

ARTICLE 1

INTRODUCTION AND PURPOSE

The New York Independent System Operator Market Administration and Control Area Services Tariff (the “ISO Services Tariff” or the “Tariff”) sets forth the provisions applicable to the services provided by the ISO related to its administration of competitive markets for the sale and purchase of Energy and Capacity and for the payments to Suppliers who provide Ancillary Services to the ISO in the ISO Administered Markets (“Market Services”) and the ISO’s provision of Control Area Services (“Control Area Services”), including services related to ensuring the reliable operation of the NYS Power System. The Tariff addresses the Market Services and the Control Area Services provided by the New York ISO, and the terms and conditions under which those services are provided. Market Services are addressed in Article 4 of the Tariff, and Control Area Services are addressed in Article 5 of the Tariff. Transmission Service is provided under the ISO’s Open Access Transmission Tariff (the “ISO OATT”). All references to Sections, Schedules and Attachments, unless otherwise noted, are references to the ISO Services Tariff.

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ARTICLE 2

DEFINITIONS

2.0 Definitions

The following definitions are applicable to the ISO Services Tariff:

2.1 Actual Energy Injections

Energy injections which are measured using a revenue-quality real-time meter.

2.1.1 Actual Energy Withdrawals

Energy withdrawals which are either: (1) measured with a revenue-quality real-time meter; (2) assessed (in the case of Load Serving Entities ("LSEs") serving retail customers where withdrawals are not measured by revenue-quality real-time meters) on the basis provided for in a Transmission Owner's retail access program; or (3) calculated (in the case of wholesale customers where withdrawals are not measured by revenue-quality real-time meters), until such time as revenue - quality real-time metering is available on a basis agreed upon by the unmetered wholesale customers.

2.1.2 Advance Reservation

(1) A reservation of transmission service over the Cross-Sound Scheduled Line that is obtained in accordance with the applicable terms of Schedule 18 and the Schedule 18 Implementation Rule of the ISO New England Inc. Transmission, Markets and Services Tariff, or in accordance with any successors thereto; or

(2) A right to schedule transmission service over the Neptune Scheduled Line that is

obtained in accordance with the rules and procedures established pursuant to Section 38 of the PJM Interconnection, L.L.C. Open Access Transmission Tariff and set forth in a separate service schedule under the PJM Interconnection, L.L.C. Open Access Transmission Tariff; or

(3) A right to schedule transmission service over the Linden VFT Scheduled Line that is obtained in accordance with the rules and procedures established pursuant to Section 38 of the PJM Interconnection, L.L.C. Open Access Transmission Tariff and set forth in a separate service schedule under the PJM Interconnection, L.L.C. Open Access Transmission Tariff.

2.2 Adverse Conditions

Those conditions of the natural or man-made environment that threaten the adequate reliability of the NYS Power System, including, but not limited to, thunderstorms, hurricanes, tornadoes, solar magnetic flares and terrorist activities.

2.2a Adjusted Actual Load

Actual Load adjusted to reflect: (i) Load relief measures such as voltage reduction and Load Shedding; (ii) Load reductions provided by Demand Side Resources; (iii) normalized design weather conditions; (iv) Station Power delivered that is not being self supplied pursuant to Section 4.24 of the ISO Services Tariff; and (v) adjustments for Special Case Resources and EDRP.

2.3 Affiliate

With respect to a person or entity, any individual, corporation, partnership, firm, joint venture, association, joint-stock company, trust or unincorporated organization, directly or indirectly controlling, controlled by, or under common control with, such person or entity. The term “Control” shall mean the possession, directly or indirectly, of the power to direct the management or policies of a person or an entity. A voting interest of ten percent or more shall create a rebuttable presumption of control.

2.4 Ancillary Services

Services necessary to support the transmission of Energy from Generators to Loads, while maintaining reliable operation of the NYS Power System in accordance with Good Utility Practice and Reliability Rules. Ancillary Services include Scheduling, System Control and Dispatch Service; Reactive Supply and Voltage Support Service (or “Voltage Support Service”); Regulation Service; Energy Imbalance

Service; Operating Reserve Service (including Spinning Reserve, 10-Minute Non-Synchronized Reserves and 30-Minute Reserves); and Black Start Capability.

2.5 Application

A request to provide or receive service pursuant to the provisions of the ISO Services Tariff, that includes all information reasonably requested by the ISO.

2.5a Reserved for future use.

2.5b Reserved for future use.

2.5c Reserved for future use.

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2.6 Automatic Generation Control (“AGC”)

The automatic regulation of the power output of electric Generators within a prescribed range in response to a change in system frequency, or tie-line loading, to maintain system frequency or scheduled interchange with other areas within predetermined limits.

2.7 Available Generating Capacity

Generating Capacity that is on line to serve Load and/or provide Ancillary Services, or is capable of initiating start-up for the purpose of serving Transmission Customers or providing Ancillary Services, within thirty (30) minutes.

2.7a Available Reserves

For purposes of determining the Real-Time Locational Based Marginal Price in any Real-Time Dispatch interval: the capability of all Suppliers that submit Incremental Energy Bids to provide Spinning Reserves, Non-Synchronized 10-Minute Reserves, and 30-Minute Reserves in that interval and in the relevant location, and the quantity of recallable External ICAP Energy sales in that interval.

2.8 Availability

A measure of time that a Generator, transmission line or other facility is or was capable of providing service, whether or not it actually is in-service.

2.9 Back-Up Operation

The procedures for operating the NYCA in a safe and reliable manner when the ISO's normal communication or computer systems are not fully functional as set forth in Section 5.3 of this ISO Services Tariff and Article 10A.0 of the ISO OATT.

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First Revised Sheet No. 26
Superseding Original Sheet No. 26

[Reserved for future use.]

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2.10 Reserved for future use.

2.11 Base Point Signals

Electronic signals sent from the ISO and ultimately received by Generators or Demand Side Resources specifying the scheduled MW output for the Generator. Real-Time Dispatch (“RTD”) Base Point Signals are typically sent to Generators or Demand Side Resources on a nominal five (5) minute basis. AGC Base Point Signals are typically sent to Generators or Demand Side Resources on a nominal six (6) second basis.

2.11a Basis Amount

The greatest amount owed to the ISO for purchases of Energy and Ancillary Services in any month during the Prior Equivalent Capability Period, as adjusted by the ISO to reflect material changes in the extent of the Customer’s participation in the ISO-administered Energy and Ancillary Services Markets.

2.11b Basis Month

The month during the Prior Equivalent Capability Period in which the amount owed by the Customer for Energy and Ancillary Services was greatest.

2.12 Bid/Post System

An electronic information system used to allow the posting of proposed transmission schedules and Bids for Energy and Ancillary Services by Market Participants for use by the ISO and to allow the ISO to post LBMPs and schedules.

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2.13 Bid

Offer to purchase and/or sell Energy, Demand Reductions, Transmission Congestion Contracts and/or Ancillary Services at a specified price that is duly submitted to the ISO pursuant to ISO Procedures.

2.13a Reserved

2.14 Bid Price

The price at which the Customer offering the Bid is willing to provide the product or service, or is willing to pay to receive such product or service, as applicable.

2.15 Bid Production Cost

Total cost of the Generators required to meet Load and reliability Constraints based upon Bids corresponding to the usual measures of Generator production cost (e.g., running cost, Minimum Generation Bid, and Start-Up Bid).

2.15a Bidder

An entity that bids to purchase Unforced Capacity in an Installed Capacity auction.

2.15b Bidding Requirement

The credit requirement for bidding in certain ISO-administered auctions, calculated in accordance with Section III.C. of Attachment K to this Services Tariff.

2.16 Bilateral Transaction

A Transaction between two or more parties for the purchase and/or sale of Capacity, Energy, and/or Ancillary Services other than those in the ISO Administered Markets.

2.17 Capability Period

Six-month periods which are established as follows: (i) from May 1 through October 31 of each year (“Summer Capability Period”); and (ii) from November 1 of each year through April 30 of the following year (“Winter Capability Period”).

2.17a Capability Period Auction

An auction conducted no later than thirty (30) days prior to the start of each Capability Period in which Unforced Capacity may be purchased and sold in a six-month strip.

2.17b Capability Year

A Summer Capability Period, followed by a Winter Capability Period (*i.e.*, May 1 through April 30).

2.18 Capacity

The capability to generate or transmit electrical power, or the ability to control demand at the direction of the ISO, measured in megawatts (“MW”).

2.18a Capacity Limited Resource

A Resource that is constrained in its ability to supply Energy above its Normal Upper Operating Limit by operational or plant configuration characteristics. Capacity Limited Resources must register their Capacity limiting characteristics with, and justify them to, the ISO consistent with ISO Procedures. Capacity Limited Resources may submit a schedule indicating that their Normal Upper Operating Limit is a function depending on one or more variables, such as temperature or pondage levels, in which case the Normal Upper Operating Limit applicable at any time shall be determined by reference to that schedule.

2.18b Capacity Reservation Cap:

The maximum percentage of transmission Capacity from a Transmission Owner's sets of ETCNL that may be converted into ETCNL TCCs or the maximum percentage of a Transmission Owner's RCRRs that may be converted into RCRR TCCs, as the case may be, as established by the ISO pursuant to Section 5.3 of Part IV of Attachment B.

2.18c CARL Data

Control Area Resource and Load ("CARL") data submitted by Control Area System Resources to the ISO.

2.19 Centralized Transmission Congestion Contracts ("TCC") Auction ("Auction")

The process by which TCCs are released for sale for the Centralized TCC Auction period, through a bidding process administered by the ISO or an auctioneer.

2.20 Reserved for future use

2.21 Reserved for future use.

2.22 Code of Conduct

The rules, procedures and restrictions concerning the conduct of the ISO directors and employees, contained in Attachment F to the ISO Open Access Transmission Tariff.

2.23 Commission (“FERC”)

The Federal Energy Regulatory Commission, or any successor agency.

2.23a Compensable Overgeneration

A quantity of Energy injected over a given RTD interval in which it has offered Energy:

i) by a Supplier; or ii) by an Intermittent Power Resource depending on wind as its fuel for which the ISO has imposed a Wind Output Limit after October 31, 2009 in the given RTD interval, that exceeds the Real-Time Scheduled Energy Injection established by the ISO for that Supplier and for which the Supplier may be paid pursuant to ISO Procedures, provided that the excess Energy injection does not exceed the Supplier’s Real-Time Scheduled Energy Injection over that interval, plus a tolerance. The tolerance shall initially be set at 3% of a given Supplier’s Normal Upper Operating Limit and may be modified by the ISO if necessary to maintain good Control Performance.

For Generators operating in Start-Up or Shutdown Periods, or Testing Periods, and for Intermittent Power Resources not described in subsection 2.23a(ii) that depend on wind as their fuel and Limited Control Run of River Hydro Resources, not bidding in a manner that indicates they are available to provide Regulation Service or Operating Reserves, that were in operation on or before November 18, 1999 within the NYCA, plus an additional 3,300 MW of such

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Resources, and for Intermittent Power Resources that depend on solar energy or landfill gas for their fuel and that are not bidding in a manner that indicates they are available to provide Regulation Service or Operating Reserves, Compensable Overgeneration shall mean that

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quantity of Energy injected by a Generator, over a given RTD interval in which it has offered Energy, that exceeds the Real-Time Scheduled Energy Injection established by the ISO for that Generator and for which the Generator may be paid pursuant to ISO Procedures.

For a Generator comprised of a group of generating units at a single location, which grouped generating units are separately committed and dispatched by the ISO, and for which Energy injections are measured at a single location, Compensable Overgeneration shall mean that quantity of Energy injected by the Generator, during the period when one of its grouped generating units is operating in a Start-Up or Shutdown Period, that exceeds the Real-Time Scheduled Energy Injection established by the ISO for that period, for that Generator, and for which the Generator may be paid pursuant to ISO Procedures.

2.24 Completed Application

An Application that satisfies all of the information and other requirements for service under the ISO Services Tariff.

2.25 Confidential Information

Information and/or data that has been designated by a Customer to be proprietary and confidential, provided that such designation is consistent with the ISO Procedures, the ISO Services Tariff, and the ISO Code of Conduct.

2.26 Congestion

A characteristic of the transmission system produced by a constraint on the optimum economic operation of the power system, such that the marginal price of Energy to serve the next increment of Load, exclusive of losses, at different locations on the transmission system is unequal.

2.27 Congestion Component

The component of the LBMP measured at a location or the Transmission Usage Charge between two locations that is attributable to the cost of transmission Congestion.

2.28 Congestion Rent

The opportunity costs of transmission Constraints on the NYS Transmission System. Congestion Rents are collected by the ISO from Loads through its facilitation of LBMP Market Transactions and the collection of Transmission Usage Charges from Bilateral Transactions.

2.29 Congestion Rent Shortfall

A condition in which the Congestion Rent revenue collected by the ISO in the Day-Ahead Market for Energy is less than the amount of Congestion Rent revenue in the Day-Ahead Market for Energy that the ISO is obligated under the ISO OATT to pay out to the Primary Holders of TCCs.

2.29a Reserved for future use.

2.29b Reserved for future use

2.30 Constraint

An upper or lower limit placed on a variable or set of variables that are used by the ISO in its SCUC, RTC, or RTD programs to control and/or facilitate the operation of the NYS Transmission System.

2.30a Reserved for future use

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2.31 Contingency

An actual or potential unexpected failure or outage of a system component, such as a Generator, transmission line, circuit breaker, switch or other electrical element. A Contingency also may include multiple components, which are related by situations leading to simultaneous component outages.

2.32 Control Area

An electric system or combination of electric power systems to which a common Automatic Generation Control scheme is applied in order to: (1) match, at all times, the power output of the Generators within the electric power system(s) and Capacity and Energy purchased from entities outside the electric power system(s), with the Load within the electric power system(s); (2) maintain scheduled interchange with other Control Areas, within the limits of Good Utility Practice; (3) maintain the frequency of the electric power system(s) within reasonable limits in accordance with Good Utility Practice; and (4) provide sufficient Capacity to maintain Operating Reserves in accordance with Good Utility Practice.

2.32a Control Area System Resource

A set of Resources owned or controlled by an entity within a Control Area that also is the operator of such Control Area. Entities supplying Unforced Capacity using Control Area System Resources will not designate particular Resources as the suppliers of Unforced Capacity.

