

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on May 15, 2025

COMMISSIONERS PRESENT:

Rory M. Christian, Chair
James S. Alesi
David J. Valesky
John B. Maggiore
Uchenna S. Bright
Denise M. Sheehan, recusing
Radina R. Valova

CASE 15-E-0302 - Proceeding on Motion of the Commission to
Implement a Large-Scale Renewable Program and a
Clean Energy Standard.

ORDER APPROVING TIER 4 IMPLEMENTATION PLAN

(Issued and Effective May 16, 2025)

BY THE COMMISSION:

INTRODUCTION

On October 11, 2024, the New York State Energy Research and Development Authority (NYSERDA) filed a petition proposing a Clean Energy Standard (CES) Tier 4 Implementation Plan (Proposal or Tier 4 Plan), as required by the Public Service Commission's (Commission) CES Modifications Order.¹ The Proposal included a description of the Tier 4 compliance obligation calculations, process and structure of renewable energy certificate (REC) sales, as well as a Tier 4 standard

¹ Case 15-E-0302, Order Adopting Modifications to the Clean Energy Standard (issued October 15, 2020) (CES Modifications Order).

purchase agreement. By this Order, the Commission approves NYSERDA's Proposal, as discussed below.

BACKGROUND

The CES Modifications Order, among other things, added Tier 4 to the CES portfolio and directed NYSERDA to conduct a competitive solicitation for the procurement of Tier 4 RECs. The new Tier 4 will provide support for renewable energy projects that deliver energy into the New York State Independent System Operator, Inc. (NYISO) Zone J, which encompasses New York City. The intent of the new Tier 4 is to reduce New York City's reliance on fossil-fuel fired generation and is an important component in achieving the State's clean energy goals. The CES Modifications Order directed that each Load Serving Entity (LSE) purchase qualifying Tier 4 RECs in proportion to its overall share of statewide load. The Commission further directed NYSERDA to file an implementation plan for stakeholder comment that includes a description of the Tier 4 compliance obligation calculations, process and structure of the program, as well as a Tier 4 standard purchase agreement.

THE PETITION

Implementation of Tier 4 REC Voluntary Sales

NYSERDA proposes to offer Tier 4 RECs for sale to the voluntary market, which would help defray the cost of the Tier 4 program to New York ratepayers. NYSERDA is not proposing to implement an auction at this time, as referenced in the Tier 1 Transition Order.² Instead, NYSERDA is requesting to slightly deviate from this aspect of the Tier 1 Transition Order and proposes that the Tier 4 voluntary sale processes follow the

² Case 15-E-0302, Order Modifying Clean Energy Standard Tier 1 Obligations (issued April 20, 2023) (Tier 1 Transition Order).

Tier 1 REC voluntary sale process that was detailed in the Phase 5 Implementation Plan.³ According to the Proposal, this would provide consistency for entities interested in purchasing RECs from NYSERDA. Further, NYSERDA suggests that this approach may provide insight into the demand for Tier 4 RECs in the voluntary market. NYSERDA proposes that it evaluate, in consultation with Department of Public Service (DPS) Staff, the results of the first annual presale to determine if demand justifies moving to a more sophisticated auction process in the future. Tier 4 RECs would be offered at no less than NYSERDA's own net-levelized cost to procure, including a Commission-approved administrative adder. NYSERDA proposes a hybrid approach for the voluntary sale of RECs, including a long-term contracting option, an annual REC presale, and an annual REC resale.

Long-Term Contracting

As proposed, NYSERDA would have the option to enter into voluntary long-term contracts with creditworthy entities for the purchase of Tier 4 RECs. This option would be available for any party that express interest in entering into a long-term contract with NYSERDA. Under any voluntary long-term contract, participants would be required to purchase Tier 4 RECs at no less than the NYSERDA net-weighted average price plus any administrative adder. NYSERDA states that any revenue received from long-term contracts would reduce the total cost of the Tier 4 REC program to ratepayers.

