

151 FERC ¶ 61,159
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

New York Independent System Operator, Inc.

Docket Nos. ER14-2895-001
ER14-2895-002

ORDER ON COMPLIANCE FILING AND REHEARING

(Issued May 19, 2015)

1. On November 14, 2014, the Commission accepted,¹ subject to conditions, a filing by the New York Independent System Operator, Inc. (NYISO) to revise its Open Access Transmission Tariff (OATT) to allow it to share confidential information concerning natural gas-fueled generation with the operating personnel of interstate natural gas pipeline companies, intrastate natural gas pipeline companies, and natural gas local distribution companies (LDCs) to conform with the Commission regulations adopted in Order No. 787.²
2. On December 1, 2014, in Docket ER14-2895-001, NYISO filed a revised tariff record to comply with the November 14, 2014 Order. On December 15, 2014, National Fuel Gas Distribution Corporation (NFG Distribution) filed a request for rehearing and, in the alternative, motion for clarification of the November 14, 2014 Order.
3. In this order, the Commission accepts the revised tariff record filed by NYISO to comply with the November 14, 2014 Order, effective November 17, 2014 as requested.³

¹ *New York Independent System Operator, Inc.*, 149 FERC ¶ 61,122 (2014) (November 14, 2014 Order).

² *Communication of Operational Information Between Natural Gas Pipelines and Electric Transmission Operators*, Order No. 787, 78 Fed. Reg. 70,163 (Nov. 22, 2013), FERC Stats. & Regs. ¶ 31,350 (2013) (cross-referenced at 145 FERC ¶ 61,134 (2013), *order on reh'g*, Order No. 787-A, 147 FERC ¶ 61,228 (2014) (collectively, Order No. 787).

³ *New York Independent System Operator, Inc., NYISO Tariffs, NYISO OATT*, (*continued ...*)

The Commission also denies NFG Distribution's request for rehearing and, in the alternative, motion for clarification of the November 14, 2014 Order.

I. Background

4. In Order No. 787, the Commission revised its regulations to provide explicit authority to interstate natural gas pipelines and public utilities that own, operate, or control facilities used for the transmission of electric energy in interstate commerce to share non-public, operational information with each other for the purpose of promoting reliable service or operational planning on either the public utilities' or pipelines' systems. Order No. 787 also prohibited such recipients of non-public, operational information from subsequently disclosing that information to third parties or marketing function employees as defined in section 358.3(d) of the Commission's regulations. However, the Commission stated that Order No. 787 does not supersede any existing tariff provisions. With respect to communications between transmission operators and LDCs, the Commission stated that the rule does not affect the ability of an electric transmission operator to share its own information with an LDC, if otherwise permitted under its tariff. In addition, the rule does not prohibit electric transmission operators from sharing non-public, operational information received from an interstate pipeline pursuant to this rule with LDCs, if otherwise provided for in tariff provisions approved by the Commission.⁴ Thus, to the extent a transmission operator wants to take advantage of the explicit authority provided under Order No. 787, and that transmission operator has tariff provisions prohibiting the communications, it must first make a section 205 filing with the Commission to revise the relevant tariff provisions to permit such sharing of information.⁵

5. On September 17, 2014, NYISO filed a revision to its OATT proposing to modify the treatment of confidential information to permit the communication of non-public, operational information concerning natural gas-fueled generation between NYISO and operating personnel at interstate natural gas pipeline companies. The revision also proposed to permit, under certain conditions, the sharing of non-public operational information with operating personnel of LDCs and intrastate natural gas pipeline operators, on the condition such party(ies) acknowledge in writing that they are prohibited from disclosing or using anyone as a conduit for disclosure of non-public, operational information received from NYISO to a third party or affiliate. In a

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⁴ Order No. 787, FERC Stats. & Regs. ¶ 31,350 at P 16 & n.27, P 56 (cross-referenced at 145 FERC ¶ 61,134 at P 16 & n.27, P 56).

⁵ *Id.* P 135.

subsequent filing, NYISO proposed a modification to its tariff revision to permit LDCs and intrastate pipelines to share non-public, operational information with affiliated entities already explicitly authorized by NYISO to receive such information—namely, the operating personnel of affiliated interstate pipelines, as well as the operating personnel of LDCs or intrastate pipelines who have already executed an appropriate non-disclosure agreement with NYISO.