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2.32b Control Performance

A standard for measuring the degree to which a Control Area is providing Regulation Service in conformance with NERC requirements.

2.32c Controllable Transmission

Any Transmission facility over which power-flow can be directly controlled by power-flow control devices without having to re-dispatch generation.

2.32d Credit Assessment

An assessment of a Customer's creditworthiness, conducted by the ISO in accordance with Section IV.C. of Attachment K to this Services Tariff.

2.32e Cross-Sound Scheduled Line

A transmission facility that interconnects the NYCA to the New England Control Area at Shoreham, New York and terminates near New Haven, Connecticut.

2.33 Curtailment or Curtail

A reduction in Firm or Non-Firm Transmission Service in response to a transmission Capacity shortage as a result of system reliability conditions.

2.33a Curtailment Customer Aggregator

A Curtailment Services Provider that produces real-time verified reductions in NYCA load of at least 100 kW through contracts with retail end-users. The procedure for qualifying as a Curtailment Customer Aggregator is set forth in ISO procedures.

2.33a.1 Curtailment Initiation Cost

The fixed payment, separate from a variable Demand Reduction Bid, required by a qualified Demand Reduction Provider in order to cover the cost of reducing demand.

2.33b Curtailment Services Provider

A qualified entity that can produce real-time, verified reductions in NYCA Load of at least 100 kW in a single Load Zone, pursuant to the Emergency Demand Response Program and related ISO procedures. The procedure for qualifying as a Curtailment Services Provider is set forth in Section III below and in ISO Procedures.

2.33c Curtailment Services Provider Capacity

Capacity from a Demand Side Resource nominated by a Curtailment Services Provider for participation in the Emergency Demand Response Program.

2.34 Customer

An entity which has complied with the requirements contained in the ISO Services Tariff, including having signed a Service Agreement, and is qualified to utilize the Market Services and the Control Area Services provided by the ISO under the ISO Services Tariff; provided, however, that a party taking services under the Tariff pursuant to an unsigned Service Agreement filed with the Commission by the ISO shall be deemed a Customer.

2.34a DADRP Component

The credit requirement for a Demand Reduction Provider to bid into the Day-Ahead Market, and a component of the Operating Requirement, calculated in accordance with Section III.B. of Attachment K to this Services Tariff.

2.35 Day-Ahead

Nominally, the twenty-four (24) hour period directly preceding the Dispatch Day, except when this period may be extended by the ISO to accommodate weekends and holidays.

2.36 Day-Ahead LBMP

The LBMPs calculated based upon the ISO's Day-Ahead Security Constrained Unit Commitment process.

2.36a Day-Ahead Margin

That portion of Day-Ahead LBMP, Operating Reserves settlement or Regulation Service settlement for an hour that represents the difference between the Supplier's accepted offer price and the Day-Ahead LBMP, Operating Reserves settlement or Regulation Service settlement for that hour.

2.36b Day-Ahead Margin Assurance Payment

A supplemental payment made to an eligible Supplier that buys out of a Day-Ahead Energy, Regulation Service, or Operating Reserves schedule in a manner that reduces its Day-Ahead Margin. Rules for calculating these payments, and for determining Suppliers' eligibility to receive them, are set forth in Attachment J to this ISO Services Tariff.

2.37 Day-Ahead Market

The ISO Administered Market in which Capacity, Energy and/or Ancillary Services are scheduled and sold Day-Ahead consisting of the Day-Ahead scheduling process, price calculations and Settlements.

2.37a Day-Ahead Reliability Unit

A Day-Ahead committed Resource which would not have been committed but for the commitment request by a Transmission Owner in order to meet the reliability needs of the Transmission Owner's local system which request was made known to the ISO prior to the close of the Day-Ahead Market.

2.38 Decremental Bid

A monotonically increasing Bid curve provided by an entity engaged in a Bilateral Import or Internal Transaction to indicate the LBMP below which that entity is willing to reduce its Generator's

output, and purchase Energy in the LBMP Markets, or by an entity engaged in a Bilateral Wheel Through Transaction to indicate the Congestion Component cost below which that entity is willing to accept Transmission Service.

2.38a Demand Reduction

A quantity of reduced electricity demand from a Demand Side Resource that is bid, produced, purchased or sold over a period of time and measured or calculated in Megawatt hours. Demand Reductions offered by a Demand Side Resource as Energy in the LBMP Markets may only be offered in the Day-Ahead Market, and shall be offered only by a Demand Reduction Provider. The same Demand Reduction may not be offered by a Demand Reduction Provider and by a customer as Operating Reserves or Regulation Service.

2.38b Demand Reduction Aggregator

A Demand Reduction Provider, qualified pursuant to ISO Procedures, that bids Demand Side Resources of at least 1 MW through contracts with Demand Side Resources and is not a Load Serving Entity.

2.38c Demand Reduction Incentive Payment

A payment to Demand Reduction Providers that are scheduled to make Day-Ahead Demand Reductions that are not supplied by a Local Generator. The payment shall be equal to the product of: (a) the Day-Ahead hourly LBMP at the applicable Demand Reduction bus; and (b) the lesser of the actual hourly Demand Reduction or the Day-Ahead scheduled hourly Demand Reduction in MW.

2.38d Demand Reduction Provider

A Customer that is eligible, pursuant to the relevant ISO Procedures, to bid Demand Side Resources of at least 1 MW as Energy into the Day-Ahead Market. A Demand Reduction Provider can be (i) a Load Serving Entity or (ii) a Demand Reduction Aggregator.

2.39 Demand Side Resources

A Resource located in the NYCA that is capable of controlling demand in a responsive, measurable and verifiable manner within time limits, and that is qualified to participate in competitive Energy, Capacity, Operating Reserves or Regulation Service markets, or in the Emergency Demand Response Program pursuant to this ISO Services Tariff and the ISO Procedures.

2.39a Dennison Scheduled Line

A transmission facility that interconnects the NYCA to the Hydro Quebec Control Area at the Dennison substation, located near Massena, New York and extends through the province of Ontario, Canada (near the City of Cornwall) to the Cedars substation in Quebec, Canada.

2.40 Dependable Maximum Net Capability (“DMNC”)

The sustained maximum net output of a Generator, as demonstrated by the performance of a test or through actual operation, averaged over a continuous time period as defined in the ISO Procedures.

2.41 Desired Net Interchange (“DNI”)

A mechanism used to set and maintain the desired Energy interchange (or transfer) between two Control Areas; it is scheduled ahead of time and can be changed only manually in real-time.

2.42 Direct Sale

The sale of TCCs directly to a buyer by the Primary Owner through a non-discriminatory auditable sale conducted on the ISO’s OASIS, in compliance with the requirements and restrictions set forth in Commission Order Nos. 888 et seq. and 889 et seq.

2.43 Dispatchable

A bidding mode in which Generators or Demand Side Resources indicate that they are willing to respond to real-time control from the ISO. Dispatchable Generators may be either ISO-Committed Flexible or Self-Committed Flexible. Dispatchable Demand Side Resources must be ISO-Committed Flexible. Dispatchable Resources that are not providing Regulation Service will follow five-minute RTD Base Point Signals. Dispatchable Resources that are providing Regulation Service will follow six-second AGC Base Point Signals.

2.44 Dispatch Day

The twenty-four (24) hour period commencing at the beginning of each day (0000 hour).

2.45 Dispute Resolution Administrator (“DRA”)

An individual hired by the ISO to administer the Dispute Resolution Process established in the ISO Tariffs and ISO Agreement.

2.46 Dispute Resolution Process (“DRP”)

The procedures: (1) described in the ISO Tariffs and the ISO Agreement that are used to resolve disputes between Market Participants and the ISO involving services provided under the ISO Tariffs (excluding applications for rate changes or other changes to the ISO Tariffs or rules

relating to such services); and (2) described in the ISO/NYSRC Agreement that are used to resolve disputes between the ISO and NYSRC involving the implementation and/or application of the Reliability Rules.

2.46a DMNC Test Period

The period within a Capability Period during which a Resource required to do so pursuant to ISO procedures shall conduct a DMNC test if that DMNC test is to be valid for

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purposes of determining the amount of Installed Capacity used to calculate the Unforced Capacity that this Resource is permitted to supply to the NYCA. Such periods will be established pursuant to the ISO Procedures.

2.46a.1 DSASP Component

The credit requirement for a Demand Side Resource to offer Ancillary Services, and a component of the Operating Requirement, calculated in accordance with Section III.B. of Attachment K to this Services Tariff.

2.46b East of Central-East

An electrical area comprised of Load Zones F, G, H, I, J, and K, as identified in the ISO Procedures.

2.46c East of Central-East Excluding Long Island

An electrical area comprised of Load Zones F, G, H, I, and J, as identified in the ISO Procedures.

2.46d East of Central-East Excluding New York City and Long Island

An electrical area comprised of Load Zones F, G, H, and I, as identified in the ISO Procedures.

2.46e Economic Operating Point

A point on the eleven constant cost steps that comprise a Supplier's Incremental Energy Bid, established pursuant to the ISO Procedures, that is a function of the Real-Time LBMP at the Supplier's bus, the Supplier's real-time Energy injection, real-time schedule, stated response rate and Economic Operating Point in the previous RTD interval, which may be the Supplier's Real-Time Scheduled Energy Injection. A Supplier's Economic Operating Point may be above, below, or equal to its Real-Time Scheduled Energy Injection.

2.47 Emergency

Any abnormal system condition that requires immediate automatic or manual action to prevent or limit loss of transmission facilities or Generators that could adversely affect the reliability of an electric system.

2.47a Emergency Demand Response Program (“EDRP”)

A program pursuant to which the ISO makes payments to Curtailment Service Providers that voluntarily take effective steps in real time, pursuant to ISO procedures, to reduce NYCA demand in Emergency conditions.

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2.48 Emergency State

The state that the NYS Power System is in when an abnormal condition occurs that requires automatic or immediate, manual action to prevent or limit loss of the NYS Transmission System or Generators that could adversely affect the reliability of the NYS Power System.

2.48a Emergency Upper Operating Limit (UOL_E)

The upper operating limit that a Generator indicates it expects to be able to reach, or the maximum amount of demand that a Demand Side Resource expects to be able to reduce, at the request of the ISO during extraordinary conditions. Each Generator or Demand Side Resource shall specify a UOL_E in its bids that shall be equal to or greater than its stated Normal Upper Operating Limit.

2.49 Energy (“MWh”)

A quantity of electricity that is bid, produced, purchased, consumed, sold, or transmitted over a period of time, and measured or calculated in megawatt hours.

2.49a Energy and Ancillary Services Component

A component of the Operating Requirement, calculated in accordance with Section III.B. of Attachment K to this Services Tariff.

2.49b Energy Limited Resource

Capacity resources that, due to environmental restrictions on operations, cyclical requirements, such as the need to recharge or refill, or other non-economic reasons, are unable to operate continuously on a daily basis, but are able to operate for at least four consecutive hours each day. Energy Limited Resources must register their Energy limiting characteristics with, and justify them to, the ISO consistent with ISO Procedures.

2.49c Equivalent Demand Forced Outage Rate

The portion of time a unit is in demand, but is unavailable due to forced outages.

2.49d Equivalency Rating

A rating determined by the ISO, at a Customer's request, based on the ISO's financial evaluation of an Unrated Customer that shall serve as the starting point of the ISO's determination of an amount of Unsecured Credit to be granted to the Customer, if any, as provided in Table K-1 of Attachment K to this Services Tariff.

2.49d.1 ETA Agent

A Customer of the ISO that has been appointed by a Load Serving Entity and approved by the ISO in accordance with ISO Procedures for the purpose of enabling that Customer to hold all of the rights and obligations associated with Fixed Price TCCs, as provided for in this Services Tariff.

2.49e ETCNL TCC:

A TCC created when a Transmission Owner with ETCNL exercises its right to convert a megawatt of ETCNL into a TCC pursuant to Section 5.1 of Part IV of Attachment B of this Tariff.

2.49f Excess Amount

The difference, if any, between the dollar amounts charged to purchasers of Unforced Capacity in an ISO-administered Unforced Capacity auction and the dollar amounts paid to sellers of Unforced Capacity in that ISO-administered Installed Capacity auction.

2.50 Excess Congestion Rents

Congestion revenues in the Day-Ahead Market for Energy collected by the ISO that are in excess of its Day-Ahead payment obligations. Excess Congestion Rents may arise if Congestion occurs in the Day-Ahead Market for Energy and if the Day-Ahead Transfer Capability of the transmission system is not exhausted by the set of TCCs and Grandfathered Rights that have been allocated at the completion of the last Centralized TCC Auction.

2.51 Existing Transmission Capacity for Native Load ("ETCNL")

Transmission Capacity reserved on a Transmission Owner's transmission system to serve the Native Load Customers of the current Transmission Owners (as of the filing date of the original ISO Tariff - January 31, 1997). This includes transmission Capacity required: (1) to deliver the output from operating facilities located out of a Transmission Owner's Transmission District; (2) to deliver power purchased under power supply contracts; and (3) to deliver power purchased under third party agreements (i.e., Non-Utility Generators). Existing Transmission Capacity for Native Load is listed in Attachment L of the ISO OATT.

2.52 Existing Transmission Agreement (“ETA”)

An agreement between two or more Transmission Owners, or between a Transmission Owner and another entity, as defined in the ISO Agreement and the ISO OATT.

2.52.1 Expected Load Reduction

For purposes of determining the Real-Time Locational Based Marginal Price, the reduction in Load expected to be realized in real-time from activation of the Emergency Demand Response Program and from Load reductions requested from Special Case Resources, as established pursuant to ISO Procedures.

2.52a Expedited Dispute Resolution Procedures

The dispute resolution procedures applicable to disputes arising out of the Installed Capacity provisions of this ISO Services Tariff (as set forth in Section 5.16) and the Customer settlements provisions of this ISO Services Tariff (as set forth in Section 7.4.3).

2.53 Exports

A Bilateral Transaction or purchases from the LBMP Market where the Energy is delivered to an NYCA Interconnection with another Control Area.

2.54 External

An entity (e.g., Supplier, Transmission Customer) or facility (e.g., Generator, Interface) located outside the Control Area being referenced or between two or more Control Areas. Where a specific Control Area is not referenced, the NYCA is the intended reference.

2.55 External Transactions

Purchases, sales or exchanges of Energy, Capacity or Ancillary Services for which either the Point of Injection (“POI”) or Point of Withdrawal (“POW”) or both are located outside the NYCA (i.e., Exports, Imports or Wheels Through).