Annual Voluntary Tier 4 REC Presale

NYSERDA proposes to offer an annual voluntary presale of Tier 4 RECs, covering a one-year period with a NYSERDA-projected number of Tier 4 RECs. The sale would occur before the compliance year (calendar year), thus offering voluntary

³ Case 15-E-0302, CES Phase 5 Implementation Plan (filed August 30, 2023).

purchasers an opportunity to secure REC purchases for the upcoming compliance year. Through this presale, NYSERDA would offer a percentage of the net expected Tier 4 REC inventory for the following compliance year for sale. The length of the presale period would be 14 days. NYSERDA would announce the quantity of Tier 4 RECs available for sale, the presale price, and presale process no later than July 15 each year through the end of the Tier 4 program. NYSERDA states that private businesses, such as commercial real estate companies, state entities, hospitals, universities, municipalities, and corporations and organizations such as non-profits with environmental, societal and governance goals, as well as load serving entities (LSEs), and Community Choice Aggregations (CCAs) would be eligible to participate in the proposed NYSERDA Tier 4 REC annual presales. NYSERDA asserts that this approach would mitigate Tier 4 costs to ratepayers by allowing the sale of RECs to be purchased by NYSERDA to private entities, thus reducing the total number of RECs that the LSEs are obligated to purchase. Consistent with the current approach utilized to inform the market of the sale of Tier 1 RECs, NYSERDA plans to hold informational sessions and webinars with specific details for potential purchasers prior to the proposed annual presale.

Regarding the REC inventory for any Tier 4 presale, NYSERDA proposes that the available inventory for the annual presales would be the total expected Tier 4 supply, minus the quantity needed to fulfill Tier 4 voluntary long-term purchase contracts, multiplied by an eligible sale percentage (less than 100%), to help ensure that NYSERDA has sufficient Tier 4 RECs to fulfill voluntary Tier 4 REC presale orders. NYSERDA proposes to work with DPS Staff to review the determination for the eligible sale percentage.

NYSERDA states that the voluntary Tier 4 REC presale price would be based on the projected net-weighted average cost of Tier 4 RECs after subtracting the voluntary long-term contract commitments, plus any Commission-approved administrative adder. NYSERDA requests flexibility to transition to an auction process in the future that could include a variable pricing option. NYSERDA states that it is in the best interest of ratepayers for it to have the ability to pursue a potential auction structure that could meet the needs of the market, maximize voluntary sales, and minimize ratepayer obligation necessary to achieve the State's climate goals. NYSERDA proposes that it would have the ability to implement a presale auction structure that would sell at or above NYSERDA's forecasted net-weighted average cost to procure RECs for the upcoming compliance year. The forecasted REC price would serve as an auction reserve price for blocks of RECs that voluntary purchasers may bid on for a designated period.

NYSERDA states that the actual weighted average cost of the Tier 4 RECs purchased by NYSERDA during the calendar year may differ from its presale projection. Any revenue or deficit stemming from the Voluntary Tier 4 REC presale would be included in the annual compliance reconciliation process.

NYSERDA proposes that it would announce to purchasers, on the NYSERDA website: (1) the timing of the voluntary presale; (2) the Tier 4 REC inventory for presale; (3) the presale reserve price; and (4) the potential minimum order quantity or block amounts. NYSERDA would use the New York State Generation Attribute Tracking System (NYGATS) to collect orders from purchasers. NYSERDA proposes not to limit nor guarantee a minimum number of Tier 4 RECs to purchasers. Purchases made during the presale would not offset individual LSEs' compliance obligations under the Tier 4 program. As proposed by NYSERDA,

if the demand for Tier 4 RECs is below the expected Voluntary Tier 4 Presale inventory, each purchaser would be allocated a quantity of RECs equal to their order quantity. However, if the order quantity is above the expected Tier 4 REC inventory, each purchaser would receive a pro-rata share of Tier 4 RECs based upon their total order quantity.

NYSERDA proposes that the invoices would be distributed within seven business days from the end of each presale period. If the full invoice amount funds are not transferred to NYSERDA according to the payment terms, NYSERDA would reserve the right to cancel the purchaser's order.

Annual Tier 4 REC Resale

NYSERDA states that there could be an additional demand for Tier 4 RECs from voluntary purchasers after the end of the calendar year and therefore requests the ability to hold a Voluntary Tier 4 REC resale at the end of each compliance year if there is a sufficient volume of Tier 4 RECs. For the Tier 4 resale, NYSERDA would price the RECs at the actual weighted average price incurred by NYSERDA plus any applicable administrative adder. NYSERDA proposes to use the same sale methodologies for resale as it will for presale, with one change. Specifically, NYSERDA would have the ability to design an auction process that would sell at or above NYSERDA's actual (rather than forecasted) net-weighted average cost to procure RECs for the compliance year and thereby minimize ratepayer impacts.

