

150 FERC ¶ 61,142  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Cheryl A. LaFleur, Chairman;  
Philip D. Moeller, Tony Clark,  
Norman C. Bay, and Colette D. Honorable.

TC Ravenswood, LLC

Docket No. ER12-1418-000  
ER12-1418-002

ORDER DISMISSING, AS MOOT, REHEARING REQUEST AND TERMINATING  
PROCEEDING

(Issued February 26, 2015)

1. On June 25, 2012, the New York Independent System Operator, Inc. (NYISO) filed a request for rehearing of the Commission's May 24, 2012 order in this proceeding.<sup>1</sup> The May 24, 2012 Order accepted and suspended a proposed Spot Black Start Rate Schedule filed by TC Ravenswood, LLC (Ravenswood), to become effective May 1, 2012, subject to refund and further order of the Commission and established settlement judge procedures. The Commission did not address, at that time, the protests regarding Ravenswood's claimed right to file its own rate schedule. In this order, the Commission dismisses, as moot, NYISO's request for rehearing of the May 24, 2012 Order, and terminates the underlying proceeding.

**I. Background**

2. The Ravenswood Generating Station, located in Queens, New York, includes three large steam units (Units) that, prior to September 30, 2011, provided Black Start Service under the NYISO Market Administration and Control Area Services Tariff (Services Tariff) as part of the Consolidated Edison (Con Edison) System Restoration Plan. However, on September 8, 2010, Ravenswood gave notice to both NYISO and Con Edison, under section 15.5.3.1, of its intent to terminate its Black Start Service effective September 30, 2011, at the conclusion of its three-year term of service. On April 2, 2012, as amended on April 5, 2012, Ravenswood filed a proposed stand-alone Spot Black Start

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<sup>1</sup> TC Ravenswood, LLC, 139 FERC ¶ 61,151 (2012) (May 24, 2012 Order).

Rate Schedule pursuant to which it proposed to provide black start service (Spot Black Start Service) from its Units 10, 20, and 30.<sup>2</sup>

3. In the May 24, 2012 Order, the Commission stated that its preliminary analysis indicated that Ravenswood's proposed Spot Black Start Rate Schedule had not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. The Commission accepted and suspended Ravenswood's Spot Black Start Rate Schedule, effective May 1, 2012, subject to refund and further order of the Commission, and established settlement judge procedures.

4. In issuing the May 24, 2012 Order, the Commission noted that although some parties raised procedural and substantive issues with the filing, they generally agreed that Ravenswood's proposed Spot Black Start Rate Schedule provisions should be accepted as an interim solution while long-term solutions were pursued. The Commission agreed and accepted and suspended the filing as an interim solution, subject to further order of the Commission, to allow the parties an opportunity to work in the stakeholder process toward a "mutually agreeable resolution under the NYISO Services Tariff."<sup>3</sup> To that end, the Commission noted protestors' concerns that Ravenswood's stand-alone tariff was filed outside of the NYISO ISO Agreement and Service Tariff's stakeholder procedures and duplicated the Black Start Services of Rate Schedule 5 of NYISO's Services Tariff. However, the Commission did not address those issues in the May 24, 2012 Order, and instead accepted the filing as an interim solution, subject to the conditions noted in that order, intended to facilitate a long-term solution.<sup>4</sup>

5. On June 25, 2012, NYISO filed a request for rehearing of the May 25, 2012 Order. On July 10, 2012, Ravenswood filed an answer to NYISO's rehearing request.

6. On December 19, 2012, the Settlement Judge reported that Ravenswood had concluded that further settlement negotiations in this proceeding would not be productive and requested that settlement proceedings be terminated. Accordingly, the Chief Judge terminated the settlement judge proceedings on December 21, 2012. Nonetheless, the parties continued discussions and submitted a series of informational reports to the Commission requesting that the Commission defer taking further action in the proceeding.

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<sup>2</sup> Black Start generators have the capability to start up following a system-wide blackout without the availability of an outside electric supply. Such generators are used to restore the transmission system in the event of such a blackout.