2.55a Facility Flow-Based Methodology

The methodology, as described in Section 3.7 of Part V of Attachment B, used to allocate Net Auction Revenue among Transmission Owners.

2.56 Federal Power Act (“FPA”)

The Federal Power Act, as may be amended from time-to-time (See 16 U.S.C. § 796 et seq.).

Issued by: William J. Museler, President
Issued on: October 16, 2003

Effective: December 15, 2003

2.57 Firm Point-To-Point Transmission Service

Transmission Service under this Tariff that is scheduled between specified Points of Receipt and Delivery pursuant to the ISO OATT. Firm Point-To-Point Transmission Service is service for which the Transmission Customer has agreed to pay the Congestion associated with its service. A Transmission Customer may fix the price of Congestion associated with its Firm Point-To-Point Transmission Service by acquiring sufficient TCCs with the same Points of Receipt and Delivery as its Transmission Service.

2.58 Firm Transmission Service

Transmission service requested by a Transmission Customer willing to pay Congestion Rent.

2.59 First Settlement

The process of establishing binding financial commitments on the part of Customers participating in the Day-Ahead Market based on Day-Ahead LBMP.

2.59a Fixed Block Unit

A unit that, due to operational characteristics, can only be dispatched in one of two states: either turned completely off, or turned on and run at a fixed capacity level.

2.59b Fixed Price TCC

A series of TCCs, each with a duration of one year, renewable annually for a period of at least five years at a fixed price that is obtained through the conversion of expired or expiring ETAs in accordance with Section 2A of Attachment B of this Services Tariff.

2.59c GADS Data

Data submitted to the NERC for collection into the NERC's Generating Availability Data System ("GADS").

2.60 Generator

A facility capable of supplying Energy, Capacity and/or Ancillary Services that is accessible to the NYCA. A Generator comprised of a group of generating units at a single location, which grouped generating units are separately committed and dispatched by the ISO, and for which Energy injections are measured at a single location, and each unit within that group, shall be considered a Generator.

2.61 [Reserved for future use]

Issued by: Elaine D. Robinson, Dir. Reg. Affairs

Effective: June 1, 2008

Issued on: May 16, 2008

Filed to comply with order of the Federal Energy Regulatory Commission, Docket Nos. ER07-521-000, and -001, issued April 16, 2008, 123 FERC ¶ 61,044 (2008).

2.62 Good Utility Practice

Any of the practices, methods or acts engaged in or approved by a significant portion of the electric utility industry during the relevant time period, or any of the practices, methods or acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result at a reasonable cost consistent with good business practices, reliability, safety and expedition. Good Utility Practice is not intended to be limited to the optimum practice, method or act to the exclusion of all others, but rather to delineate acceptable practices, methods, or acts generally accepted in the region, including those practices required by Federal Power Act section 215(a)(4).

2.63 [NOT USED]

2.64 Grandfathered Rights

The transmission rights associated with: (1) Modified Wheeling Agreements; (2) Transmission Facility Agreements with transmission wheeling provisions; and (3) Third Party Transmission Wheeling Agreements (“TWA”) where the party entitled to exercise the transmission rights associated with such Agreements has chosen, as provided in the Tariff, to retain those rights rather than to convert those rights to TCCs.

Issued by: Mark S. Lynch, President
Issued on: October 11, 2007

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2.65 Grandfathered TCCs

The TCCs associated with: (1) Modified Wheeling Agreements; (2) Transmission Facility Agreements with transmission wheeling provisions; and (3) Third Party TWAs where the party entitled to exercise the transmission rights associated with such Agreements has chosen, as provided by the Tariff, to convert those rights to TCCs.

2.66 ICAP Demand Curve

A series of prices which decline until reaching zero as the amount of Installed Capacity increases.

2.66a ICAP Spot Market Auction

An auction conducted pursuant to Section 5.14.1(a) of this Tariff to procure and set LSE Unforced Capacity Obligations for the subsequent Obligation Procurement Period, pursuant to the Demand Curves applicable to each respective LSE and the supply that is offered.

2.67 Imports

A Bilateral Transaction or sale to the LBMP Market where Energy is delivered to a NYCA Interconnection from another Control Area.

2.68 Inadvertent Energy Accounting

The accounting performed to track and reconcile the difference between net actual Energy interchange and scheduled Energy interchange of a Control Area with adjacent Control Areas.

2.68a In-City

Located electrically within the New York City Locality (LBMP Load Zone J).

2.69 Incremental Energy Bid

A series of monotonically increasing constant cost incremental Energy steps that indicate the quantities of Energy for a given price that an entity is willing to supply to the ISO Administered Markets.

2.69a Incremental TCC

A set of point-to-point Transmission Congestion Contract(s) that is awarded pursuant to Section 2C of Part IV of Attachment B to this ISO Services Tariff and Section 2C of Attachment M to the ISO OATT.

2.70 Independent System Operator (“ISO”)

The New York Independent System Operator, Inc., a not-for-profit corporation established pursuant to the ISO Agreement.

2.71 Independent System Operator Agreement (“ISO Agreement”)

The agreement that establishes the New York ISO.

2.72 Independent System Operator/New York State Reliability Council (“ISO/NYSRC Agreement”)

The agreement between the ISO and the New York State Reliability Council governing the relationship between the two organizations.

2.73 Independent System Operator-Transmission Owner Agreement (“ISO/TO Agreement”)

The agreement that establishes the terms and conditions under which the Transmission Owners transferred to the ISO Operational Control over designated transmission facilities.

2.74 Installed Capacity

External or Internal Capacity, in increments of 100 kW, that is made-available; pursuant to Tariff requirements and ISO Procedures.

2.74a Installed Capacity Equivalent

The Resource capability that corresponds to its Unforced Capacity, calculated in accordance with ISO Procedures.

2.74b Installed Capacity Marketer

An entity which has signed this Tariff and which purchases Unforced Capacity from qualified Installed Capacity Suppliers, or from LSEs with excess Unforced Capacity, either bilaterally or through an ISO-administered auction. Installed Capacity Marketers that purchase Unforced Capacity through an ISO-administered auction may only resell Unforced Capacity purchased in such auctions in the NYCA.

2.74c Installed Capacity Supplier

An Energy Limited Resource, Generator, Installed Capacity Marketer, Special Case Resource, Intermittent Power Resource, Limited Control Run of River Hydro Resource, municipally-owned generation, System Resource or Control Area System Resource that satisfies the ISO's qualification requirements for supplying Unforced Capacity to the NYCA.

2.75 Interconnection or Interconnection Points ("IP")

The point(s) at which the NYCA connects with a distribution system or adjacent Control Area. The IP may be a single tie line or several tie lines that are operated in parallel.

2.76 Interface

A defined set of transmission facilities that separate Load Zones and that separate the NYCA from adjacent Control Areas.

2.77 Interface MW - Mile Methodology

The procedure used to allocate Original Residual TCCs determined prior to the first Centralized TCC Auction to Transmission Owners.

2.77a Intermittent Power Resource

Capacity resources that depend upon wind, solar energy or landfill gas for their fuel and that such dependence precludes accurate prediction of the facility's real-time output. Each Intermittent Power Resource that depends on wind as its fuel shall include all turbines metered at a single scheduling point identifier (PTID).

2.78 Internal

An entity (e.g., Supplier, Transmission Customer) or facility (e.g., Generator, Interface) located within the Control Area being referenced. Where a specific Control Area is not referenced, internal means the NYCA.

2.79 Internal Transactions

Purchases, sales or exchanges of Energy, Capacity or Ancillary Services where the Generator and Load are located within the NYCA.

2.80 Investment Grade Customer

A Customer that meets the criteria set forth in Article II of Attachment K to this Services Tariff.

2.80a Investor-Owned Transmission Owners

At the present time these include: Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation.

2.81 ISO Administered Markets

The Day-Ahead Market and the Real-Time Market (collectively the "LBMP Markets") and any other market or auction administered by the ISO.

2.81a ISO-Committed Fixed

In the Day-Ahead Market, a bidding mode in which a Generator requests that the ISO commit and schedule it. In the Real-Time Market, a bidding mode in which a Generator, with ISO approval, requests that the ISO schedule it no more frequently than every 15 minutes. A Generator scheduled in the Day-Ahead Market as ISO-Committed Fixed will participate as a Self-Committed Fixed Generator in the Real-Time Market unless it changes bidding mode, with ISO approval, to participate as an ISO-Committed Fixed Generator.

2.81b ISO-Committed Flexible

A bidding mode in which a Dispatchable Generator or Demand Side Resource follows Base Point Signals and is committed by the ISO.

Issued by: Mark S. Lynch, President
Issued on: June 12, 2006

Effective: October 11, 2005

Filed to comply with order of the Federal Energy Regulatory Commission, Docket No. ER04-230-017, issued October 25, 2005.

2.82 ISO Market Power Monitoring Program

The monitoring program approved by the Commission and administered by the ISO and the Market Monitoring Unit that is designed to monitor the possible exercise of market power in ISO Administered Markets.

2.83 ISO OATT

The ISO Open Access Transmission Tariff.

2.84 ISO Procedures

The procedures adopted by the ISO in order to fulfill its responsibilities under the ISO OATT, the ISO Services Tariff and the ISO Related Agreements.

2.85 ISO Related Agreements

Collectively, the ISO Agreement, the ISO/TO Agreement, the NYSRC Agreement, and the ISO/NYSRC Agreement.

2.86 ISO Services Tariff (the "Tariff")

The ISO Market Administration and Control Area Services Tariff.

2.87 ISO Tariffs

The ISO OATT and the ISO Services Tariff, collectively.

2.88 LBMP Market(s)

The Real-Time Market or the Day-Ahead Market or both.

2.88a Limited Control Run-of-River Hydro Resource

A Generator above 1 MW in size that has demonstrated to the satisfaction of the ISO that its Energy production depends directly on river flows over which it has limited control and that such dependence precludes accurate prediction of the facility's real-time output.

2.88b Limited Customer

An entity that is not a Customer but which qualifies to participate in the ISO's Emergency Demand Response Program by complying with Limited Customer requirements set forth in the ISO Procedures.

2.88c Limited Energy Storage Resource ("LESR")

A Generator authorized to offer Regulation Service only and characterized by limited Energy storage, that is, the inability to sustain continuous operation at maximum Energy withdrawal or maximum Energy injection for a minimum period of one hour. LESRs must bid as ISO-Committed Flexible Resources.

2.88d Limited Energy Storage Resource ("LESR") Energy Management

Real-time Energy injections or withdrawals scheduled by the ISO to manage the Energy storage capacity of a Limited Energy Storage Resource, pursuant to ISO Procedures, for the purpose of maximizing the Capacity bid as available for Regulation Service from such Resource.

2.88e Linden VFT Scheduled Line

A transmission facility that interconnects the NYCA to the PJM Interconnection, L.L.C. Control Area in Linden, New Jersey.

2.89 LIPA Tax Exempt Bonds

Obligations issued by the Long Island Power Authority, the interest on which is not included in gross income under the Internal Revenue Code.

2.90 Load

A term that refers to either a consumer of Energy or the amount of demand (MW) or Energy (MWh) consumed by certain consumers.

2.91 Load Serving Entity ("LSE")

Any entity, including a municipal electric system and an electric cooperative, authorized or required by law, regulatory authorization or requirement, agreement, or contractual obligation to supply Energy, Capacity and/or Ancillary Services to retail customers located within the NYCA, including an entity that takes service directly from the ISO to supply its own Load in the NYCA.

2.92 Load Shedding

The systematic reduction of system demand by disconnecting Load in response to a Transmission System or area Capacity shortage, system instability, or voltage control considerations under the ISO OATT.

2.93 Load Zone

One (1) of eleven (11) geographical areas located within the NYCA that is bounded by one (1) or more of the fourteen (14) New York State Interfaces.

Issued by: William J. Museler, President
Issued on: January 28, 2005

Effective: February 1, 2005

Filed to comply with order of the Federal Energy Regulatory Commission, Docket No. ER04-230-000, et. al., issued February 11, 2004, 106 FERC ¶ 61,111 (2004).

2.94 Local Furnishing Bonds

Tax-exempt bonds issued by a Transmission Owner under an agreement between the Transmission Owner and the New York State Energy Research and Development Authority (“NYSERDA”), or its successor, or by a Transmission Owner itself, and pursuant to Section 142(f) of the Internal Revenue Code, 26 U.S.C. § 142(f).

2.94a Local Generator

A resource operated by or on behalf of a Load that is either: (i) not synchronized to a local distribution system; or (ii) synchronized to a local distribution system solely in order to support a Load that is equal to or in excess of the resource’s Capacity. Local Generators supply Energy only to the Load they are being operated to serve and do not supply Energy to the distribution system.

2.95 Locality

A single LBMP Load Zone or set of adjacent LBMP Load Zones within one Transmission District within which a minimum level of Installed Capacity must be maintained.

2.96 Local Reliability Rule

A Reliability Rule established by a Transmission Owner, and adopted by the NYSRC, to meet specific reliability concerns in limited areas of the NYCA, including without limitation,

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Issued on: April 14, 2001

Effective: May 1, 2001

special conditions and requirements applicable to nuclear plants and special requirements applicable to the New York City metropolitan area.

2.97 Locational Based Marginal Pricing (“LBMP”)

The price of Energy at each location in the NYS Transmission System as calculated pursuant to Attachment B.

Issued by: William J. Museler, President
Issued on: September 9, 2002

Effective: May 1, 2001

Filed to comply with order of the Federal Energy Regulatory Commission, Docket Nos. ER00-3591-000 *et al.*, issued August 9, 2002, ~~99~~100 FERC ¶ 61,182 (2002).

2.98 Locational Minimum Installed Capacity Requirement

The portion of the NYCA Minimum Installed Capacity Requirement that must be electrically located within a Locality, or possess an approved Unforced Capacity Deliverability Right, in order to ensure that sufficient Energy and Capacity are available in that Locality and that appropriate reliability criteria are met.

2.98a Locational Minimum Unforced Capacity Requirement

The Unforced Capacity equivalent of the Locational Minimum Installed Capacity Requirement.

2.98b Long Island (“L.I.”)

An electrical area comprised of Load Zone K, as identified in the ISO Procedures.