REC Transfers

NYSERDA proposes that the voluntary Tier 4 RECs would be transferred via NYGATS from NYSERDA to a voluntary purchaser's NYGATS account after the Tier compliance year is complete. This proposed process would occur for Tier 4 RECs under long-term contracts, annual presale purchases, and annual

resale purchases. Account holders would have 14 days to accept the pending transfer from NYSERDA per the NYGATS Operating Rules. NYSERDA states that NYGATS account holders, including voluntary purchasers, would be allowed to transfer voluntary Tier 4 RECs purchased from NYSERDA to other entities, but that consistent with other programs, Tier 4 RECs could not be transferred outside of NYGATS.

Implementation of Tier 4 Load Share Obligation

NYSERDA notes that the CES Modifications Order requires LSEs to purchase from NYSERDA their load share of the Tier 4 RECs purchased by NYSERDA annually. NYSERDA proposes that this process be based upon the "pay-as-you-go" model implemented by NYSERDA beginning with the Commission's approval of the Zero Emissions Credit (ZEC) Implementation Plan.⁴ Under the "pay-as-you-go" model, a uniform wholesale per megawatt hour (MWh) charge would be applied to each LSE's actual wholesale load to calculate its monthly Tier 4 obligation payments. NYSERDA states that LSEs would make payments to NYSERDA based on their load share, less any sales made through the voluntary sales process.

Special Participation

NYSERDA states that the New York Power Authority and Long Island Power Authority (LIPA) are voluntary participants in the CES. According to the Proposal, LIPA supports achievement of the CES goals through its own program and by participating in some NYSERDA-administered CES programs. NYSERDA represents that LIPA will participate in Tier 4 through established NYSERDA mechanisms.

⁴ Case 15-E-0302, Order Approving Zero-Emissions Credit Implementation Plan with Modifications (issued September 20, 2019) (ZEC Implementation Plan).

LSE CES Obligation and Reconciliation

NYSERDA states that the reconciliation for Tier 4 would be similar to the processes currently utilized for reconciliation of other CES tiers. NYSERDA proposes to calculate the Tier 4 REC obligation using a uniform wholesale per MWh charge applied to each LSE's actual wholesale load plus load modifiers, if applicable, to calculate their monthly Tier 4 REC obligation payments. NYSERDA proposes that it would determine, in collaboration with DPS Staff, the dollar per MWh charge owed by each LSE for the next compliance year of the Tier 4 program based on the wholesale load data NYSERDA receives from the NYISO.⁵ The Tier 4 REC Rate would be based on the total forecasted cost for NYSERDA to purchase Tier 4 RECs, including any administrative adder, and based on statewide forecasted load. NYSERDA states the "pay-as-you-go" methodology would utilize Version 1 of the total LSE load data, as settled by the NYISO each month, as the basis for each LSE's monthly payment to NYSERDA.⁶ An LSE's monthly Tier 4 payment obligation would be calculated by multiplying the LSE Tier 4 REC Rate by the number of MWh the LSE served using the NYISO Version 1 load data, and then multiplied by a Load Modifier Rate, if applicable. A final reconciliation would occur in June after the close of each year.

NYSERDA notes that the proposed cost component of the LSE Tier 4 REC Rate would be the cost for NYSERDA to procure Tier 4 RECs, plus any Commission-approved administrative adder, less any revenue made through the voluntary sale processes.

⁵ It should be noted that the LSE Tier 4 REC Rate is based on wholesale purchases and not retail sales; the wholesale rate would be adjusted to account for delivery losses that occur between the LSE's wholesale purchases from the NYISO and retails sales to customers.

⁶ NYISO Version 1 data is the initial monthly billing period data from the NYISO, typically 15 days after month end.

NYSERDA explains that Tier 4 RECs can vary in both quantity and price, which introduces a degree of uncertainty that may result in a variation between the forecasted Tier 4 REC price and the actual price NYSERDA pays for the Tier 4 RECs. NYSERDA proposes to review the Tier 4 REC cost estimates with DPS Staff to ensure concurrence and to minimize the variation between forecasted price and actual cost.