<sup>3</sup> May 24, 2012 Order, 139 FERC ¶ 61,151 at P 38.

<sup>4</sup> *Id.* P 40.

7. As further detailed below, on December 5, 2013, Ravenswood submitted an informational filing in this proceeding (Informational Filing) regarding its provision of Black Start service.<sup>5</sup>

## **II. Request for Rehearing of the May 24, 2012 Order**

8. NYISO asserts that the May 24, 2012 Order is arbitrary and capricious and is not the product of reasoned decision making because the Spot Black Start Service Rate Schedule is unlawful, unnecessarily duplicates the Black Start Service established in NYISO's tariffs, is inconsistent with Commission precedent, and circumvents NYISO's requirements for amending its tariffs. In addition, NYISO states that the Commission erred in not addressing the objections raised in NYISO's April 12, 2012 protest. NYISO also asserts that the May 24, 2012 Order departs without explanation from the Commission's precedent, which, according to NYISO, rejects generators' use of stand-alone rate schedules to provide services that fall within the exclusive purview of the NYISO tariffs. NYISO asserts that the Commission should grant rehearing to address NYISO's objections and, upon further consideration, reject the Spot Black Start Rate Schedule.

## **III. Commission Determination**

9. Rule 713(d) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.713(d) (2014) prohibits an answer to a request for rehearing. Accordingly, we reject Ravenswood's July 10, 2012 answer.

10. We dismiss NYISO's request for rehearing as moot and terminate the underlying proceeding. The issues raised in the instant proceeding concern Ravenswood's Spot Black Start Rate Schedule. In the Informational Filing, Ravenswood notifies the Commission of the failure of certain equipment that Ravenswood, under its Spot Black Start Service Rate Schedule, was obligated to operate, maintain, and test for Black Start capability.<sup>6</sup> Ravenswood further states that "NYISO is no longer procuring Spot Black Start Services from Units 10, 20, or 30," the units at issue here, and that NYISO informed Ravenswood that it likely would not procure Spot Black Start Service from those units

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<sup>5</sup> Ravenswood December 5, 2013 Informational Filing and Notice of Retirement, at 2.

<sup>6</sup>*Id.* at 1. Ravenswood has redacted Critical Energy Infrastructure Information from its filing. In the public version of its informational filing, Ravenswood indicates that it is not able to provide Black Start service from one of the three units designated for service under its Spot Black Start Rate Schedule. Therefore, Ravenswood is not able to provide the full service required to be provided under its Spot Black Start Rate Schedule.

beginning with October 2013.<sup>7</sup> Thus, no customer is currently taking service under Ravenswood's Spot Black Start Service rate schedule and, based upon the foregoing developments, there is no expectation that the rate schedule will ever be used in the future. Thus, we believe that the Ravenswood Spot Black Start Service Rate Schedule will no longer have any effect and therefore, there is no longer a live controversy.<sup>8</sup>

11. These developments also render moot any need to issue a further order with respect to the May 24, 2012 Order. Moreover, the rate under Ravenswood's Spot Black Start Service Rate Schedule was, at the time in question, identical to the rate for NYISO's Black Start Service in NYISO's Rate Schedule 5. Thus, we need not address any question of refunds because, even if we were to find upon further consideration that Ravenswood's rate schedule filing was improper, any Black Start service Ravenswood provided would fall under NYISO's Black Start Rate Schedule and would, therefore, be subject to the same rate. Accordingly, we dismiss as moot NYISO's request for rehearing and terminate the underlying proceeding.

The Commission orders:

NYISO's rehearing request is hereby dismissed as moot and the underlying proceeding is hereby terminated.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

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<sup>7</sup> *Id.* Further, according to Ravenswood, Con Edison indicated, in response to an inquiry from Ravenswood, that "it did not want to purchase the service in the Winter." *Id.*

<sup>8</sup> *El Paso Natural Gas Co.*, 44 FERC ¶ 61,065, at 61,181-82 (1988) (refusing to resolve "abstract controversy" when its factual underpinnings "dissolve so as to have no cognizable remaining legal effects").