6. NFG Distribution protested NYISO's filing. NFG Distribution requested that the Commission reject NYISO's proposal or, in the alternative, clarify or amend NYISO's proposed tariff language to exempt from NYISO's proposed third party and affiliate restrictions: (1) parties such as interstate pipelines that already are qualified to receive such data from NYISO under its rules, and (2) shippers and large customers, including electric generators with whom the LDC has communicated on operational matters subject to its state regulatory restrictions.

7. In the November 14, 2014 Order, the Commission found that the revision NYISO proposed to Attachment F section 12.4 of its OATT explicitly permitting NYISO to share non-public, operational information with interstate natural gas pipeline operators for the purpose of promoting reliable service and operational planning is consistent with Order No. 787.⁶ However, with respect to the sharing of non-public, operational information with LDCs and intrastate natural gas pipeline operators, the Commission found that NYISO's tariff required further clarification.⁷

8. First, the Commission required NYISO to clarify its tariff to prohibit LDCs and intrastate pipelines from sharing non-public, operational information with their marketing employees or any other employees making sales of natural gas. The Commission explained that the recipients of non-public, operational information under Order No. 787 are prohibited from subsequently disclosing that information to third parties or to the recipient transmission operator's marketing function employees as defined in section 358.3(d) of the Commission's regulations.⁸ The Commission found that, unlike Order No. 787, NYISO's proposal did not appear to prohibit the sharing of non-public, operational information within the LDC or intrastate pipeline.⁹ The Commission

⁶ November 14, 2014 Order, 149 FERC ¶ 61,122 at P 20.

⁷ November 14, 2014 Order, 149 FERC ¶ 61,122 at P 22.

⁸ November 14, 2014 Order, 149 FERC ¶ 61,122 at P 23 (citing Order No. 787, FERC Stats. & Regs. ¶ 31,350 at PP 77, 96 (cross-referenced at 145 FERC ¶ 134 at PP 77, 96)).

⁹ November 14, 2014 Order, 149 FERC ¶ 61,122 at P 23.

recognized that the definition of marketing function employee in the Standards of Conduct is narrow and linked to the relationship between the electric transmission provider and its marketing function employee or to an interstate pipeline and its marketing function employees and, therefore, may not apply to LDCs without marketing function employees as defined by the Standards of Conduct. However, the Commission stated, the sharing of non-public, operational information creates an opportunity for commercially sensitive information to be used in an unduly discriminatory or preferential manner by the recipient's employees or to the detriment of the market.¹⁰ The Commission pointed out that in *Enable*, it had granted a limited waiver of the Order No. 787 No-Conduit Rule to allow employees shared by interstate pipelines and their affiliates to receive non-public, operational information on the condition that the shared employees do not engage in marketing functions as defined in section 358.3(c) or otherwise make sales of natural gas. Consistent with *Enable*, the Commission accepted NYISO's filing subject to the condition that NYISO file revisions to section 12.4 of its OATT specifying which LDC or intrastate employees are prohibited from receiving non-public operational information.

9. Second, the Commission found that NYISO's proposed modification allowing LDCs and intrastate pipelines to share the non-public, operational information received from NYISO with their affiliated interstate pipelines did not sufficiently protect the commercially sensitive non-public, operational information. Therefore, the Commission accepted NYISO's filing subject to the condition that NYISO file a revised tariff record to clarify that an LDC or intrastate pipeline can only share the non-public operational information with operating employees of an affiliated interstate pipeline if the affiliated interstate pipeline agrees to treat the information as if it had been disclosed by NYISO (i.e., comply with section 284.12(b)(4)(ii) of the Commission's regulations prohibiting recipients of non-public, operational information from disclosing that information to third parties or marketing function employees).¹¹

10. The November 14, 2014 Order also denied NFG Distribution's request to reject NYISO's proposal or, in the alternative, clarify or amend NYISO's proposed tariff language to exempt shippers and customers from NYISO's proposed third party and affiliate restrictions.¹² The Commission found that expanding NYISO's proposal to

¹⁰ November 14, 2014 Order, 149 FERC ¶ 61,122 at P 23 (citing *PJM Interconnection, L.L.C.*, 147 FERC ¶ 61,105, at P 9 (2014); see also *Enable Gas Transmission, LLC, et al.*, 147 FERC ¶ 61,229, at P 18 (2014) (*Enable*) (order on waivers requiring that shared pipeline employees receiving information pursuant to waivers under Order No. 787 not make natural gas sales to avoid any adverse competitive effects)).