NYSERDA recognizes that a Tier 4 project could come online late in a calendar year, creating a partial compliance year. NYSERDA proposes that if a Tier 4 project comes online after October 1 of any given year, the cost to purchase any Tier 4 RECs generated in that year could be included in the calculation of the LSE Tier 4 REC Rate for the following year.

NYSERDA proposes to use a published forecast, such as that in Section 1 of the NYISO's Load and Capacity Data (Goldbook), as the basis of determining the statewide load component.⁷ NYSERDA notes each of the utilities and some municipal utilities have load modifiers that are added to their NYISO Version 2 reported data and could be used to adjust their monthly payments to NYSERDA. NYSERDA states that an annual load modifier rate, based on utility load modifier generation data from the previous year, would also be applied in this Proposal. In consultation with DPS Staff and NYSERDA, affected LSEs would calculate the load modifier rate prior to the start of each compliance year.

NYSERDA proposes that it would notify each LSE of the LSE Tier 4 REC Rate for the upcoming calendar/compliance year, as well as any load modifier adjustments and corresponding load modifier rate, if applicable, after it has been calculated by

⁷ See NYISO 2025 Load & Capacity Data (April 2025), available at: <https://www.nyiso.com/documents/20142/2226333/2025-Gold-Book-Public.pdf/088438e1-02f1-5316-211b-dbca17c01b4b>.

NYSERDA and DPS Staff. This notification would occur after Commission approval of any NYSERDA administrative adder for the compliance year, but at least by November 1 of each year. NYSERDA also proposes to publish the LSE Tier 4 REC Rate on the NYSERDA website.

As mentioned above, NYSERDA proposes that the Tier 4 obligation payment determination would utilize the "pay-as-you-go" payment methodology, which relies on an LSE's monthly wholesale load requirements for their retail customers. NYSERDA would utilize the NYISO's Version 1 of the total LSE load data as a basis for each LSE's monthly payment to NYSERDA. NYSERDA states that LSEs would submit their payments to NYSERDA within 15 days from the issuance of an invoice, following NYSERDA's receipt of monthly load data from the NYISO.

Regarding a reconciliation process, NYSERDA proposes that the process would occur after the Tier 4 compliance year ends on December 31 each year. NYSERDA would offset the total financial obligation to Tier 4 contracted suppliers with any Tier 4 long-term contract revenue, as well as any Tier 4 annual presale or resale revenue, to determine the net LSE financial obligation. NYSERDA proposes to reconcile the funds collected from each LSE to the net LSE financial obligation necessary to meet their requirement based on the NYISO's Version 2 load data that would be adjusted by load modifiers. NYSERDA states that this reconciliation would account for the actual adjusted statewide load, the actual number of Tier 4 RECs purchased by NYSERDA, the actual price paid by NYSERDA for those Tier 4 RECs, and any Tier 4 revenue from the long-term or annual voluntary sales. NYGATS account holders, including LSEs, would not be allowed to transfer Tier 4 RECs transferred from NYSERDA for compliance purposes as a result of the reconciliation process.

NOTICE OF PROPOSED RULEMAKING

Pursuant to the State Administrative Procedure Act (SAPA) §202(1), a Notice of Proposed Rulemaking (Notice) was published in the State Register on January 8, 2025 [SAPA No. 15-E-0302SP68]. The time for submission of comments pursuant to the Notice expired on March 10, 2025. No comments were received.

LEGAL AUTHORITY

The Commission's authority derives from the Public Service Law (PSL), through which numerous legislative powers are delegated to the Commission. Pursuant to PSL §5(1), the "jurisdiction, supervision, powers and duties" of the Commission extend to the "manufacture, conveying, transportation, sale or distribution of ... electricity." PSL §5(2) requires the Commission to "encourage all persons and corporations subject to its jurisdiction to formulate and carryout long-range programs, individually or cooperatively, for the performance of their public service responsibilities with economy, efficiency, and care for the public safety, the preservation of environmental values and the conservation of natural resources." PSL §66(2) provides that the Commission shall "examine or investigate the methods employed by [] persons, corporations and municipalities in manufacturing, distributing and supplying ... electricity ... and have power to order such reasonable improvements as well as promote the public interest, preserve the public health and protect those using such gas or electricity"

