the integrated forward market (IFM) and the fifteen-minute market (FMM). WPTF fails to recognize that the IFM is inherently different from the FMM with regard to the relaxation of the system energy-balance constraint. Further, WPTF errs in suggesting that it is not just and reasonable to use the constraint relaxation threshold to address potential forecasting and modeling inaccuracies. To the contrary, the constraint relaxation threshold is needed to account for inevitable differences between predicted and actual conditions in the real-time market, and the Commission has accepted other CAISO tariff revisions to address forecasting and modeling inaccuracies.

Brookfield supports the CAISO's tariff revisions on market parameters, except that once the constraint relaxation threshold is reached, Brookfield recommends that the system energy-balance constraint relaxation price be set at $2,000/MWh in all market intervals. The Commission should reject Brookfield's alternative proposal because the Commission's evaluation is limited to whether the CAISO's proposal, not an alternative, is just and reasonable—which the CAISO has demonstrated its market parameters proposal is. The Commission also should reject Brookfield's request that acceptance of the Tariff Amendment be conditioned upon initiation of a stakeholder initiative on scarcity pricing. The CAISO already has committed to initiate that stakeholder initiative in 2021.

II. Answer

A. The Tariff Amendment Is Consistent with Guidance Provided in Order No. 831 and the Order No. 831 Compliance Order

WTPF argues that revisions the CAISO proposes to section 27.4.3.3 of its tariff regarding market parameters[9] will undo or degrade the Commission's prior finding that the tariff revisions contained in the CAISO's filing to comply with Order No. 831 (Order No. 831 Compliance Filing) are just and reasonable.[10] WPTF contends that the revisions to tariff section 27.4.3.3 amount to a collateral attack on the directives in Order No. 831 regarding the $2,000/MWh offer cap.[11] These allegations are entirely spurious. The Commission has found that the CAISO fully complied with the offer cap modifications required in Order No. 831, and the market parameter revisions that the CAISO is proposing in this Tariff

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[9] Specifically, WPTF cites the revisions proposed in the Tariff Amendment stating that: (1) the scheduling and pricing parameters related to the hard energy bid cap (*i.e.*, the $2,000/MWh offer cap established by Order No. 831) will apply if there is either (i) a cost-verified and accepted bid from an internal resource greater than $1,000/MWh, or (ii) the CAISO-calculated maximum import bid price exceeds $1,000/MWh; and (2) in the real-time market, the CAISO will use the $2,000/MWh hard energy bid cap to set the market clearing price only if the supply deficiency exceeds the constraint relaxation threshold. WPTF at 5. WPTF does not cite the tariff sections that reflect these two CAISO proposals. However, the first proposed tariff revision is contained in new tariff section 27.4.3.3 and the second proposed tariff revision is contained in new tariff section 27.4.3.3.4. *See* transmittal letter for Tariff Amendment at 14-17. As explained in the tariff amendment, tariff sections 27.4.3.3 through 27.4.3.3.4 are new to the tariff, and the CAISO proposes to renumber existing tariff sections 27.4.3.3 and 27.4.3.4 as tariff sections 27.4.3.2.3 and 27.4.3.2.4, respectively. *See* transmittal letter for Tariff Amendment at 12 & n.45.

[10] The CAISO submitted the Order No. 831 Compliance Filing in Docket No. ER19-2757-000. On September 21, 2020, the Commission issued an order accepting those tariff revisions subject to the CAISO submitting a further compliance filing within 30 days to clarify one of the tariff revisions. *Cal. Indep. Sys. Operator Corp.*, 172 FERC ¶ 61,262, at P 1 (Order No. 831 Compliance Order), *notice of denial of reh'g by operation of law*, 173 FERC ¶ 62,095 (2020). The CAISO timely submitted the further compliance filing, which the Commission accepted by letter order on December 11, 2020. The tariff revisions contained in the Order No. 831 Compliance Filing went into effect on March 21, 2021.

[11] WPTF at 4-6.

Amendment do not alter or amend those offer cap revisions, much less “undo” or “degrade” them.