2.99 Lost Opportunity Cost

The foregone profit associated with the provision of Ancillary Services, which is equal to the product of: (1) the difference between (a) the Energy that a Generator could have sold at the specific LBMP and (b) the Energy sold as a result of reducing the Generator’s output to provide an Ancillary Service under the directions of the ISO; and (2) the LBMP existing at the time the Generator was instructed to provide the Ancillary Service, less the Generator’s Energy bid for the same MW segment.

2.99a LSE Unforced Capacity Obligation

The amount of Unforced Capacity that each NYCA LSE must obtain for an Obligation Procurement Period as determined by the ICAP Demand Curve for the NYCA, the New York

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City Locality, and/or the Long Island Locality, as applicable, for each ICAP Spot Market Auction. The amount includes, at a minimum, each LSE's share of the NYCA Minimum Unforced Capacity Requirement and the Locational Minimum Unforced Capacity Requirement, as applicable.

2.100 Major Emergency State

An Emergency accompanied by abnormal frequency, abnormal voltage and/or equipment overloads that create a serious risk that the reliability of the NYS Power System could be adversely affected.

Issued by: William J. Museler, President
Issued on: June 19, 2003

Effective: May 21, 2003

2.101 Marginal Losses

The NYS Transmission System Real Power Losses associated with each additional MWh of consumption by Load, or each additional MWh transmitted under a Bilateral Transaction as measured at the Points of Withdrawal.

2.102 Marginal Losses Component

The component of LBMP at a bus that accounts for the Marginal Losses, as measured between that bus and the Reference Bus.

2.102a [Reserved for Future Use]

2.102b Market-Clearing Price

The price determined in an Installed Capacity auction for each ISO-defined Locality, the remainder of the NYCA and each adjacent External Control Area for which all offers to sell and bids to purchase Unforced Capacity are in equilibrium.

2.102c -Market Monitoring and Performance Unit Mitigation and Analysis Department

A department, internal to the ISO, that is responsible for participating in the ISO's administration of its Tariffs. The Market Mitigation and Analysis Department's duties are described in Section 3 of the Market Monitoring Plan that is set forth in Attachment O to this Services Tariff.~~The group within the ISO that is responsible, in consultation with the Market Advisor, for implementing the ISO's market monitoring plan (which is on file with the Commission in docket No. ER97-1523-010, et al.).~~

Issued by: ~~William J. Museler~~Stephen G. Whitley, President Effective: February 1, 2005
Issued on: ~~January 28~~May 15, 2005
~~Filed to comply with order of the Federal Energy Regulatory Commission, Docket No. ER04-230-000, et. al., issued February 11, 2004, 106 FERC ¶ 61,111 (2004)~~Filed to comply with Order No. 719 of the Federal Energy Regulatory Commission, Docket Nos. RM07-19-000 and AD07-7-000, issued October 17, 2008, 125 FERC ¶ 61,071 (2008).

2.102d Market Monitoring Unit Advisor

“Market Monitoring Unit” shall have the same meaning in this ISO Services Tariff as it has in the Market Monitoring Plan that is set forth in Attachment O to this Services Tariff. ~~The person or persons, or consulting firm, or other entity or entities, retained by the ISO’s independent Board of Directors pursuant to Article 4 of the ISO’s market monitoring plan (which is on file with the Commission in Docket No. ER97-1523-010, et al.).~~

2.103 Market Participant

An entity, excluding the ISO, that produces, transmits, sells, and/or purchase for resale Unforced Capacity, Energy or Ancillary Services in the Wholesale Market. Market Participants include: Transmission Customers under the ISO OATT, Customers under the ISO Services Tariff, Power Exchanges, Transmission Owners, Primary Holders, LSEs, Suppliers and their designated agents. Market Participants also include entities buying or selling TCCs.

2.104 Market Services

Services provided by the ISO under the ISO Services Tariff related to the ISO Administered Markets for Energy, Capacity and Ancillary Services.

2.105 Member Systems

The eight Transmission Owners that comprise the membership of the New York Power Pool.

2.106 Minimum Generation Bid

A Bid parameter that identifies the payment a Supplier requires to operate a Generator at its specified minimum operating level or to provide a Demand Side Resource's specified minimum quantity of Demand Reduction.

2.106a Minimum Generation Level

For purposes of describing the eligibility of ten minute Resources to be committed by the Real Time Dispatch for pricing purposes pursuant to the Services Tariff, Section 4.4.3 (C), an upper bound, established by the ISO, on the physical minimum generation limits specified by ten minute Resources. Ten minute Resources with physical minimum generation limits that exceed this upper bound will not be committed by the Real Time Dispatch for pricing purposes. The ISO shall establish a Minimum Generation Level based on its evaluation of the extent to which it is meeting its reliability criteria including Control Performance. The Minimum Generation Level, in megawatts, and the ISO's rationale for that level, shall be made available through the ISO's website or comparable means.

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Issued on: August 18, 2005

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Filed to comply with order of the Federal Energy Regulatory Commission, Docket No. ER05-1123-000, issued July 19, 2005, 112 FERC ¶ 61,075 (2005).

2.106b Minimum Payment Nomination

An offer, submitted in dollars per Megawatt-hour and not to exceed \$500 per Megawatt-hour, to reduce Load equal to the Installed Capacity Equivalent of the amount of Unforced Capacity a Special Case Resource is supplying to the NYCA.

2.107 Modified Wheeling Agreement ("MWA")

A Transmission Agreement in existence, as amended, between Transmission Owners, that is associated with existing Generators or power supply contracts, that will be modified effective upon LBMP implementation. The terms and conditions of the MWA will remain the same as the original agreement, except as noted in the ISO OATT.

2.107a Monthly Auction

An auction administered by the ISO pursuant to Section 5.13.3 of the ISO Services Tariff.

2.107a.1 Native Load Credit Requirement

The amount of credit support required to purchase Energy, Ancillary Services, and Capacity to meet the reliable electric needs of Native Load Customers.

2.107b Native Load Customers

The wholesale and retail power customers of the Transmission Owners on whose behalf the Transmission Owners, by statute, franchise, regulatory requirement, or contract, have undertaken an obligation to construct and operate the Transmission Owners' systems to meet the reliable electric needs of such customers.

2.107c Neptune Scheduled Line

A transmission facility that interconnects the NYCA to the PJM Interconnection LLC Control Area at Levittown, Town of Hempstead, New York and terminates in Sayerville, New Jersey.

2.108 NERC

The North American Electric Reliability Council or, as applicable, the North American Electric Reliability Corporation.

2.108a Net Auction Revenue

The total amount, in dollars, as calculated pursuant to Section 3.1 of Part V of Attachment B, remaining after collection of all charges and allocation of all payments associated with a round of a Centralized TCC Auction or a Reconfiguration Auction. Net Auction Revenue takes into account: (i) revenues from and payments for the award of TCCs in a Centralized TCC Auction or Reconfiguration Auction, (ii) payments to Transmission Owners releasing ETCNL, (iii) payments or charges to Primary Holders selling TCCs, (iv) payments to Transmission Owners releasing Original Residual TCCs, (v) O/R-t-S Auction Revenue Surplus Payments and U/D Auction Revenue Surplus Payments, and (vi) O/R-t-S Auction Revenue Shortfall Charges and U/D Auction Revenue Shortfall Charges. Net Auction Revenue may be positive or negative.

2.108b Net Congestion Rent

The total amount, in dollars, as calculated pursuant to Section 2.1 of Part V of Attachment B, remaining after collection of all Congestion-related charges and allocation of all Congestion-related payments associated with the Day-Ahead Market. Net Congestion Rent takes into account: (i) charges and payments for Congestion Rents, (ii) settlements with TCC Primary Holders, (iii) O/R-t-S Congestion Rent Shortfall Charges and U/D Congestion Rent Shortfall Charges, and (iv) O/R-t-S Congestion Rent Surplus Payments and U/D Congestion Rent Surplus Payments. Net Congestion Rent may be positive or negative.

Original Volume No. 2

2.109 Network Integration Transmission Service

The Transmission Service provided under Part III of the Tariff.

2.109a New York City

The electrical area comprised of Load Zone J, as identified in the ISO Procedures.

2.110 New York Control Area (“NYCA”)

The Control Area that is under the control of the ISO which includes transmission facilities listed in the ISO/TO Agreement Appendices A-1 and A-2, as amended from time-to-time, and generation located outside the NYS Power System that is subject to protocols (e.g., telemetry signal biasing) which allow the ISO and other Control Area operator(s) to treat some or all of that generation as though it were part of the NYS Power System.

2.111 New York Power Pool (“NYPP”)

An organization established by agreement (the “New York Power Pool Agreement”) made as of July 21, 1966, and amended as of July 16, 1991, by and among Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation, and the Power Authority of the State of New York. LIPA became a Member of the NYPP on May 28, 1998 as a result of the acquisition of the Long Island Lighting Company by the Long Island Power Authority.

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Issued on: January 28, 2005

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2.112 New York State Power System (“NYS Power System”)

All facilities of the NYS Transmission System, and all those Generators located within the NYCA or outside the NYCA, some of which may from time-to-time be subject to operational control by the ISO.

2.113 New York State Reliability Council (“NYSRC”)

An organization established by agreement among the Member Systems to promote and maintain the reliability of the NYS Power System.

2.114 New York State Reliability Council Agreement (“NYSRC Agreement”)

The agreement which established the NYSRC.

2.115 New York State Transmission System (“NYS Transmission System”)

The entire New York State electric transmission system, which includes: (1) the Transmission Facilities Under ISO Operational Control; (2) the Transmission Facilities Requiring ISO Notification; and (3) all remaining transmission facilities within the NYCA.

2.115a Non-Competitive Proxy Generator Bus

(a) The Proxy Generator Bus(es) for the Hydro Quebec Control Area; (b) the Proxy Generator Bus associated with the Dennison Scheduled Line; and (c) any other Proxy Generator Bus(es) for an area outside of the New York Control Area that have been identified by the ISO as characterized by non-competitive Import or Export prices, and that have been approved by the Commission for designation as a Non-Competitive Proxy Generator Bus(es).

2.116 Non-Firm-Point-To-Point Transmission Service

Point-To-Point Transmission Service under the Tariff for which a Customer is not willing to pay Congestion. Such service is available absent constraint under Part II of this Tariff.

Non-Firm-Point-To-Point Transmission Service is available on a stand-alone basis for individual one-hour periods not to exceed twenty-four (24) consecutive hours.

2.116a Non-Investment Grade Customer

A Customer that does not meet the criteria necessary to be an Investment Grade Customer, as set forth in Article II of Attachment K to this Services Tariff.

2.117 Non-Utility Generator ("NUG," "Independent Power Producer" or "IPP")

Any entity that owns or operates an electric generating facility that is not included in an electric utility's rate base. This term includes, but is not limited to, cogenerators and small power producers and all other non-utility electricity producers, such as exempt wholesale Generators that sell electricity.

2.118 Normal State

The condition that the NYS Power System is in when the Transmission Facilities Under ISO Operational Control are operated within the parameters listed for Normal State in the Reliability Rules. These parameters include, but are not limited to, thermal, voltage, stability, frequency, operating reserve and Pool Control Error limitations.

2.118a Normal Upper Operating Limit (UOL_N)

The upper operating limit that a Generator indicates it expects to be able to reach, or the maximum amount of demand that a Demand Side Resource expects to be able to reduce, during normal conditions. Each Resource will specify its UOL_N in its Bids. A Normal Upper Operating Limit may be submitted as a function depending on one or more variables, such as temperature or pondage levels, in which case the Normal Upper Operating Limit applicable at any time shall be determined by reference to that schedule.

2.118b Northport-Norwalk Scheduled Line:

A transmission facility that originates at the Northport substation in New York and interconnects the NYCA to the ISO New England Control Area at the Norwalk Harbor substation in Connecticut.

2.119 NPCC

The Northeast Power Coordinating Council.

2.120 NRC

The Nuclear Regulatory Commission or any successor thereto.

2.120a NYCA Installed Reserve Margin

The ratio of the amount of additional Installed Capacity required by the NYSRC in order for the NYCA to meet NPCC reliability criteria to the forecasted NYCA upcoming Capability Year peak Load, expressed as a decimal.

2.120b NYCA Minimum Installed Capacity Requirement

The requirement established for each Capability Year by multiplying the NYCA peak Load forecasted by the ISO by the quantity one plus the NYCA Installed Reserve Margin.

2.120c NYCA Minimum Unforced Capacity Requirement

The Unforced Capacity equivalent of the NYCA Minimum Installed Capacity Requirement.

2.121 NYPA

The Power Authority of the State of New York.

Issued by: Mark S. Lynch, President
Issued on: May 23, 2005

Effective: July 22, 2005

2.122 NYPA Tax-Exempt Bonds

Obligations of the New York Power Authority, the interest on which is not included in gross income under the Internal Revenue Code.

2.123 Obligation Procurement Period

The period of time for which LSEs shall be required to satisfy their Unforced Capacity requirements. Starting with the 2001-2002 Winter Capability Period, Obligation Procurement Periods shall be one calendar month in duration and shall begin on the first day of each calendar month.

2.124 Off-Peak

The hours between 11 p.m. and 7 a.m., prevailing Eastern Time, Monday through Friday, and all day Saturday and Sunday, and NERC-defined holidays, or as otherwise decided by ISO.

2.125 Offeror

An entity that offers to sell Unforced Capacity in an auction.

2.126 On-Peak

The hours between 7 a.m. and 11 p.m. inclusive, prevailing Eastern Time, Monday through Friday, except for NERC-defined holidays, or as otherwise decided by the ISO.

2.127 Open Access Same-Time Information System ("OASIS")

The information system and standards of conduct contained in Part 37 of the Commission's regulations and all additional requirements implemented by subsequent Commission orders dealing with OASIS.

2.128 Operating Capacity

Capacity that is readily converted to Energy and is measured in MW.

2.128a Operating Committee

A standing committee of the ISO created pursuant to the ISO Agreement, which coordinates operations, develops procedures, evaluates proposed system expansions and acts as a liaison to the NYSRC.

2.128b Operating Data

Pursuant to Section 5.12.5 of this Tariff, Operating Data shall mean GADS Data, data equivalent to GADS Data, CARL Data, metered Load data, or actual system failure occurrences data, all as described in the ISO Procedures.

2.128c Operating Requirement

The amount calculated in accordance with Section III.B. of Attachment K to this Services Tariff.