PSL §4(1) also expressly provides the Commission with "all powers necessary or proper to enable [the Commission] to carry out the purposes of [the PSL]" including, without limitation, a guarantee to the public of safe and adequate

service at just and reasonable rates,⁸ environmental stewardship, and the conservation of resources.⁹ Further, PSL §65 provides the Commission with authority to ensure that "every electric corporation and every municipality shall furnish and provide such service, instrumentalities and facilities as shall be safe and adequate and in all respects just and reasonable." The Commission also has authority to prescribe the "safe, efficient and adequate property, equipment and appliances thereafter to be used, maintained and operated for the security and accommodation of the public" whenever the Commission determines that the utility's existing equipment is "unsafe, inefficient or inadequate."¹⁰

The Climate Leadership and Community Protection Act amended the PSL by adding PSL §66-p(2), which directs the Commission to "establish a program to require that: (a) a minimum of seventy percent of the state wide electric generation secured by jurisdictional load serving entities to meet the electrical energy requirements of all end-use customers in New York state in two thousand thirty shall be generated by renewable energy systems; and (b) that by the year two thousand forty (collectively, the 'targets') the statewide electrical demand system will be zero emissions." In establishing such program, PSL §66-p(2) requires the Commission to "consider and where applicable formulate the program to address impacts of the

⁸ See International R. Co. v Public Service Com., 264 A.D. 506, 510 (1942).

⁹ PSL §5(2); see also Consolidated Edison Co. v. PSC, 47 N.Y.2d 94 (1979) (overturned on other grounds) (describing the broad delegation of authority to the Commission and the Legislature's unqualified recognition of the importance of environmental stewardship and resource conservation in amending the PSL to include §5).

¹⁰ PSL §66(5).

program on safe and adequate electric service in the state under reasonably foreseeable conditions. The commission may, in designing the program, modify the obligations of jurisdictional load serving entities and/or the targets upon consideration of the factors described in this subdivision." In addition to the PSL, the New York State Energy Law §6-104(5)(b) requires that "[a]ny energy-related action or decision of a state agency, board, commission or authority shall be reasonably consistent with the forecasts and the policies and long-range energy planning objectives and strategies contained in the plan, including its most recent update."

DISCUSSION AND CONCLUSION

The CES Modifications Order, among other actions, added Tier 4 to the CES portfolio and directed NYSERDA to file an implementation plan for stakeholder comment and ultimate Commission approval. Tier 4 RECs are required to be delivered directly to New York City, which is located in NYISO Zone J. The proposed Tier 4 Plan provides consistency for entities seeking to purchase RECs from NYSERDA, while minimizing ratepayer impacts, and is therefore approved.

NYSERDA's proposed Tier 4 compliance process and structure is in alignment with the Tier 1 REC Voluntary Sale framework that utilizes an annual voluntary presale, an annual voluntary resale, and a voluntary long-term contracting option. The annual Tier 4 REC presale will occur prior to the compliance year and will cover a one-year period including the Tier 4 RECs NYSERDA projects to have available for presale. NYSERDA will announce the quantity of Tier 4 RECs available for the presale, the presale price, and presale process no later than July 15 of each year through the end of the Tier 4 program. The Tier 4 REC presale eligibility will maximize participation by including a

wide range of entities, such as private businesses, state entities, hospitals, universities, municipalities, and corporations and organizations such as non-profits with societal and governance goals, as well as LSEs and CCAs. This presale structure will offer an opportunity for purchasers to secure REC purchases for the upcoming compliance year, in the same manner that is done with the voluntary sale of Tier 1 RECs.

NYSERDA completed its first voluntary REC presale of Tier 1 RECs for the 2025 compliance year, which resulted in 58,500 RECs sold, reducing LSE Tier 1 REC compliance obligation and effectively reducing the cost to ratepayers by approximately \$1.5 million.¹¹ Notably, the State University of New York (SUNY) at Oneonta has become the first SUNY University to purchase Tier 1 RECs from NYSERDA's voluntary sales program, advancing the university's progress towards its goal of carbon neutrality by 2045. SUNY Oneonta is a perfect example of how the voluntary presale is working to reach entities with interest in reducing their carbon footprint, while at the same time reducing the costs borne by ratepayers. We expect the voluntary presale process for Tier 1 and now Tier 4 to become increasingly attractive options as more private entities focus on buying renewable energy attributes. The Tier 4 presale process is to be conducted in unison with the Tier 1 presale and will provide consistency for entities seeking to purchase RECs from NYSERDA, and in turn, increase familiarity and potentially overall participation in voluntary REC sales. NYSERDA and DPS Staff shall review the results of the first annual Voluntary Presale

¹¹ See 2025 Voluntary Sales reporting, available at:<https://www.nyserra.ny.gov/All-Programs/Clean-Energy-Standard/Voluntary-REC-Sales/Tier-1-REC-Voluntary-Sale/2025-Voluntary-Sales>.

to determine if demand justifies moving to a more sophisticated auction process.