¹¹ November 14, 2014 Order, 149 FERC ¶ 61,122 at P 25.

¹² November 14, 2014 Order, 149 FERC ¶ 61,122 at PP 26-27.

allow LDCs and intrastate pipelines to share non-public, operational information received from NYISO with third parties, including large customers and electric generators, was inconsistent with the requirements of Order No. 787. The November 14, 2014 Order stated that, under NYISO's proposal, NFG Distribution may still share its own operational information with its customers or other interconnecting entities involved in ensuring the reliability of system operations; and, as NYISO points out, nothing in the proposed tariff amendments forbids an intrastate pipeline or LDC from communicating non-specific pipeline or local distribution information, without revealing confidential information. The Commission stated that, given NYISO's proposal is voluntary, if NFG Distribution is nevertheless concerned about the compliance risks associated with accepting non-public operational information from NYISO, it may elect not to execute an agreement with NYISO to accept such information.

II. Compliance Filing

11. On December 1, 2014, in Docket No. ER14-2895-001, NYISO filed a revised tariff record to comply with the November 14, 2014 Order. First, in compliance with the requirement that NYISO limit the LDC and intrastate employees who may receive non-public operational information, NYISO proposes to amend section 12.4 of the OATT to (1) prohibit "operating personnel" of an LDC or intrastate pipeline from disclosing—or using anyone as a conduit for disclosure of—such information to any non-operating personnel of the LDC or intrastate pipeline; and (2) state that "[u]nless otherwise authorized by the Commission...LDC or intrastate pipeline 'operating personnel' shall exclude employees engaged in marketing functions as defined by 18 CFR 358.3(c) or who make sales of natural gas." Second, in compliance with the requirement that NYISO clarify employees of affiliated interstate pipelines will be subject to the No-Conduit rule with respect to information received from an LDC or intrastate pipeline, NYISO proposes to amend section 12.4 of the OATT to state that: "[t]he operating personnel of an affiliated interstate natural gas pipeline company accepting non-public operational information [from an affiliated LDC or intrastate pipeline] shall agree to comply with 18 CFR 284.12(b)(4)(ii)." NYISO states that these modifications provide the clarification sought in the November 14 Order; at the same time, they also contemplate a mechanism for redress should the definition of LDC or intrastate pipeline "operating personnel" prove unnecessarily restrictive.

12. NYISO states that it recognizes that—in certain limited circumstances—LDCs and intrastate pipelines could have employees that engage in infrequent or *de minimis* activity that could constitute "making sales of natural gas," but who nevertheless could substantially aid gas-electric coordination if authorized to receive non-public operational information, if protections are in place to prevent use of that information in an unduly discriminatory or preferential manner or to the detriment of a gas or electric market. For this reason, NYISO states that its proposed tariff revisions in this compliance filing adopt the *Enable* characterization of the LDC/intrastate pipeline marketing function "unless

otherwise authorized by the Commission.” NYISO states that, in this way, if an LDC or intrastate pipeline identifies personnel who do not fit the NYISO tariff definition of “operating personnel” but would substantially aid the aims of Order No. 787—and whose receipt of non-public operational information would not result in undue discrimination, preference, or detriment to a market—it may seek authorization from the Commission for such an employee to receive non-public, operational information from NYISO subject to appropriate protections. NYISO states that this approach avoids overly-permissive tariff language, but acknowledges that limited, factually-specific circumstances could support a waiver.

13. NYISO requests the proposed revisions be effective November 17, 2014.

A. Notice of Filing and Responsive Pleadings

14. Notice of NYISO’s December 1, 2014 compliance filing was published in the *Federal Register*, 79 Fed. Reg. 73,061 (2014), with interventions and protests due on or before December 22, 2014. None were filed.

III. NFG Distribution Request for Rehearing

15. NFG Distribution filed a request for rehearing and, in the alternative, clarification, in Docket No. ER14-2895-002. NFG Distribution argues that the restrictions in NYISO’s OATT approved in the November 14, 2014 Order are likely to inhibit appropriate sharing of operational data and discourage LDCs and intrastate pipelines from maximizing use of the data to improve reliability.