Order No. 831 focused solely on revisions to RTO/ISO incremental energy offer caps. The Commission explained that the reforms adopted in Order No. 831

> advance two of the Commission’s goals with respect to price formation. First, the reforms will result in LMPs that are more likely to reflect the true marginal cost of production when resources’ short-run marginal costs exceed $1,000/MWh. . . . Second, the reforms will give resources the opportunity to recover their short-run marginal costs, thereby encouraging resources to participate in RTO/ISO energy markets.[12]

Order No. 831 contained no directives that required the CAISO or any other RTO/ISO to revise any tariff provisions relating to penalty or scarcity prices, such as those set forth in tariff section 27.4.3, which will now include the tariff revisions to which WPTF objects. To the contrary, in response to comments regarding shortage pricing or other market elements that require revisions in light of Order No. 831, the Commission specifically declined to require such modifications.[13] The Commission stated that an RTO/ISO could file, pursuant to Section 205 of the Federal Power Act, to propose modifications to shortage prices or other market elements that require revision in light of the offer cap reforms adopted in Order No. 831. However, the Commission did not mandate or opine on what form such revisions should take, including the appropriate level of shortage pricing under different circumstances. The Commission concluded

[12] Order No. 831 at P 5.

[13] *Id.* at P 213.

instead that it was not appropriate to determine in Order No. 831 the changes that individual RTOs/ISOs should make to such market elements.[14]

In its order accepting the CAISO's Order No. 831 Compliance Filing, the Commission once again emphasized the limited scope of Order No. 831. In that proceeding, some parties recommended that the CAISO revise certain administratively set penalty parameters as part of its compliance filing. The CAISO disagreed with the protesters based on the Commission guidance discussed above. In the Order No. 831 Compliance Order, the Commission found the CAISO was correct:

> CAISO has not proposed revisions to existing Tariff sections 27.4.3.2 and 27.4.3.4 governing penalty pricing, and such revisions are not required by Order No. 831. We disagree with protesters' arguments asserting that CAISO must complete its penalty price parameter stakeholder process in order for its instant filing to be just and reasonable and compliant with Order No. 831. Accordingly, we find that the issues raised by protesters are beyond the scope of this proceeding.[15]

The market parameter-related revisions that the CAISO has proposed in the Tariff Amendment involve the administratively established penalty prices that the CAISO utilizes when there is a shortfall of supply to meet demand. These revisions do not undermine in any way the energy offer cap structure that the Commission required the CAISO and other RTOs/ISOs to adopt in Order No. 831. Consistent with that structure, all resources will continue to be permitted to submit cost-based incremental energy offers in the CAISO markets up to $2,000/MWh and receive make-whole payments if their verified costs exceed

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14 *Id*.

15 Order No. 831 Compliance Order at P 56.

$2,000/MWh. The issue of the appropriate level of penalty prices to reflect supply shortage conditions is thus distinct from the offer-cap-related revisions required by Order No. 831.[16] As explained in the Tariff Amendment, and further below, the CAISO's proposed market parameters, and associated constraint relaxation thresholds, are just and reasonable because they will appropriately ensure that relatively small shortages do not result in excessively high administratively imposed prices. But regardless, there is no basis whatsoever for WPTF's claim that changes to the CAISO's *shortage* pricing provisions somehow "undo" or "degrade" the *offer cap* revisions required by Order No. 831.

B. The Formula Used to Calculate the Constraint Relaxation Threshold Is Just and Reasonable

WTPF objects to the CAISO's proposal to derive its proposed constraint relaxation threshold without using the entire formula under NERC Reliability Standard BAL-001-2 Requirement R2 (entitled Real Power Balancing Control Performance)—specifically, omitting the part of the NERC formula that modifies the allowable lower and upper Balancing Authority Area Control Error (ACE) Limits based on how actual frequency compares with scheduled frequency.[17] The Commission should disregard WPTF's objections.

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[16] As the CAISO's Market Surveillance Committee noted in its opinion on the revisions set forth in the Tariff Amendment, offer prices, not penalty or scarcity pricing, are the subject of Order No. 831, and the "economic issues are fairly distinct" insofar as the "cost" of scarcity is based on the economic costs of interruptions and grid instability, as opposed to the marginal costs incurred by generators. Tariff Amendment, Attachment F at p 9.

[17] WPTF at 6-8. The NERC formula is set forth in attachment 2 to NERC Reliability Standard BAL-001-2, available at PrintStandard.aspx (nerc.com).