2.129 Operating Reserves

Capacity that is available to supply Energy or reduce demand and that meets the requirements of the ISO. The ISO will administer Operating Reserves markets, in the manner described in this Article 4 and Rate Schedule 4 of this ISO Services Tariff, to satisfy the various Operating Reserves requirements, including locational requirements, established by the Reliability Rules and other applicable reliability standards. The basic Operating Reserves products that will be procured by the ISO on behalf of the market are classified as follows:

- (1) Spinning Reserve: Operating Reserves provided by Generators and Demand Side Resources that meet the eligibility criteria set forth in Rate Schedule 4 of this ISO Services Tariff that are already synchronized to the NYS Power System and can respond to instructions to change their output level, or reduce their Energy usage, within ten (10) minutes. Spinning Reserves may not be provided by Demand Side Resources that are Local Generators;
- (2) 10-Minute Non-Synchronized Reserve: Operating Reserves provided by Generators, or Demand Side Resources, including Demand Side Resources using Local Generators, that meet the eligibility criteria set forth in Rate Schedule 4 of this ISO Services Tariff and that can be started, synchronized and can change their output level within ten (10) minutes; and

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- (3) 30-Minute Reserve: Synchronized Operating Reserves provided by Generators and Demand Side Resources that are not Local Generators; or non-synchronized Operating Reserves provided by Generators or Demand Side Resources that meet the eligibility criteria set forth in Rate Schedule 4 of this ISO Services Tariff and that can respond to instructions to change their output level within thirty (30) minutes, including starting and synchronizing to the NYS Power System.

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2.129a Operating Reserve Demand Curve

A series of quantity/price points that defines the maximum Shadow Price for Operating Reserves meeting a particular Operating Reserve requirement corresponding to each possible quantity of Resources that the ISO's software may schedule to meet that requirement. A single Operating Reserve Demand Curve will apply to both the Day-Ahead Market and the Real-Time Market for each of the ISO's nine Operating Reserve requirements.

2.130 Operating Study Power Flow

A Power Flow analysis that is performed at least once before each Capability Period that is used to determine each Interface Transfer Capability for the Capability Period (See Attachment M to the ISO OATT).

2.131 Operational Control

Directing the operation of the Transmission Facilities Under ISO Operational Control to maintain these facilities in a reliable state, as defined by the Reliability Rules. The ISO shall approve operational decisions concerning these facilities, made by each Transmission Owner before the Transmission Owner implements those decisions. In accordance with ISO Procedures, the ISO shall direct each Transmission Owner to take certain actions to restore the system to the Normal State. Operational Control includes security monitoring, adjustment of generation and transmission resources, coordination and approval of changes in transmission

status for maintenance, determination of changes in transmission status for reliability, coordination with other Control Areas, voltage reductions and Load Shedding, except that each Transmission Owner continues to physically operate and maintain its facilities.

2.132 Optimal Power Flow (“OPF”)

The Power Flow analysis that is performed during the administration of the Centralized TCC Auction to determine the most efficient simultaneously feasible allocation of TCCs to Bidders (See Attachment M to the ISO OATT).

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2.133 Order Nos. 888 et seq.

The Final Rule entitled Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities, issued by the Commission on April 24, 1996, in Docket Nos. RM95-8-000 and RM94-7-001, as modified on rehearing, or upon appeal. (See FERC Stats. & Regs. [Regs. Preambles January 1991 - June 1996] ¶ 31,036 (1996) (“Order No. 888”), on reh’g, III FERC Stats. & Regs. ¶ 31,048 (1997) (“Order No. 888-A”), on reh’g, 81 FERC ¶ 61,248 (1997) (“Order No. 888-B”), order on reh’g, 82 FERC ¶ 61,046 (1998) (“Order No. 888-C”).

2.134 Order Nos. 889 et seq.

The Final Rule entitled Open Access Same-Time Information System (formerly Real-Time Information Networks) and Standards of Conduct, issued by the Commission on April 24, 1996, in Docket No. RM95-9-000, as modified on rehearing, or upon appeal. (See FERC Stats. & Regs. [Regs. Preambles 1991-1996] ¶ 31,035 (1996) (“Order No. 889”), on reh’g, III FERC Stats. & Regs. ¶ 31,049 (1997) (“Order No. 889-A”), on reh’g, 81 FERC ¶ 61,253 (1997) (“Order No. 889-B”).

2.135 Original Residual TCC:

A TCC converted from Residual Transmission Capacity estimated prior to the first Centralized TCC Auction and allocated among the Transmission Owners utilizing the Interface MW-Mile Methodology prior to the first Centralized TCC Auction.

2.135a Out-of-Merit Generation

Resources committed and/or dispatched by the ISO at specified output limits for specified time periods to meet Load and/or reliability requirements that differ from or supplement the ISO's security constrained economic commitment and/or dispatch.

2.136 Performance Index

An index, described in ISO Procedures, that tracks a Generator's response to AGC signals from the ISO.

2.137 Performance Tracking System

A system designed to provide quantitative comparisons of actual values versus expected and forecasted values for Generators and Loads. This system will be used by the ISO to measure compliance with criteria associated with, but not limited to, the provision of Regulation Service.

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2.138 Point to Point Transmission Service

The reservation and transmission of Capacity and Energy on either a firm or non-firm basis from the Point(s) of Receipt to the Point(s) of Delivery under Part II of the Tariff.

2.139 Point(s) of Injection (“POI” or “Point of Receipt”)

The point(s) on the NYS Transmission System where Energy, Capacity and Ancillary Services will be made available to the ISO by the delivering party under the ISO OATT or the ISO Services Tariff. The Point(s) of Injection shall be specified in the Service Agreement.

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2.140 Point(s) of Withdrawal (“POW” or “Point of Delivery”)

The point(s) on the NYS Transmission System where Energy, Capacity and Ancillary Services will be made available to the receiving party under the ISO OATT or the ISO Services Tariff. The Point(s) of Withdrawal shall be specified in the Service Agreement.

2.141 Pool Control Error (“PCE”)

The difference between the actual and scheduled interchange with other Control Areas, adjusted for frequency bias.

2.142 Post Contingency

Conditions existing on a system immediately following a Contingency.

2.143 Power Exchange (“PE”)

A commercial entity meeting the requirements for service under the ISO OATT or the ISO Services Tariff that facilitates the purchase and/or sale of Energy, Unforced Capacity and/or Ancillary Services in a New York Wholesale Market. A PE may transact with the ISO on its own behalf or as an agent for others.

2.144 Power Factor

The ratio of real power to apparent power (the product of volts and amperes, expressed in megavolt-amperes, MVA).

2.145 Power Factor Criteria

Criteria to be established by the ISO to monitor a Load’s use of Reactive Power.

2.146 Power Flow

A simulation which determines the Energy flows on the NYS Transmission System and adjacent transmission systems.

2.146a Pre-Scheduled Transaction Request

An offer submitted, pursuant to ISO Procedures, for priority scheduling of Transactions between the ISO and neighboring Control Areas to: (i) purchase Energy from the LBMP Market at the LBMP Market Price and deliver it to an External Control Area; (ii) sell Energy delivered from an External Control Area to the LBMP Market at the LBMP Market Price; or (iii) wheel Energy through the New York Control Area from one External Control Area to another External Control Area at the market-determined Transmission Usage Charge. Pre-Scheduled Transaction Requests accepted for scheduling reserve Ramp Capacity and Transfer Capability and receive priority scheduling in the LBMP Market.

2.146b Pre-Scheduled Transaction

A Transaction accepted for scheduling in the designated LBMP Market pursuant to a Pre-Scheduled Transaction Request. Pre-Scheduled Transactions may be withdrawn only with the approval of the ISO pursuant to the ISO Procedures.

2.147 Primary Holder

A Primary Holder of each TCC is the Primary Owner of that TCC or the party that purchased that TCC at the close of the Centralized TCC Auction. With respect to each TCC, a

Primary Holder must be: (1) a Transmission Customer that has purchased the TCC in the Centralized TCC Auction, and that has not resold it in that same Auction; (2) a Transmission Customer that has purchased the TCC in a Direct Sale with another Transmission Customer; (3) the Primary Owner who has retained the TCC; or (4) Primary Owners of the TCC that allocated the TCC to certain customers or sold it in the Secondary Market or sold through a Direct Sale to an entity other than a Transmission Customer. The ISO settles Day-Ahead Congestion Rents pursuant to Attachments M and N to the ISO OATT with the Primary Holder of each TCC.

2.148 Primary Owner

The Primary Owner of each TCC is the Transmission Owner or other Transmission Customer that has acquired the TCC through conversion of rights under an Existing Transmission Agreement to Grandfathered TCCs (in accordance with Attachment K of the ISO OATT), or through the conversion of AARs or of Existing Transmission Agreements upon their expiration (in accordance with Attachment B)., or the Transmission Owner that acquired the TCC through the ISO's allocation of Original Residual TCCs or through the conversion of ETCNL or an RCRR.

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2.148a Prior Equivalent Capability Period

The previous same-season Capability Period.

2.149 Proxy Generator Bus

A proxy bus located outside the NYCA that is selected by the ISO to represent a typical bus in an adjacent Control Area and for which LBMP prices are calculated. The ISO may establish more than one Proxy Generator Bus at a particular Interface with a neighboring Control Area to enable the NYISO to distinguish the bidding, treatment and pricing of products and services at the Interface.

2.150 PSC

The Public Service Commission of the State of New York or any successor agency thereto.

2.151 PSL

The New York Public Service Law, Public Service Law § 1 et seq. (McKinney 1989 & Supp. 1997-98).

2.151.00 Public Power Entity

An entity which is either (i) a public authority or corporate municipal instrumentality, including a subsidiary thereof, created by the State of New York that owns or operates generation or transmission and that is authorized to produce, transmit or distribute electricity for the benefit of the public, or (ii) a municipally owned electric system that owns or controls distribution facilities and provides electric service, or (iii) a cooperatively owned electric system that owns or controls distribution facilities and provides electric service.

2.151.01 Qualified Non-Generator Voltage Support Resource

A resource that is neither a Generator nor a synchronous condenser but that is capable of providing the ISO with Reactive Power on a dynamic basis, that is energized and under the operational control of the ISO, or a Transmission Owner, or an External Control Area operator, that meets the resource-specific technical and testing criteria specified in the ISO Procedures, and that is ineligible to receive Reactive Power compensation other than as a Qualified Non-Generator Voltage Support Resource. The Cross-Sound Scheduled Line shall be a Qualified Non-Generator Voltage Support Resource, provided that it meets the technical and testing criteria in the ISO Procedures.

2.151.1 Quick Start Mode

The setting of a block of generator units capable of remote start-up by a Transmission Owner so that it can synchronize and reach full output within fifteen (15) minutes.

2.151.2 Quick Start Reserves

Capacity of a block of generator units that is set to Quick Start Mode by request of a Transmission Owner.

2.151a Ramp Capacity

The amount of change in the Desired Net Interchange that generation located in the NYCA can support at any given time. Ramp capacity may be calculated for all Interfaces between the NYCA and neighboring Control Areas as a whole or for any individual Interface between the NYCA and an adjoining Control Area.

2.151b RCRR TCC:

A zone-to-zone TCC created when a Transmission Owner with a RCRR exercises its right to convert the RCRR into a TCC pursuant to Section 6.3 of Part IV of Attachment B of this Tariff.

2.152 Reactive Power (MVar)

The product of voltage and the out-of-phase component of alternating current. Reactive Power, usually measured in MVar, is produced by capacitors (synchronous condensers), Qualified Non-Generator Voltage Support Resources, and over-excited Generators and absorbed by reactors or under-excited Generators and other inductive devices including the inductive portion of Loads.

2.153 Real Power Losses

The loss of Energy, resulting from transporting power over the NYS Transmission System, between the Point of Injection and Point of Withdrawal of that Energy.

2.153a Real-Time Bid

A Bid submitted into the Real-Time Commitment at least seventy-five minutes before the start of a dispatch hour, or at least eighty-five minutes before the start of a dispatch hour if the

Bid seeks to schedule an External Transaction at the Proxy Generator Bus associated with the Cross-Sound Scheduled Line, the Neptune Scheduled Line, or the Linden VFT Scheduled Line.

2.153b Real-Time Commitment (“RTC”)

A multi-period security constrained unit commitment and dispatch model that co-optimizes to solve simultaneously for Load, Operating Reserves and Regulation Service on a

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least as-bid production cost basis over a two hour and fifteen minute optimization period. The optimization evaluates the next ten points in time separated by fifteen minute intervals. Each RTC run within an hour shall have a designation indicating the time at which its results are posted;- “RTC₀₀,” “RTC₁₅,” “RTC₃₀,” and “RTC₄₅” post on the hour, and at fifteen, thirty, and forty-five minutes after the hour, respectively. Each RTC run will produce binding commitment instructions for the periods beginning fifteen and thirty minutes after its scheduled posting time and will produce advisory commitment guidance for the remainder of the optimization period. RTC₁₅ will also establish External Transaction schedules. Additional information about RTC’s functions is provided in Section 4.4.2 of this ISO Services Tariff.

2.153c Real-Time Dispatch (“RTD”)

A multi-period security constrained dispatch model that co-optimizes to solve simultaneously for Load, Operating Reserves, and Regulation Service on a least-as-bid production cost basis over a fifty, fifty-five or sixty-minute period (depending on when each RTD run occurs within an hour). The Real-Time Dispatch dispatches, but does not commit, Resources, except that RTD may commit, for pricing purposes, Resources meeting Minimum Generation Levels and capable of starting in ten minutes. Real-Time Dispatch runs will normally occur every five minutes. Additional information about RTD’s functions is provided in Section 4.4.3 of this ISO Services Tariff.

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Throughout this ISO Services Tariff the term “RTD” will normally be used to refer to both the Real-Time Dispatch and to the specialized Real-Time Dispatch Corrective Action Mode software.

2.153d Real-Time Dispatch–Corrective Action Mode (“RTD-CAM”)

A specialized version of the Real-Time Dispatch software that will be activated when it is needed to address unanticipated system conditions. RTD-CAM is described in Section 4.4.4 of this ISO Services Tariff.

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2.154 Real-Time LBMP

The LBMPs established through the ISO Administered Real-Time Market.

2.155 Real-Time Market

The ISO Administered Markets for Energy and Ancillary Services resulting from the operation of the RTC and RTD.