16. In its request for rehearing, similar to its protest, NFG raises the following arguments. NFG Distribution states that the definition of “third parties” with whom LDCs and intrastate pipelines may not share non-public operational information is broad and would include non-affiliated interstate pipelines qualified to receive data, as well as third parties whose operational cooperation is needed in order to effectively improve reliability and security of supply. NFG Distribution states that the Commission failed to address the specific examples provided in its protest describing how an LDC could be in violation of the NYISO tariff when certain information is provided to a third party, even when the disclosures may be required to ensure capacity or other services are available to maintain deliveries to generators. NFG Distribution also argues that LDCs cannot simply absorb and effectively act upon non-public, operational data from entities like NYISO without having the ability to communicate some of that data to their own major customers in order to address the operational problems stemming from the electric system data. NFG Distribution states that, if information about a sudden likely increase in electric generator use of natural gas in one segment of the interstate pipeline affects one load pocket of the LDC, the LDC may need to contact large customers in that load pocket to inform them of the impact of the expected capacity constraint on service conditions in that affected portion of the LDC’s system. NFG Distribution argues that to the extent

such information sharing is prohibited under NYISO's tariff, system reliability would not be improved and the goals of Order No. 787 would be thwarted, contrary to the Commission's intent. NFG Distribution also argues that the November 14, 2014 Order fails to address the fact that LDCs face codes of conduct, regulated by state commissions, restricting their ability to use, or potentially misuse, data, which further reduces the need for a blanket prohibition against any third-party communications.

17. NFG Distribution also argues that the Commission ignored NFG Distribution's proposal to revise section 12.4 of the OATT to permit communications that are designed to promote reliable service or operations by LDCs or intrastate pipelines to third party shippers and customers, including similarly situated affiliates, in response to communications from NYISO. NFG Distribution states that if such revision were put into effect, LDCs would not reveal the specific non-public NYISO operational information. NFG Distribution states that, rather, LDCs would be requesting or directing actions in response to the NYISO's communication.

18. NFG Distribution also argues the Commission erred in accepting NYISO's argument that NFG Distribution could choose not to accept non-public operational information from NYISO by electing not to execute an agreement with NYISO to accept such information. NFG Distribution contends that this position contradicts the fundamental purpose of Order No. 787 because it would compel an LDC to choose between declining information that would assist in improving reliability and risking inadvertently running afoul of the Commission's limitations on its use.

19. NFG Distribution states that if the Commission does not grant rehearing, it seeks clarification that the Commission would permit NFG Distribution and other LDCs to communicate its own operational information through an operational request to its gas suppliers or shippers, even when it is possible that its customers or operational counterparties might infer that the operational request by NFG Distribution is in response to NYISO's non-public operational information. NFG Distribution states that "it should be permissible to communicate only operational information regarding natural gas supply or transportation steps required to anticipate and/or prevent changes in natural gas operations to avoid reliability problems,...even if it is possible that its customers might conclude that the request was prompted by Order No. 787-type information (e.g., about the electric generator's likely activity level)."¹³

20. NFG Distribution asserts that LDCs and interstate natural gas pipelines are in substantially different positions in terms of how they can respond to operational information from an independent system operator (ISO) or regional transmission organization (RTO). NFG Distribution states that interstate pipelines have high pressure

¹³ NFG Distribution Request for Rehearing at 9-10.

transmission lines, significant line pack, compressors and in many cases storage fields, all of which more readily permit an interstate pipeline to use its own system resources to affect gas flows and respond to likely shifts in gas usage due to electric demand changes communicated under Order No. 787. In contrast, NFG Distribution states, an LDC typically cannot make operational changes by acting on ISO/RTO information using its own system resources. Instead, an LDC would typically need to communicate with its suppliers,¹⁴ its shippers and interconnected pipelines to ensure that supplies, at a sufficient pressure, will be available to serve the sections of its system where generators are located. NFG Distribution states that an LDC will often not be able to promote reliability of the natural gas or electric systems as intended by Order No. 787 without communicating with these third-party entities, at least as to gas needs, which may in turn infer at least in part the related electric load rationale.¹⁵

IV. Discussion

21. The Commission finds that NYISO's proposed tariff record complies with the November 14, 2014 Order and therefore, accepts the proposed tariff record, effective November 17, 2014, as requested. Further, as discussed below, we deny the request for rehearing and, in the alternative, clarification of NFG Distribution.