As explained in the Tariff Amendment, the CAISO proposes to define the constraint relaxation threshold as a MW threshold value used to determine when the pricing parameter will trigger in each balancing authority area participating in the CAISO markets to account for small supply shortfalls. The constraint relaxation threshold will be configured based on NERC Reliability Standard BAL-001-2 Requirement R2.[18] Specifically, in the Revised Final Proposal attached to the Tariff Amendment, the CAISO stated it would use a variation of the lower NERC-defined BAL-001-2 limit as the threshold value for each balancing authority area in the Energy Imbalance Market (EIM). This predefined objective threshold value represents the amount of supply that can be less than load while still maintaining system frequency within reliability criteria.[19] For establishing the threshold value, the CAISO assumes the Western Interconnection is balanced and the scheduled frequency is 60 Hz. Therefore, the CAISO stated it would not apply the part of the NERC BAL-001-2 formula that WPTF cites in the calculation of constraint relaxation threshold values. That part of the NERC formula modifies the frequency limits based on actual frequency in real-time. Consequently, it is not possible to incorporate that part of the NERC formula to set constraint relaxation threshold limits in advance. It would not be practical to use frequency limits that change for pricing purposes.[20] Therefore, the Commission should accept the constraint relaxation threshold as proposed by the CAISO.

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18 Transmittal letter for Tariff Amendment at 3, 16-17; attachment C to Tariff Amendment, tariff appendix A definition of the new term "Constraint Relaxation Parameter."

19 Revised Final Proposal (Attachment D to Tariff Amendment) at 4, 12.

20 *Id.* at 16-17.

WPTF contends that when the CAISO relaxes the system energy-balance constraint, it is unlikely that the system will be operating at 60 Hz.[21] However, as the CAISO explained in the Tariff Amendment, the constraint relaxation threshold reflects the reality that a small amount of system energy-balance constraint relaxation may represent merely apparent shortfalls rather than actual shortfalls.[22] If there is no actual shortfall (*i.e.*, the constraint relaxation threshold is not triggered), then system frequency will not be impacted. And if there is an actual shortfall that triggers the constraint relaxation threshold, then system frequency will likely not be impacted in that case either due to the shedding of load and other actions the CAISO takes to maintain system frequency. Thus, WPTF is incorrect.

C. The Constraint Relaxation Threshold Will Produce Just and Reasonable Pricing Outcomes

WTPF argues that the constraint relaxation threshold introduces unjust and unreasonable pricing outcomes because the CAISO will apply it in the FMM but not in the IFM.[23] WPTF is incorrect.

As explained in the Tariff Amendment, the constraint relaxation threshold will not apply in the IFM because the relaxation penalty prices for ancillary services in that market are less than the system energy-balance constraint penalty price. Thus, in the IFM, the threshold would apply after the market has

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21 WPTF at 7-8.

22 Transmittal letter for Tariff Amendment at 17.

23 WPTF at 8-9. The real-time market includes the FMM and the day-ahead market includes the IFM. Transmittal letter for Tariff Amendment at 4-6.

already forgone reserves and triggered scarcity pricing. This would not make sense as this would reflect a real supply shortfall. Further, NERC Reliability Standard BAL-001-2 Requirement R2, on which the constraint relaxation threshold is based, is solely a real-time operating standard.[24] It would not make sense to apply the threshold value based on this NERC Reliability Standard to the IFM. In contrast, applying the threshold to the real-time market is just and reasonable because the system energy-balance constraint is relaxed prior to relaxing the ancillary services constraint, and the threshold is based on a real-time operating standard.[25]

The IFM is inherently different from the real-time market with regard to relaxation of the system energy-balance constraint. In the IFM, supply clears against bid-in demand or self-schedules.[26] However, in the real-time market, supply clears against a fixed value of forecasted load.[27] Therefore, the constraint relaxation threshold is only meaningful for conditions in which the market relaxes the system energy-balance constraint, which happens only in the real-time market. In the IFM, this will not happen because instead of relaxing a system

[24] The purpose of the NERC Reliability Standard is to "control Interconnection frequency within defined limits." https://www.nerc.com/_layouts/15/PrintStandard.aspx?standardnumber=BAL-001-2&title=Real%20Power%20Balancing%20Control%20Performance&jurisdiction=United%20States. Requirement R2 of the Reliability Standard obligates "[e]ach Balancing Authority [to] operate such that its clock-minute average of Reporting ACE [Area Control Error] does not exceed its clock-minute Balancing Authority ACE Limit (BAAL) for more than 30 consecutive clock-minutes . . . for the applicable Interconnection in which the Balancing Authority operates." *Id.*

[25] Transmittal letter for Tariff Amendment at 17-18.

[26] Existing tariff section 31.3 *et seq.*

[27] Existing tariff section 34.2.1 and 34.4.

energy-balance constraint, economic bids for demand or self-schedules for demand will be reduced as much as needed.