The Proposal's annual Tier 4 resale will be held if there is additional sufficient demand for Tier 4 RECs from voluntary purchasers after the end of the calendar year and prior to the close of the compliance year on June 30. The resale methodology will follow the same process as the presale, but will be designed such that NYSERDA will have the ability to sell Tier 4 RECs at, or above, NYSERDA's actual (rather than forecasted) net-weighted average cost to procure RECs for the compliance year. The Commission finds this annual voluntary resale framework will minimize ratepayer impacts by further reducing the required Tier 4 REC obligation upon LSEs. NYSERDA will coordinate with DPS Staff before initiating any such voluntary resales.

For those that desire an alternative to the Tier 4 REC presales and resales, a long-term contracting option will be available. Parties entering into long-term agreements with NYSERDA are required to purchase Tier 4 RECs at no less than the NYSERDA net-weighted average price plus any administrative adder approved by the Commission for that compliance year. For reconciliation purposes, any revenue received from such long-term contracts would be recognized as long-term contract revenue, effectively reducing the total cost of the Tier 4 REC program to ratepayers.

NYSERDA proposes that it would determine, in collaboration with DPS Staff, the dollar per MWh charge owed by each LSE (the REC Rate) for the next compliance year of the Tier 4 program based on the wholesale load data NYSERDA receives from the NYISO. The cost component of the REC Rate will be based on the total forecasted cost for NYSERDA to purchase Tier 4 RECs, including any administrative adder, and the load component of

the REC Rate will be based on statewide forecasted load.¹² We note that this approach is similar to the Tier 1 Transition plan that was approved in the Phase 5 Implementation Plan, in which the forecasted statewide electric load is an estimate by NYSERDA and DPS Staff based on information from the NYISO's Goldbook, as referenced above. In addition, the LSE monthly Tier 4 payment obligation will also be similar to Tier 1, in which an LSE's monthly Tier 4 payment obligation would be calculated based on monthly Version 1 total LSE load data, as settled by the NYISO.¹³ Furthermore, the load modifier rate, used within the LSE Tier 4 monthly payment obligation, is a component of the Commission-approved ZEC Implementation plan, and is based on the NYISO Version 2 data, and load modifier generation data from the previous year. The Commission recognizes this methodology of calculating the Tier 4 REC Rate and LSE payment obligation is consistent with other tiers of the CES portfolio, which will provide transparency to the affected industry, and a smooth pathway for the implementation of the Tier 4 program. These processes are thus adopted.

The Commission therefore approves the Tier 4 Implementation Plan filed by NYSERDA. The Tier 4 Plan proposal utilizes processes similar to the Tier 1 sale processes and will be conducted in unison to reduce administrative and development costs. The Tier 4 compliance obligation and voluntary sale process shall take effect for the 2026 CES Compliance year. The Commission directs NYSERDA to file the final Tier 4

¹² LSE Tier 4 REC Rate = (NYSERDA's estimated total cost to procure Tier 4 RECs - Long-Term Contract Revenue - Tier 4 Annual Presale Revenue) / Forecasted statewide electric load.

¹³ LSE Tier 4 monthly payment obligation = (LSE Tier 4 REC Rate) x (LSE's Version 1 MWh) x (Load Modifier Rate).

Implementation Plan within 30 days of the effective date of this order.

The Commission orders:

1. The Clean Energy Standard Tier 4 Implementation Plan proposal submitted by New York State Energy Research and Development Authority is approved, as discussed in the body of this Order.

2. The New York State Energy Research and Development Authority shall file the final Tier 4 Implementation Plan within 30 days of the effective date of this Order.

3. In the Secretary's sole discretion, the deadlines set forth in this Order may be extended. Any request for an extension must be in writing, must include a justification for the extension, and must be filed at least three days prior to the affected deadline.

4. This proceeding is continued.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS
Secretary