22. The Commission continues to find that NYISO's proposal to prohibit LDCs and intrastate pipelines from disclosing non-public operational information to third parties is just and reasonable. In Order No. 787, the Commission intentionally made the scope of the information which public utilities and interstate natural gas pipelines may share with one another very broad:

The Commission is intentionally permitting the communication of a broad range of non-public, operational information to provide flexibility to individual transmission operators, who have the most insight and

¹⁴ NFG Distribution notes that even in marshalling its own system supply resources to address an upcoming electric grid related reliability problem communicated from an ISO/RTO, it would very probably need to communicate with its Gas Supply Administration personnel because they are the business counter-parties to NFG Distribution's suppliers. NFG Distribution notes at least some of the Gas Supply Administration personnel might be considered to be engaged in "marketing" activities under the broad standard contemplated in the November 14 Order. *Id.* at 10, citing November 14, 2014 Order, 149 FERC ¶ 61,122 at P 23.

¹⁵ *Id.* at 10-11.

knowledge of their systems, to share that information which they deem necessary to promote reliable service on their system.¹⁶

The Commission found that the broad scope of non-public, operational information permitted to be shared under the Final Rule, and the potential competitive harm from its disclosure, warranted limiting the blanket authorization of the exchange of such information to interstate natural gas pipelines and public utilities, and prohibiting such recipients of non-public, operational information from subsequently disclosing that information to third parties or marketing function employees as defined in section 358.3(d) of the Commission's regulations (also known as the No-Conduit Rule).¹⁷

23. In Order No. 787, several commenters contended that the No-Conduit Rule was too restrictive and recommended that the Commission adopt various modifications, including exceptions to the third party restriction. The Commission denied those requests, stating the scope of information allowed to be shared under the Final Rule warranted the restrictions in the No-Conduit Rule, as proposed.¹⁸ The Commission also declined to require three-way communications between transmission operators and electric generators because it was concerned that such sharing could result in the transmission operators inadvertently sharing non-public, operational information with only that generator, which could be characterized as permitting a public utility or interstate pipeline to make or grant an undue preference.¹⁹

24. We continue to find that expanding NYISO's proposal to allow LDCs and intrastate pipelines to share non-public, operational information received from NYISO with third parties, including their large customers and electric generators, would be inconsistent with the requirements of Order No. 787. NYISO's proposal prohibiting such disclosures is reasonable and warranted given the broad scope of non-public, operational information permitted to be shared under Order No. 787 and the potential competitive harm from its inappropriate disclosure.

25. We also continue to find reasonable NYISO's proposal to allow LDCs and intrastate pipelines to share the non-public, operational information received from

¹⁶ Order No. FERC Stats. & Regs. ¶ 31,350 at P 41 (cross-referenced at 787, 145 FERC ¶ 61,134 at P 41).

¹⁷ See, e.g., Order No. 787, FERC Stats. & Regs. ¶ 31,350 at PP 56, 96 (cross-referenced at 145 FERC ¶ 61,134 at 56, 96).

¹⁸ *Id.* P 96.

¹⁹ *Id.* PP 115-116.

NYISO with the operating personnel of an affiliated interstate pipeline, but not the operating personnel of a non-affiliated interstate pipeline. While it may be just and reasonable for NYISO to propose to allow LDCs and intrastate pipelines to share non-public, operational information received from the NYISO with affiliated and non-affiliated interstate pipelines that agree to abide by the No-Conduit Rule, NYISO did not include that in its proposal. Order No. 787 is voluntary and does not require wider release of the information and we, therefore, find NYISO's proposal reasonable. Given the likelihood that certain affiliated interstate pipelines and LDC or intrastate pipelines share operational employees,²⁰ it is reasonable that NYISO would permit a LDC or intrastate pipeline to share the non-public, operational information it receives with its affiliated interstate pipeline.²¹ It is also reasonable that NYISO would elect, to the extent it wishes for an interstate pipeline to receive non-public, operational information NYISO has shared with an unaffiliated LDC or intrastate pipeline, to do so directly instead of through the LDC or intrastate pipeline.