WPTF argues that the CAISO's proposal creates an unreasonable pricing outcome under which energy prices in the FMM will be greater when the market is short on ancillary services than when the market is short on energy and is potentially shedding load.[28] There is no merit to this argument. The CAISO does not always procure ancillary services incrementally in the real-time market, and the CAISO prices energy separately from ancillary services. Ancillary service prices can reach higher price levels when there is an incremental need for ancillary services than when there is an incremental need for energy. The CAISO anticipates this incremental need will usually not be large enough to trigger the constraint relaxation threshold. After the constraint relaxation threshold is implemented, when energy and ancillary services start to compete and incremental procurement occurs, energy prices will be based on opportunity cost in the top tier of the bid stack so that prices will be consistent. Alternatively, the incremental ancillary services procurement target will be relaxed and the constraint relaxation threshold will trigger, which will set the energy prices as expected and again result in consistent pricing.

[28] WPTF at 10-11.

D. It Is Just and Reasonable to Use the Constraint Relaxation Threshold to Address Potential Forecasting and Modeling Inaccuracies

The purpose of the constraint relaxation threshold is to limit shortage pricing when there are small shortfalls in supply that could be the result of forecasting or modeling errors and may not represent a true supply shortage.[29] WPTF argues that if it is unjust and unreasonable to set the market clearing price at the Order No. 831-directed offer cap in the absence of a shortage, it is also unjust and unreasonable to refuse to set the market clearing price to the offer cap when the shortage exists but is undetected or inaccurately measured.[30] The Commission should disregard this argument. It is not possible for the market to set prices based on shortages it does not detect or measure.

WPTF also argues that if forecasting and modeling inaccuracies are the cause of supply/demand imbalances, the CAISO should take actions to mitigate those inaccuracies.[31] The CAISO addresses forecasting and modeling inaccuracies to the extent possible, but it is simply not feasible to prevent them in all cases. Differences between predicted conditions and actual conditions in the real-time market are inevitable. The Commission has accepted other revisions to the CAISO tariff to address forecasting and modeling inaccuracies.[32] Given the

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29 Transmittal letter for Tariff Amendment at 17.

30 WPTF at 11.

31 *Id.*

32 *See, e.g.*, *Cal. Indep. Sys. Operator Corp.*, 149 FERC ¶ 61,042, at P 62 (2014) ("We accept the proposed forecast adjustment . . . . Because CAISO's proposal to its Board included the concept of adjusting the flexible capacity need to account for contingency reserves and forecast error, we find that CAISO's proposed forecast adjustment falls squarely within the policy approved by the Board."); *Cal. Indep. Sys. Operator Corp.*, 153 FERC ¶ 61,002, at PP 43-44 (2015) (accepting the CAISO's "proposed 96.5 percent annual availability standard [that] is

dynamic nature of the real-time market, the Commission should also find that the constraint relaxation threshold is just and reasonable.

E. The Commission Should Reject a Suggested Alternative to the CAISO's Market Parameters Proposal

Brookfield states that it supports the CAISO's tariff revisions on market parameters, except that once the constraint relaxation threshold is reached, Brookfield recommends that the system energy-balance constraint relaxation price be set at $2,000/MWh "in all market intervals."[33] The CAISO does not understand what, exactly, Brookfield is proposing to change with respect to the CAISO's proposal. As the CAISO explained in its filing, if the constraint relaxation threshold is exceeded during a real-time market interval, the CAISO will set the binding price at $2,000/MWh for that interval and the advisory prices at $2,000/MWh for all other intervals of that real-time market run. Regardless, the Commission should not require the CAISO to implement Brookfield's alternative proposal. The matter before the Commission is to determine whether the CAISO's proposal, not any proposed alternative, is just and reasonable. "Pursuant to section 205 of the FPA, the Commission limits its evaluation of a utility's proposed tariff revisions to an inquiry into 'whether the rates proposed by

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grounded in principles consistent with reliable grid operation such as maintaining sufficient resources to address peak load, maintain adequate reserves, account for forecast error and outages, and respond to contingency events"); *Cal. Indep. Sys. Operator Corp.*, 166 FERC ¶ 61,138, at P 50 (2019) ("While the existing tariff already provides CAISO discretion to adjust the load forecast to account for load forecast error, among other things, the proposed provisions will provide greater specificity regarding when operators may conform the load forecast used in the RUC process.").