2.155a Real-Time Minimum Run Qualified Gas Turbine

One or more gas turbines, offered in the Real-Time Market, which, because of their physical operating characteristics, may qualify for a minimum run time of two hours in the Real-Time Market. Characteristics that qualify gas turbines for this treatment are established by ISO Procedures and include using waste heat from the gas turbine-generated electricity to make steam for the generation of additional electricity via a steam turbine.

2.155b Real-Time Scheduled Energy

The quantity of Energy that a Supplier is directed to inject or withdraw in real-time by the ISO. Injections are indicated by positive Base Point Signals and withdrawals are indicated by negative Base Point Signals. Unless otherwise directed by the ISO, Dispatchable Supplier's Real-Time Scheduled Energy is equal to its RTD Base Point Signal, or, if it is providing Regulation Service, to its AGC Base Point Signal, and an ISO Committed Fixed or Self-Committed Fixed Supplier's Real-Time Scheduled Energy is equal to its bid output level in real-time.

2.155c Reconfiguration Auction

The monthly auction administered by the ISO in which Market Participants may purchase and sell one-month TCCs.

2.156 Reduction or Reduce

The partial or complete reduction in Non-Firm Transmission Service as a result of transmission Congestion (either anticipated or actual).

2.157 Reference Bus

The location on the NYS Transmission System relative to which all mathematical quantities, including Shift Factors and penalty factors relating to physical operation, will be calculated. The NYPA Marcy 345 kV transmission substation is designated as the Reference Bus.

2.157a Regulation Service Demand Curve

A series of quantity/price points that defines the maximum Shadow Price for Regulation Service corresponding to each possible quantity of Resources that the ISO's software may schedule to satisfy the ISO's Regulation Service constraint.

A single Regulation Service Demand Curve will apply to both the Day-Ahead Market and the Real-Time Market for Regulation Service. The Shadow Price for Regulation Service shall be used to calculate Regulation Service payments under Rate Schedule 3 of this ISO Services Tariff.

2.157b Regulation Revenue Adjustment Charge (“RRAC”)

A charge that will be assessed against certain Generators that are providing Regulation Service under Section 6.0 of Rate Schedule 3 to this ISO Services Tariff.

2.158c Regulation Revenue Adjustment Payment (“RRAP”)

A payment that will be made to certain Generators that are providing Regulation Service under Section 6.0 of Rate Schedule 3 to this ISO Services Tariff.

2.158 Reliability Rules

Those rules, standards, procedures and protocols developed and promulgated by the NYSRC, including Local Reliability Rules, in accordance with NERC, NPCC, FERC, PSC and NRC standards, rules and regulations and other criteria and pursuant to the NYSRC Agreement.

2.159 Required System Capability

Generation capability required to meet an LSE's peak Load plus Installed Capacity Reserve obligation as defined in the Reliability Rules.

2.159.1 Reserve Performance Index

An index created by the ISO for the purpose of calculating the Day Ahead Margin Assurance Payment pursuant to Attachment J of this Services Tariff made to Demand Side Resources scheduled to provide Operating Reserves in the Day-Ahead Market.

2.159a Residual Adjustment

The adjustment made to ISO costs that are recovered through Schedule 1 of the OATT. The Residual Adjustment is calculated pursuant to Schedule 1 of the OATT.

2.159b Residual Capacity Reservation Right ("RCRR"):

A megawatt of transmission Capacity from one Load Zone to an electrically contiguous Load Zone, each of which is internal to the NYCA, that may be converted into an RCRR TCC by a Transmission Owner allocated the RCRR pursuant to Section 6.0 of Part IV of Attachment B.

2.160 Reserved for future use.

2.160a Residual Transmission Capacity

The transmission capacity determined by the ISO before, during and after the Centralized TCC Auction which is conceptually equal to the following:

$$\text{Residual Transmission Capacity} = \text{TTC} - \text{TRM} - \text{CBM} - \text{GTR} - \text{GTCC} - \text{ETCNL}$$

The TCCs associated with Residual Transmission Capacity cannot be accurately determined until the Centralized TCC Auction is conducted.

TTC is the Total Transfer Capability that can only be determined after the Residual Transmission Capacity is known.

GTR is the transmission capacity associated with Grandfathered Rights.

GTCC is the transmission capacity associated with Grandfathered TCCs.

ETCNL is the transmission capacity associated with Existing Transmission Capacity for Native Load.

TRM is the Transmission Reliability Margin.

CBM is the Capacity Benefit Margin.

2.160b Resource

An Energy Limited Resource, Generator, Installed Capacity Marketer, Special Case Resource, Intermittent Power Resource, Limited Control Run of River Hydro Resource, municipally-owned generation, System Resource, Demand Side Resource or Control Area System Resource.

2.160c Rest of State

The set of all non-Locality NYCA LBMP Load Zones. As of the 2002-2003 Capability Year, Rest of State includes all NYCA LBMP Load Zones other than LBMP Load Zones J and K.

2.161 Safe Operations

Actions which avoid placing personnel and equipment in peril with regard to the safety of life and equipment damage.

2.161a Scheduled Line

A transmission facility or set of transmission facilities: (a) that provide a distinct scheduling path interconnecting the ISO with an adjacent control area, (b) over which Customers are permitted to schedule External Transactions, (c) for which the ISO separately posts TTC and ATC, and (d) for which there is the capability to maintain the Scheduled Line actual interchange at the DNI, or within the tolerances dictated by Good Utility Practice. Each Scheduled Line is associated with a distinct Proxy Generator Bus. Transmission facilities shall only become Scheduled Lines after the Commission accepts for filing revisions to the NYISO's tariffs that identify a specific set or group of transmission facilities as a Scheduled Line.

The following transmission facilities are Scheduled Lines: the Cross-Sound Scheduled Line, the Neptune Scheduled Line, the Dennison Scheduled Line, the Northport Norwalk Scheduled Line, and the Linden VFT Scheduled Line.

2.161b Scheduling Differential

A monetary amount, to be defined by the ISO pursuant to ISO Procedures, that is assigned to, or defines Bid Price limits applicable to, Decremental Bids and Sink Price Cap Bids at Proxy Generator Buses, in order to establish an appropriate scheduling priority for the Transaction or Firm Transmission Service associated with each such Bid. The Scheduling Differential shall be no larger than one dollar (\$1.00).

2.162 SCUC

Security Constrained Unit Commitment, described in Section 4.2.4 of this ISO Services Tariff.

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2.163 [NOT USED]

2.163a Secondary Holders

Entities that: (1) purchase TCCs in the Secondary Market; (2) purchase TCCs in a Direct Sale from a Transmission Owner and have not been certified as a Primary Holder by the ISO; or (3) receive an allocation of Native Load TCCs from a Transmission Owner (See Attachment M). A Transmission Customer purchasing TCCs in a Direct Sale may qualify as a Primary Holder with respect to those TCCs purchased in that Direct Sale.

2.164 Second Settlement

The process of: (1) identifying differences between Energy production, Energy consumption or NYS Transmission System usage scheduled in a First Settlement and actual production, consumption, or usage during the Dispatch Day; and (2) assigning financial responsibility for those differences to the appropriate Customers and Market Participants. Charges for Energy supplied (to replace generation deficiencies or unscheduled consumption), and payments for Energy consumed (to absorb consumption deficiencies or excess Energy supply) or changes in transmission usage will be based on the Real-Time LBMPs.

2.165 Secondary Market

A market in which Primary and Secondary Holders sell TCCs by mechanisms other than through the Centralized TCC Auction or by Direct Sale. Buyers of TCCs in the Secondary

Market shall neither pay nor receive Congestion Rents directly to or from the ISO.

2.166 Reserved for future use.

2.167 Security Coordinator

An entity that provides the security assessment and Emergency operations coordination for a group of Control Areas. A Security Coordinator must not participate in the wholesale or retail merchant functions.

2.167a Self-Committed Fixed

A bidding mode in which a Generator is self-committed and opts not to be Dispatchable over any portion of its operating range.

2.167b Self-Committed Flexible

A bidding mode in which a Dispatchable Generator follows Base Point Signals within a portion of its operating range, but self-commits.

2.168 Self-Supply

The provision of certain Ancillary Services, or the provision of Energy to replace Marginal Losses by a Transmission Customer using either the Transmission Customer's own Generators or generation obtained from an entity other than the ISO.

2.169 Service Agreement

The agreement, in the form of Attachment A to the Tariff, and any amendments or supplements thereto entered into by a Customer and the ISO of service under the Tariff, or any unexecuted Service Agreement, amendments or supplements thereto, that the ISO unilaterally

files with the Commission.

2.170 Service Commencement Date

The date that the ISO begins to provide service pursuant to the terms of a Service Agreement, or in accordance with the Tariff.

2.171 Settlement

The process of determining the charges to be paid to, or by, a Customer to satisfy its obligations.

2.171a Shadow Price

The marginal value of relieving a particular Constraint which is determined by the reduction in system cost that results from an incremental relaxation of that Constraint.

2.172 Shift Factor (“SF”)

A ratio, calculated by the ISO, that compares the change in power flow through a transmission facility resulting from the incremental injection and withdrawal of power on the NYS Transmission System.

2.172a Shutdown Period

An ISO approved period of time immediately following a shutdown order, such as a zero base point, that has been designated by the Customer, during which unstable operation prevents the unit from accurately following its base points.

2.172b Sink Price Cap Bid

A Bid Price provided by an entity engaged in an Export to indicate the relevant Proxy Generator Bus LBMP below which that entity is willing to either purchase Energy in the LBMP Markets or, in the case of Bilateral Transactions, to accept Transmission Service.

2.172c Special Case Resource

Demand Side Resources capable of being interrupted upon demand, and Local Generators, rated 100 kW or higher, that are not visible to the ISO's Market Information System and that are subject to special rules, set forth in Section 5.12.11(a) of this ISO Services Tariff and related ISO Procedures, in order to facilitate their participation in the Installed Capacity market as Installed Capacity Suppliers. Special Case Resources that are not Local Generators, may be offered as synchronized Operating Reserves and Regulation Service and Energy in the Day-Ahead Market. Special Case Resources, using Local Generators rated 100 kw or higher, that are not visible to the ISO's Market Information System may also be offered as non-synchronized Operating Reserves.

2.172c.1 Special Case Resource Capacity

The Installed Capacity Equivalent of the Unforced Capacity which has been sold by a Special Case Resource in the Installed Capacity market during the current Capability Period.

2.172d Start-Up Period

An ISO approved period of time immediately following synchronization to the Bulk power system, which has been designated by a Customer and bid into the Real-Time Market, during which unstable operation prevents the unit from accurately following its base points.

2.172e Station Power

Station Power shall mean the Energy used by a Generator:

1. for operating electric equipment located on the Generator site, or portions thereof, owned by the same entity that owns the Generator, which electrical equipment is used by the Generator exclusively for the production of Energy and any useful thermal energy associated with the production of Energy; and

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2. for the incidental heating, lighting, air conditioning and office equipment needs of buildings, or portions thereof, that are:
 - a. owned by the same entity that owns the Generator;
 - b. located on the Generator site; and
 - c. used by the Generator exclusively in connection with the production of Energy and any useful thermal energy associated with the production of Energy.

Station Power does not include any Energy: (i) used to power synchronous condensers; (ii) used for pumping at a pumped storage facility or for charging a Limited Energy Storage Resource; or (iii) provided during a Black Start restoration by Generators that provide Black Start Capability Service.

2.172f Start-Up Bid

A Bid parameter that may vary hourly and that identifies the payment a Supplier requires to bring a Generator up to its specified minimum operating level from an offline state or a Demand Side Resource from a level of no Demand Reduction to its specified minimum level of Demand Reduction.

2.173 Storm Watch

Actual or anticipated severe weather conditions under which region-specific portions of

the NYS Transmission System are operated in a more conservative manner by reducing transmission transfer limits.

2.174 Strandable Costs

Prudent and verifiable expenditures and commitments made pursuant to a Transmission Owner's legal obligations that are currently recovered in the Transmission Owner's retail or wholesale rate that could become unrecoverable as a result of a restructuring of the electric utility industry and/or electricity market, or as a result of retail-turned-wholesale customers, or customers switching generation or Transmission Service suppliers.

2.175 Stranded Investment Recovery Charge

A charge established by a Transmission Owner to recover Strandable Costs.

2.176 Supplemental Resource Evaluation ("SRE")

A determination of the least cost selection of additional Generators, which are to be committed, to meet: (i) changed or local system conditions for the Dispatch Day that may cause the Day-Ahead schedules for the Dispatch Day to be inadequate to meet the reliability requirements of the Transmission Owner's local system or to meet Load or reliability requirements of the ISO; or (ii) forecast Load and reserve requirements over the six-day period that follows the Dispatch Day.

2.177 Supplier

A Party that is supplying the Capacity, Demand Reduction, Energy and/or associated Ancillary Services to be made available under the ISO OATT or the ISO Services Tariff, including Generators and Demand Side Resources that satisfy all applicable ISO requirements.

2.177a System Resource

A portfolio of Unforced Capacity provided by Resources located in a single ISO-defined Locality, the remainder of the NYCA, or any single External Control Area, that is owned by or under the control of a single entity, which is not the operator of the Control Area where such Resources are located, and that is made available, in whole or in part, to the ISO.

2.177b Tangible Net Worth

The value, determined by the ISO, of all of a Customer's assets less both: (i) the amount of the Customer's liabilities and (ii) all of the Customer's intangible assets, including, but not limited to, patents, trademarks, franchises, intellectual property, and goodwill.

2.177c Testing Period

An ISO approved period of time during which a Generator is testing equipment and during which unstable operation prevents the unit from accurately following its base points.

2.178 Third Party Transmission Wheeling Agreements ("Third Party TWAs")

A Transmission Wheeling Agreement, as amended, between Transmission Owner or between a Transmission Owner and an entity that is not a Transmission Owner associated with the purchase (or sale) of Energy, Capacity, and/or Ancillary Services for the benefit of an entity that is not a Transmission Owner. These agreements are listed in Table 1 of Attachment L to the ISO OATT.

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2.179 Total Transfer Capability ("TTC")

The amount of electric power that can be transferred over the interconnected transmission network in a reliable manner.

2.179a Trading Hub

A virtual location in a given Load Zone, modeled as a Generator bus and/or Load bus, for scheduling Bilateral Transactions in which both the POI and POW are located within the NYCA.

