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December 18, 2014

Commissioner Philip D. Moeller

FEDERAL ENERGY REGULATORY COMMISSION

STATEMENT

Docket No. EL14-89-000

Item No. E-29

**Statement of Commissioner Philip D. Moeller on
GDF Suez Energy Resources, NA vs. New York Independent System Operator, Inc. and
Consolidated Edison Company of New York, Inc.**

"As discussed in today's order, the extraordinary circumstances presented by Suez's complaint warrant reopening and correcting NYISO's invoices, to avoid the significant injustice that would result absent Commission action.

"In the event that meter data is unavailable or erroneous and appropriate corrections cannot be made within five months of issuance of initial invoices, NYISO is unable to correct its own invoices. Instead, NYISO depends on action by the Commission or relevant court whenever invoice corrections are needed after its five-month deadline has elapsed. This is true even in cases where, as here, the relevant parties recognize that NYISO's estimated meter data are faulty but cannot submit appropriate replacement data within five months. In this case, while the Commission's order will provide refunds to Suez, it does so over two years after Superstorm Sandy occurred; NYISO could have provided relief to Suez more quickly had its tariff permitted it to use the corrected meter data ConEd provided only 1.5 months after NYISO's five-month deadline had elapsed.

"While this particular case highlights concerns in NYISO, similar difficulties could occur elsewhere, as practices for addressing meter data problems vary markedly among the RTOs/ISOs. Therefore, I encourage all RTOs/ISOs, and in particular NYISO, to work with their stakeholders to ensure that they have transparent processes for correcting invoices and provide market participants with sufficient time to remedy lost or invalid meter data."