26. As to NFG Distribution's arguments regarding its ability to respond to operational information, the November 14, 2014 Order explained that, under NYISO's proposal, NFG Distribution may share its own operational information with its customers or other interconnecting entities involved in ensuring the reliability of system operations.²² Moreover, nothing in NYISO's proposal forbids NFG Distribution, or any other LDC or intrastate pipeline, from communicating non-specific pipeline or LDC information, without revealing confidential operational information. It is unclear why NFG Distribution believes that its customers or operational counterparties would be able to infer that an operational request by NFG Distribution was in response to NYISO's non-

²⁰ See, e.g., *National Fuel Gas Supply Corp., et al.*, 147 FERC ¶ 61,214 (2014) (granting a limited waiver of Order No. 787 to permit shared employees in National Fuel Pipelines' natural gas dispatch center to receive non-public, operational information from a public utility pursuant to section 38.2 of the Commission's regulations and to share it with other shared employees in departments with National Fuel Gas Supply Corp. and Distribution employees that provide services to both the National Fuel Pipelines and NFG Distribution); *Enable*, 147 FERC ¶ 61,229.

²¹ As the Commission stated in Order No. 787, sections 4 and 5 of the Natural Gas Act prohibit the employees shared by the pipeline and its affiliates from granting any undue preference or advantage based on the information received pursuant to the waiver granted herein. See Order No. 787, FERC ¶ 31,350 at PP 32, 85 (cross-referenced at 145 FERC ¶ 61,134 at P 32, 85); *Kinder Morgan Pipelines*, 150 FERC ¶ 61,085, at n.13 (2015).

²² November 14, Order, 149 FERC ¶ 61,122 at P 27.

public, operational information, as opposed to any other non-NYISO operational or reliability issue. As long as NFG Distribution does not reveal the non-public, operational information shared by NYISO, NFG Distribution can request or direct its customers and operational counterparties to perform specific actions based on such information. We do not believe any further revisions or clarifications to NYISO's proposal are required.

27. Order No. 787 authorized the sharing of non-public, operational information between specific entities and subject to specific limitations (i.e., the No-Conduit Rule). Order No. 787 found that the nature and scope of information that may expressly be shared under the rule, including commercially sensitive, customer-specific information, warranted limiting the blanket authorization of the exchange of such information to interstate natural gas pipelines and public utilities that own, operate, or control facilities used for the transmission of electric energy in interstate commerce subject to the Commission's jurisdiction. The Commission recognized the significant role LDCs and other parties play in maintaining reliability of both interstate pipeline transportation systems and electric transmission systems, but declined to authorize in the rule the disclosure of non-public, operational information to LDCs, intrastate pipelines, or gatherers.²³ Instead, the Commission invited electric transmission operators needing to share non-public, operational information received from a pipeline pursuant to Order No. 787 with LDCs to develop and file with the Commission tariff provisions that establish acceptable procedures for the handling and protection from inappropriate disclosure or use of such information. The Commission also emphasized that the rule is voluntary and entities were free to not participate.²⁴

28. Consistent with Order No. 787, NYISO developed and filed a proposal which the Commission finds will contribute to the reliable operation of the transmission system, while ensuring that the non-public, operational information shared under NYISO's proposal remains confidential and is shared in a manner consistent with the prohibition against undue discrimination. We continue to recognize the significant role NFG Distribution and other LDCs and intrastate entities play in maintaining reliability of both interstate pipeline transportation systems and electric transmission systems; but, as in Order No. 787, we do not believe that such participation should risk the inappropriate disclosure or use of non-public, confidential information shared under NYISO's proposal. Accordingly, we deny the request for rehearing of NFG Distribution.

The Commission orders:

²³ Order No. 787, FERC Stats. & Regs. ¶ 31,350 at PP 56-57 (cross-referenced at 145 FERC ¶ 61,134 at PP 56-57).

²⁴ See, e.g., Order No. 787, FERC Stats. & Regs. ¶ 31,350 at PP 45, 124, 134 (cross-referenced at 145 FERC ¶ 61,134 at PP 45, 124, 134).

(A) NYISO's revisions to section 12.4 of its OATT filed in Docket No. ER14-2895-001 are hereby accepted, effective November 17, 2014, as discussed in the body of this order.

(B) NFG Distribution's request for rehearing, and alternatively, clarification is denied as discussed in the body of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.