[33] Brookfield at 6. Brookfield also fully supports the tariff revisions on import bidding contained in the Tariff Amendment. Brookfield at 7.

a utility are reasonable – and not to extend to determining whether a proposed rate schedule is more or less reasonable to alternative rate designs.'"[34] Therefore, "[u]pon finding that CAISO's Proposal is just and reasonable, [the Commission] need not consider the merits of alternative proposals."[35]

The CAISO's market parameters proposal is just and reasonable for the reasons explained in the Tariff Amendment.[36] As the CAISO explained, its proposal appropriately balances (1) the concern that $2,000/MWh is an excessive price for small system energy-balance constraint relaxations that may not represent real shortfalls with (2) the countervailing concern that prices during actual shortages should be higher than the highest-priced bid so they represent the value of scarce supply during shortages. Brookfield fails to explain or provide any evidence demonstrating that the CAISO's proposal is in any way unjust and unreasonable.

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[34] *Cal. Indep. Sys. Operator Corp.*, 141 FERC ¶ 61,135, at P 44 n.43 (quoting *City of Bethany v. FERC*, 727 F.2d 1131, 1136 (D.C. Cir. 1984)). In that same order, the Commission also explained that the revisions proposed by the utility "need not be the only reasonable methodology" and that "even if an intervenor develops an alternative proposal, the Commission must accept a section 205 filing if it is just and reasonable, regardless of the merits of the alternative proposal." 141 FERC ¶ 61,135, at P 44 n.43 (citing federal court and Commission precedent). *See also New Eng. Power Co.*, 52 FERC ¶ 61,090, at 61,336 (1990), *aff'd*, *Town of Norwood v. FERC*, 962 F.2d 20 (D.C. Cir. 1992) (proposed rate design need not be perfect, it merely needs to be just and reasonable); *Louisville Gas & Elec. Co.*, 114 FERC ¶ 61,282, at P 29 (2006) (the just and reasonable standard under the FPA is not so rigid as to limit rates to a "best rate" or "most efficient rate" standard, but rather a range of different approaches often may be just and reasonable).

[35] *Cal. Indep. Sys. Operator Corp.*, 141 FERC ¶ 61,135, at P 44.

[36] Transmittal letter for Tariff Amendment at 12-19.

F. The Commission Should Not Condition Its Acceptance of the Tariff Amendment on Initiation of a Scarcity Pricing Stakeholder Initiative

Brookfield requests that the Commission condition acceptance of the Tariff Amendment upon the CAISO initiating a comprehensive review of, and implementing enhancements to, the scarcity pricing measures in its markets and that the CAISO undertake such an initiative within the year.[37] The Commission should not impose such a condition.

First, the primary purpose of this Tariff Amendment is to complement the CAISO's implementation of Order No. 831; it is not intended to address all of the potential scarcity pricing issues for the CAISO market. Moreover, the CAISO has already committed to commence a separate stakeholder process in 2021 to review scarcity pricing more comprehensively.[38] One of the stakeholder initiatives listed in the Final 2021 Policy Initiatives Catalog is a stakeholder process to review scarcity pricing. Specifically, the Final 2021 Policy Initiatives Catalog lists "Scarcity Pricing Enhancement" as a "CAISO Committed" initiative that is "currently or will soon begin a stakeholder process."[39] As stated therein, "CAISO committed initiatives, which the CAISO tries to use sparingly, are initiatives that address very significant reliability or market efficiency issues.

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37 Brookfield at 6-7, 8.

38 Transmittal letter for Tariff Amendment at 26-27 & n.93 (citing Final 2021 Policy Initiatives Catalog at 16-17 (Sept. 14, 2020)), available at http://www.caiso.com/Documents/2021FinalPolicyInitiativesCatalog.pdf). In addition, the CAISO explained it is also addressing stakeholder concerns regarding scarcity pricing as part of its Flexible Ramping Product Refinements initiative. *See* transmittal letter for Tariff Amendment at 27 n.93 (citing California ISO - Flexible ramping product refinements (caiso.com)).

39 Final 2021 Policy Initiatives Catalog at 11, 16-17.

They are also initiatives the CAISO previously committed to during a regulatory proceeding or has already stated that it would undertake to stakeholders, the CAISO Board of Governors, EIM Governing Body, or FERC."[40] The CAISO will begin this stakeholder initiative in 2021.

III. Conclusion

For the foregoing reasons and for the reasons explained in the Tariff Amendment, the Commission should accept the Tariff Amendment as filed.

Respectfully submitted,

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Dated: March 30, 2021

[40] *Id.* at 6.

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document upon all of the parties listed on the official service list for the above-referenced proceeding, pursuant to the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.2010).

Dated at Washington, DC this 30th day of March, 2021.

/s/ Bradley R. Miliauskas
Bradley R. Miliauskas