2.179b Trading Hub Energy Owner

A Customer who buys energy in a Bilateral Transaction in which the POW is a Trading Hub, or who sells energy in a Bilateral Transaction in which the POI is a Trading Hub.

2.180 Transaction

The purchase and/or sale of Energy or Capacity, or the sale of Ancillary Services.

2.181 Transfer Capability

The measure of the ability of interconnected electrical systems to reliably move or

transfer power from one area to another over all transmission facilities (or paths) between those areas under specified system conditions.

2.181a Transmission Congestion Contract Component (“TCC Component”)

A component of the Operating Requirement, calculated in accordance with Section III.B. of Attachment K to this Services Tariff.

2.182 Transmission Congestion Contracts ("TCCs")

The right to collect or obligation to pay Congestion Rents in the Day-Ahead Market for Energy associated with a single MW of transmission between a specified POI and POW. TCCs are financial instruments that enable Energy buyers and sellers to hedge fluctuations in the price of transmission.

2.183 Transmission Customer

Any entity (or its designated agent) that receives Transmission Service pursuant to a Service Agreement and the terms of the ISO OATT.

2.184 Transmission District

The geographic area served by the Investor-Owned Transmission Owners and LIPA, as well as the customers directly interconnected with the transmission facilities of the Power Authority of the State of New York.

2.185 Transmission Facilities Under ISO Operational Control

The transmission facilities of the Transmission Owners listed in Appendix A-1 of the ISO/TO Agreement, "Listing of Transmission Facilities Under ISO Operational Control," that are subject to the Operational Control of the ISO. This listing may be amended from time-to-time as specified in the ISO/TO Agreement.

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2.186 Transmission Facilities Requiring ISO Notification

The transmission facilities of the Transmission Owners listed in Appendix A-2 of the ISO/TO Agreement, ("Listing of Transmission Facilities Requiring ISO Notification") whose status of operation must be provided to the ISO by the Transmission Owners (for the purposes stated in the ISO Tariffs and in accordance with the ISO Tariffs and ISO/TO Agreement) prior to the Transmission Owners making operational changes to the state of these facilities. This listing may be amended from time-to-time as specified in the ISO/TO Agreement.

2.186a Transmission Facility Agreement

The agreements listed in Attachment L, Table 2 of the ISO OATT governing the use of specific or designated transmission facilities charges all, or a portion, of the costs to install, own, operate, or maintain said transmission facilities, to the customer under the agreement. These agreements may or may not have provisions to provide Transmission Service utilizing said transmission facilities.

2.186b Transmission Fund ("T-Fund")

The mechanism used under the current NYPP Agreement to compensate the Member Systems for providing Transmission Service for economy Energy Transactions over their transmission systems. Each Member System is allocated a share of the economy Energy savings in dollars assigned to the fund that is based on the ratio of their investment in transmission

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facilities to the sum of investments in transmission and generation facilities.

2.187 Transmission Owner

The public utility or authority (or its designated agent) that owns facilities used for the transmission of Energy in interstate commerce and provides Transmission Service under the Tariff.

2.188 Transmission Owner's Monthly Transmission System Peak

The maximum hourly firm usage as measured in megawatts ("MW") of the Transmission Owner's transmission system in a calendar month.

2.189 Transmission Reliability Margin ("TRM")

The amount of TTC reserved by the ISO to ensure the interconnected transmission network is secure under a reasonable range of uncertainties in system conditions.

2.190 Transmission Service

Point-To-Point Network Integration or Retail Access Transmission Service provided under the ISO OATT.

2.191 Transmission Service Charge ("TSC")

A charge designed to ensure recovery of the embedded cost of a Transmission Owner's transmission system.

2.191a Transmission Shortage Cost

The maximum reduction in system costs resulting from an incremental relaxation of a particular Constraint that will be used in calculating LBMP. The Transmission Shortage Cost is set at \$4000/MWh.

2.192 Transmission System

The facilities operated by the ISO that are used to provide Transmission Services under the ISO OATT.

2.193 Transmission Usage Charge (“TUC”)

Payments made by the Transmission Customer to cover the cost of Marginal Losses and, during periods of time when the transmission system is constrained, the marginal cost of Congestion. The TUC is equal to the product of: (1) the LBMP at the POW minus the LBMP at the POI (in \$/MWh); and (2) the scheduled or delivered Energy (in MWh).

2.194 Transmission Wheeling Agreement (“TWA”)

The Agreements listed in Table 1 of Attachment L to the ISO OATT governing the use of specific or designated transmission facilities that are owned, controlled or operated by an entity for the transmission of Energy in interstate commerce.

2.194a Unforced Capacity

The measure by which Installed Capacity Suppliers will be rated, in accordance with formulae set forth in the ISO Procedures, to quantify the extent of their contribution to satisfy the NYCA Installed Capacity Requirement, and which will be used to measure the portion of that NYCA Installed Capacity Requirement for which each LSE is responsible.

2.194a1 Unforced Capacity Deliverability Rights

Unforced Capacity Deliverability Rights (“UDRs”) are rights, as measured in MWs, associated with new incremental controllable transmission projects that provide a transmission

interface to a NYCA Locality (i.e., an area of the NYCA in which a minimum amount of Installed Capacity must be maintained). When combined with Unforced Capacity which is located in an External Control Area or non-constrained NYCA region either by contract or ownership, and which is deliverable to the NYCA interface with the UDR transmission facility, UDRs allow such Unforced Capacity to be treated as if it were located in the NYCA Locality, thereby contributing to an LSE's Locational Installed Capacity Requirement. To the extent the NYCA interface is with an External Control Area the Unforced Capacity associated with UDRs must be deliverable to the Interconnection Point.

2.194a.1 UCAP Component

A component of the Operating Requirement, calculated in accordance with Section III.B. of Attachment K to this Services Tariff.

2.194a.2 Unrated Customer

A Customer that does not currently have a senior long-term unsecured debt rating or issuer rating from Standard & Poor's, Moody's, Fitch, or Dominion, and that has not received an ISO Equivalency Rating.

2.194a.3 Unsecured Credit

A basis for satisfying part ~~or all~~ of a Customer's Operating Requirement on the basis of the Customer's creditworthiness. The amount of a Customer's Unsecured Credit shall be determined in accordance with Article IV of Attachment K to this Services Tariff.

2.194a.4 Virtual Load

Any Bid to purchase Energy in the Day-Ahead Market submitted at a load bus specified for Virtual Transactions.

2.194a.5 Virtual Supply

Any Bid to sell Energy in the Day-Ahead Market submitted at a load bus specified for Virtual Transactions.

2.194b Virtual Transaction

Any Bid to purchase or sell Energy in the Day-Ahead Market submitted at a load bus specified for Virtual Transactions.

2.194b.1 Virtual Transaction Component

A component of the Operating Requirement, calculated in accordance with Section III.B. of Attachment K to this Services Tariff.

2.194c West of Central-East (“West” or “Western”)

An electrical area comprised of Load Zones A, B, C, D, and E, as identified in the ISO Procedures.

2.195 Wheels Through

Transmission Service, originating in another Control Area, that is wheeled through the NYCA to another Control Area.

2.196 Wholesale Market

The sum of purchases and sales of Energy and Capacity for resale along with Ancillary Services needed to maintain reliability and power quality at the transmission level coordinated together through the ISO and Power Exchanges. A party who purchases Energy, Capacity or Ancillary Services in the Wholesale Market to serve its own Load is considered to be a participant in the Wholesale Market.

2.197 Wholesale Transmission Services Charges (“WTSC”)

Those charges calculated pursuant to Attachment H of the OATT, incurred or declared overdue by a Transmission Owner pursuant to Section VIII.B of Attachment K, after the effective date of these revisions; provided, however, that these provisions will not apply to pre-petition bankruptcy debts for a company that is currently in bankruptcy.

2.198 Wind Energy Forecast

The ISO’s forecast of Energy that is expected to be supplied over a specified interval of time by an Intermittent Power Resource that depends on wind as its fuel and which is used in ISO’s Energy market commitment and dispatch.

2.198a Wind Output Limit

A Base Point Signal calculated for an Intermittent Power Resource depending on wind as its fuel and which, when sent to the Intermittent Power Resource, shall include a separate flag

indicating that the Base Point Signal directs the Intermittent Power Resource to reduce its output.

All Intermittent Power Resources, other than those in commercial operation as of January 1, 2002 with name plate capacity of 12 MWs or fewer, shall be eligible to receive a Wind Output Limit.

2.199 WTSC Component

A component of the Operating Requirement, calculated in accordance with Section III.B, of Attachment K to this Services Tariff.

New York Independent System Operator, Inc.
FERC Electric Tariff
Original Volume No. 2

First Revised Sheet Nos. 76 through 80
Superseding Original Sheet Nos. 75 through 80

Sheet Nos. 76 through 80 are reserved for future use.

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ARTICLE 3

TERM AND EFFECTIVENESS

3.1 Effectiveness

The ISO Services Tariff shall become effective on the latest of: (i) Commission approval of: (a) the ISO OATT, (b) the ISO Services Tariff, (c) the ISO Agreement, (d) the NYSRC Agreement, (e) the ISO/NYSRC Agreement, and (f) the ISO/TO Agreement (collectively, the “ISO Tariffs” and “ISO Related Agreements”); (ii) the date on which both the Commission and the PSC grant all necessary approvals to the Transmission Owners to transfer Operational Control of any facilities to the ISO or otherwise dispose of any of their property, including, without limitation, those approvals required under Section 70 of the New York Public Service Law (“PSL”) and Section 203 of the Federal Power Act (“FPA”); (iii) the last date that any other approval or authorization is received, to the extent such additional approval or authorization is necessary; (iv) execution of the ISO Related Agreements; or (v) such later date specified by the Commission.

3.2 Term and Termination

The ISO Services Tariff shall remain in effect until: (i) canceled by the ISO upon sixty (60) days prior written notice in accordance with applicable Commission regulations; or (ii) the effective date of any law, order, rule, regulation, or determination of a body of competent

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jurisdiction requiring termination or a material modification of the ISO Services Tariff and/or the Service Agreements executed pursuant to the terms of the Tariff (See Attachment A) that would be inconsistent with any material term or provision of the ISO/TO Agreement. Any Customer may withdraw from the Tariff on thirty (30) days prior notice to the ISO; provided, however, that an LSE is required to be a Customer and comply with applicable requirements of the Tariff as long as it continues to serve Load in the NYCA.

3.3 Regulations

The ISO Services Tariff and any related Service Agreement are made subject to all applicable federal, state and local laws, regulations and orders.

3.4 Access to Complete and Accurate Data

Customers under the Tariff shall provide to the ISO such information and data as the ISO reasonably deems necessary in order to perform its functions and fulfill its responsibilities under the Tariff and in accordance with the ISO Market Power Monitoring Program. Such information will be provided on a timely basis and in the formats prescribed in the ISO Procedures. The ISO shall establish metering specifications and standards for all metering that is used as a data source by the ISO (See Article 13). Customers shall install and maintain such metering at their own expense and deliver data to the ISO without charge.

3.5 ISO Procedures

The ISO shall develop, and modify as appropriate, procedures for the efficient and non-discriminatory operation of the ISO Administered Markets and for the safe and reliable operation of the NYCA in accordance with the terms and conditions of the Tariff. All such procedures must be consistent with Good Utility Practice. Whenever requested by the ISO, each LSE shall provide the ISO with a forecast of the Loads for which it is responsible for the particular time period designated by the ISO. Customers shall inform the ISO, in accordance with the ISO Procedures, of the Availability of Generators within the NYCA subject to a Customer's control by Energy contract, ownership or otherwise. Additionally, the Transmission Owners will provide megawatt, megavar, voltage readings, transmission system data (facility ratings and impedance data), and maintenance schedules for all Transmission Facilities Under ISO Operational Control, and any person or entity that owns transmission facilities associated with an award of Incremental TCCs under Section 2C of Attachment M to the ISO OATT and Section 2C of Part IV of Attachment B to the ISO Services Tariff, shall be responsible for providing the same data and schedules to the ISO. For Transmission Facilities Requiring ISO Notification, the Transmission Owners shall inform the ISO of all changes in the status of the designated transmission facilities. Transmission Owners and persons or entities that own transmission facilities associated with an award of Incremental TCCs shall provide such data and schedules pursuant to applicable provisions of the ISO Procedures. Suppliers will provide data on Generator status and output including maintenance schedules, Generator scheduled return

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dates (inclusive of return to service from maintenance, forced outages or partial unit outages that resulted in a significant reduction in a generating unit's ability to produce Energy in any hour), and Generator machine data, in accordance with the ISO Procedures. These data shall also include Generator

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Incremental/Decremental Bids, operating limits, response rates, megawatt, megavar, and voltage readings.

3.6 Survival

Upon termination, expiration or cancellation of the ISO Services Tariff or any related Service Agreement, in accordance with their terms, the provisions of the Tariff, and any Service Agreement, shall remain in effect to the extent necessary to permit the conclusion of: (i) transactions previously initiated by the ISO hereunder; and (ii) billing, payment and accounting with respect to all matters arising hereunder or pursuant to a Service Agreement. Additionally, any provisions of the ISO Services Tariff or a Service Agreement which expressly survive termination or cancellation of the ISO Services Agreement or Service Tariff shall remain in effect in accordance with those provisions.

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FERC Electric Tariff
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ARTICLE 4

MARKET SERVICES: RIGHTS AND OBLIGATIONS

4.1 Market Services - General Rules

4.1.1 Overview

Market Services include all services and functions performed by the ISO under this Tariff related to the sale and purchase of Energy, Capacity or Demand Reductions, and the payment to Suppliers who provide Ancillary Services in the ISO Administered Markets.

4.1.2 Independent System Operator Authority

The ISO shall provide all Market Services in accordance with the terms of the ISO Services Tariff and the ISO Related Agreements. The ISO shall be the sole point of Application for all Market Services provided in the NYCA. Each Market Participant that sells or purchases Energy, including Demand Side Resources, sells or purchases Capacity, or provides Ancillary Services in the ISO Administered Markets utilizes Market Services and must take service as a Customer under the Tariff.

4.1.3 Informational and Reporting Requirements

The ISO shall operate and maintain an OASIS, including a Bid/Post System that will facilitate the posting of Bids to supply Energy, Ancillary Services and Demand Reductions by Suppliers for use by the ISO and the posting of Locational Based Marginal Prices (“LBMP”) and schedules for accepted Bids for Energy, Ancillary Services and Demand Reductions. The Bid/Post System will be used to post schedules for Bilateral Transactions. The Bid Post System also will provide historical data regarding Energy

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and Capacity market clearing prices in addition to Congestion Costs.

4.1.4 Scheduling Prerequisites

Each Customer shall be subject to a minimum Transaction size of one (1) megawatt (“MW”) between each Point of Injection and Point of Withdrawal in any given hour. Each Transaction must be scheduled in whole megawatts.

4.1.5 Communication Requirements for Market Services

Customers may utilize a variety of communications facilities to access the ISO’s OASIS and Bid/Post System, including but not limited to, conventional Internet service providers, wide area networks such as NERC net, and dedicated communications circuits. Customers shall arrange for and maintain all communications facilities for the purpose of communication of commercial data to the ISO. Each Customer shall be the customer of record for the telecommunications facilities and services its uses and shall assume all duties and responsibilities associated with the procurement, installation and maintenance of the subject equipment and software.

4.1.6 Customer Responsibilities

All purchasers in the Day-Ahead or Real-Time Markets who withdraw Energy within the NYCA or at an NYCA Interconnection with another Control Area must obtain Transmission Service under the ISO OATT. All Customers requesting service under the ISO Services Tariff to engage in Virtual Transactions must obtain Transmission Service under the ISO OATT.

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All LSEs serving Load in the NYCA must comply with the Installed Capacity requirements set forth in Article 5 of this ISO Services Tariff.

All Customers taking service under the ISO Services Tariff must pay the Market Administration and Control Area Services Charge, as specified in Rate Schedule 1 of this ISO Services Tariff provided, however, that Demand Side Resources offering Operating Reserves or Regulation Service shall pay the Market Administration and Control Area Services Charge based only on their withdrawal billing units. Limited Energy Storage Resources shall pay the Market Administration and Control Area Services Charge, as specified in Rate Schedule 1 of this ISO Services Tariff, based only on their Actual Energy Injections.

A Generator or Demand Side Resource with a real time physical operating problem that makes it impossible for it to operate in the bidding mode in which it was scheduled shall notify the NYISO.

All Customers shall comply with all applicable federal, state and local laws, regulations and orders, including orders from the ISO.

4.1.7 Commitment for Reliability

Generating units committed by the ISO for service to ensure NYCA or local system reliability will recover startup and minimum generation costs not recovered in the Dispatch Day. Payment for such costs shall be determined pursuant to the provisions of Attachment C. Such payments shall be recovered by the ISO from the local customers for whose benefit the generation was committed in accordance with Rate Schedule 1 of the ISO OATT.

Re-dispatching costs incurred as a result of reductions in Transfer Capability caused by Storm Watch (“Storm Watch Costs”) shall be aggregated and recovered on a monthly basis by the ISO exclusively from Transmission Customers in Load Zone J. The ISO shall calculate Storm Watch Costs by multiplying the real-time Shadow Price of any binding constraint associated with a Storm Watch, by the higher of (a) zero; or (b) the scheduled Day-Ahead flow across the constraint minus the actual real-time flow across the constraint.

4.1.7a Incremental Cost Recovery for Units Responding to Local Reliability Rule I-R3 or I-R5

Generating units designated pursuant to the New York State Reliability Council’s Local Reliability Rule I-R3 -- Loss of Generator Gas Supply (New York City) or I-R5 -- Loss of Generator Gas Supply (Long Island), as being required to burn an alternate fuel at designated minimum levels based on forecast Load levels in Load Zones J and K (for purposes of this section 4.1.7a, “eligible units”), shall be eligible to recover the variable operating costs associated with burning the required alternate fuel pursuant to the provisions of this section 4.1.7a. For purposes of this section 4.1.7a, the periods of time for which Consolidated Edison invokes Local Reliability Rule I-R3 or LIPA invokes Local Reliability Rule I-R5 and in which the eligible unit burns its required alternate fuel, including that period of time required to move into and out of Rule I-R3 or I-R5 compliance, shall be referred to as the “Eligibility Period.” For Eligibility Periods, the eligible unit shall recover its variable operating costs associated with burning the required alternate fuel if and to the extent that such variable operating costs are not reflected in the reference level for that unit for the hours included in the Eligibility Period, pursuant to ISO procedures. To be recoverable, variable operating costs associated with burning the required alternate fuel must be incurred during an Eligibility Period and must be incurred only because Local Reliability Rule I-R3 or I-R5 was invoked.

Rules for determining: (i) variable operating costs associated with burning the required alternate fuel that would not have been incurred but for the requirement to burn the required alternate fuel as established by Local Reliability Rules I-R3 and I-R5; and (ii) Eligibility Periods shall be specified in ISO Procedures. Payments made by the ISO to the eligible unit to reimburse the variable operating costs paid pursuant to this section 4.1.7a shall be in addition to any LBMP, Ancillary Service or other revenues received as a result of the eligible unit's Day-Ahead or Real-Time dispatch for that day.

There shall be no recovery of costs pursuant to this section 4.1.7a for any hour for which the indexed variable operating costs of the required alternate fuel that is being burned pursuant to Rule I-R3 or I-R5 is less than the indexed variable operating costs for natural gas, as determined by the ISO.

The ISO shall make available for the Transmission Owner in whose subzone the Generator is located: (i) the identity of Generators determined by the ISO to be eligible to recover the variable operating costs associated with burning the required alternate fuel pursuant to the provisions of this section; (ii) the start and stop hours for each claimed Eligibility Period and (iii) the amount of alternative fuel for which the Generator has sought to recover variable operating costs.

4.2 Day-Ahead Markets and Schedules

4.2.1 Pre-Scheduled Transaction Requests

Pre-Scheduled Transaction Requests shall be submitted, pursuant to ISO Procedures, no earlier than eighteen (18) months prior to the Dispatch Day, and shall include hourly Transaction quantities (in MW) at each affected External Interface for each specified Dispatch Day.

Customers may submit Pre-Scheduled Transaction Requests for scheduling in the Day-Ahead Market. The ISO shall determine, pursuant to ISO Procedures, the amount of Total Transfer Capability at each External Interface to be made available for scheduling. The ISO shall evaluate Pre-Scheduled Transaction Requests in the order in which they are submitted for evaluation until the Pre-Scheduled Transmission Request expires, pursuant to ISO Procedures, prior to the close of the Day-Ahead Market for the specified Dispatch Day. Modification of a Pre-Scheduled Transaction Request shall constitute a withdrawal of the original request and a submission of a new Pre-Scheduled Transaction Request. At the request of a Customer, the ISO shall continue to evaluate a Pre-Scheduled Transaction Request that was not accepted for scheduling in the priority order in which the Request was originally submitted until it is either accepted for scheduling, is withdrawn or expires, pursuant to ISO Procedures, prior to the close of the Day-Ahead Market for the specified Dispatch Day. The ISO shall accept Pre-Scheduled Transaction Requests for scheduling, pursuant to ISO Procedures, provided that there is Ramp Capacity, and Transfer Capability at each affected External Interface, available in the NYCA for each hour requested. If Ramp Capacity or Transfer Capability, on the designated External Interface, is unavailable in the NYCA for any hour of the Pre-Scheduled Transaction Request, the request shall not be scheduled. The ISO shall confirm the Transaction with affected Control Areas, as necessary, pursuant to ISO Procedures and may condition acceptance for scheduling on such confirmation.

The ISO shall provide the requesting Customer with notice, as soon as is practically possible, as to whether the Pre-Scheduled Transaction Request is accepted for scheduling and, if it is not scheduled, the ISO shall provide the reason.

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The ISO shall reserve Ramp Capacity, and Transfer Capability on affected Interfaces, for each Pre-Scheduled Transaction. The ISO shall evaluate requests to withdraw Pre-Scheduled Transactions pursuant to ISO Procedures. The ISO shall submit Pre-Scheduled Transactions to the appropriate LBMP Market for the designated Dispatch Day.

Prescheduled Transactions that are submitted for scheduling in the Day-Ahead Market shall be assigned a Decremental Bid or Sink Price Cap Bid, as appropriate, to provide the highest scheduling priority available.

Prescheduled Transactions may not be scheduled at Proxy Generator Buses that are associated with Scheduled Lines.

4.2.2 Day-Ahead Load Forecasts, Bids and Bilateral Schedules

A. General Customer Forecasting and Bidding Requirements

By 5 a.m., on the day prior to the Dispatch Day (or by 4:50 a.m. for Eligible Customers seeking to schedule External Transactions at the Proxy Generator Bus associated with the Cross-Sound Scheduled Line, the Neptune Scheduled Line, or the Linden VFT Scheduled Line):

(i) All LSEs serving Load in the NYCA shall provide the ISO with Day-Ahead and seven (7) day Load forecasts; and (ii)

Customers submitting Bids in the Day-Ahead Market, other than Pre-scheduled Transaction

Requests, shall provide the ISO, as appropriate with:

1. Bids to supply Energy, including Bids to supply Energy in Virtual Transactions;
2. Bids to supply Ancillary Services;
3. Requests for Bilateral Transaction schedules;
4. Bids to purchase Energy, including Bids to purchase Energy in Virtual Transactions; and
5. Demand Reduction Bids.

In general, the information provided to the ISO shall include the following:

B. Load Forecasts

The Load forecast shall indicate the predicted level of Load in MW by Point of Withdrawal for each hour of the following seven (7) days.

C. Bids by Dispatchable and ISO-Committed Fixed Resources to Supply Energy and/or Ancillary Services

1. General Rules

Day-Ahead Bids by Dispatchable or ISO-Committed Fixed Suppliers shall identify the Capacity, in MW, available for commitment in the Day-Ahead Market (for every hour of the Dispatch Day) and the price(s) at which the Supplier will voluntarily enter into dispatch commitments. Bids to supply Energy at Proxy Generator Buses shall be priced no lower than the Bid that provides the highest scheduling priority for sales to the relevant LBMP Market plus the product of (i) the Scheduling Differential and (ii) three.

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If the Supplier is ISO-Committed Flexible or Self-Committed Flexible, and is eligible to provide Regulation Service or Operating Reserves under Rate Schedules 3 and 4 respectively of this ISO Services Tariff, the Supplier's Bid shall specify the quantity of Regulation Service it is making available and an emergency response rate that determines the quantity of Operating Reserves that it is capable of providing. Offers to provide Regulation Service and Operating Reserves must comply with the rules set forth in Rate Schedules 3 and 4 and Attachment D to this ISO Services Tariff. If a Supplier that is eligible to provide Operating Reserves does not submit a Day-Ahead Availability Bid for Operating Reserves, its Day-Ahead Bid shall be rejected in its entirety. A Supplier may resubmit a complete Day-Ahead Bid, provided that the new Bid is timely.

2. Bid Parameters

Day-Ahead Bids by Dispatchable or ISO-Committed Fixed Suppliers, may identify variable Energy price Bids, consisting of up to eleven monotonically increasing, constant cost incremental Energy steps, and other parameters described in Attachment D of this ISO Services Tariff and the ISO Procedures. Day-Ahead Bids from Demand Side Resources offering Operating Reserves or Regulation Service shall be ISO-Committed Flexible and shall have an Energy Bid price no lower than \$75/MW hour. Day-Ahead offers by Intermittent Power Resources that depend on wind as their fuel shall be ISO-Committed Flexible and shall not include a Minimum Generation Bid or a Start-Up Bid.

Day-Ahead Bids by ISO-Committed Fixed and ISO-Committed Flexible Generators shall also include Minimum Generation Bids and hourly Start-Up Bids. Bids shall specify whether a Supplier is offering to be ISO-Committed Fixed, ISO-Committed Flexible or Self-Committed Flexible.

3. Upper Operating Limits

All Bids to supply Energy and Ancillary Services must specify a UOL_N and a UOL_E for each hour. A Resource's UOL_E may not be lower than its UOL_N .

D. Offers to Supply Energy from Self-Committed Fixed Generators

Self-Committed Fixed Generators shall provide the ISO with a schedule of their expected Energy output for each hour. Self-Committed Fixed Generators are responsible for ensuring that any hourly changes in output are consistent with their response rates. Self-Committed Fixed Generators shall also submit UOL_{NS} , UOL_{ES} and variable Energy Bids for possible use by the ISO in the event that RTD-CAM initiates a maximum generation pickup, as described in Section 4.4.4 of this ISO Services Tariff.

E. Bids to Supply Energy in Virtual Transactions

Customers submitting bids to supply Energy in Virtual Transactions shall identify the Energy, in MW, available in the Day-Ahead Market (for every hour of the Dispatch Day) and the price(s) at which the Customer will voluntarily make it available.

F. Bids to Purchase Energy in Virtual Transactions

Customers submitting bids to purchase Energy in Virtual Transactions shall identify the Energy, in MW, to be purchased in the Day-Ahead Market (for every hour of the Dispatch Day) and the price(s) at which the Customer will voluntarily purchase it.

G. Bilateral Transactions

Bilateral Transaction schedules shall identify hourly Transaction quantities (in MW) by Point of Injection and Point of Withdrawal, minimum run times associated with Firm Point to Point Transmission Service, if any, and provide other information (as described in Attachment D). Decremental Bids and Sink Price Cap Bids shall be subject to the bid limitations and pricing rules set forth in Section III.2.0 (7) of Attachment B to this ISO Services Tariff.

H. Bids to Purchase Energy in the Day-Ahead Market

Each purchaser shall submit Bids indicating the hourly quantity of Energy, in MW, that it will purchase from the Day-Ahead Market for each hour of the following Dispatch Day. These Bids shall indicate the quantities to be purchased by Point of Withdrawal. The Bids may identify prices at which the purchaser will voluntarily Curtail the Transaction, provided however that Bids from External purchasers to purchase Energy in the Day-Ahead Market shall be priced no higher than the Bid that provides the highest scheduling priority for purchases in the LBMP Market, minus the product of (i) the Scheduling Differential and (ii) three.

I. Day-Ahead Bids from Demand Reduction Providers to Supply Energy from Demand Reductions

Demand Reduction Providers offering Energy from Demand Side Resources shall: (i) bid in whole megawatts and, as described in Attachment D, shall: (ii) identify the amount of demand, in whole megawatts, that is available for commitment in the Day-Ahead Market (for every hour of the dispatch day) and (iii) identify the prices at which the Demand Reduction Provider will voluntarily enter into dispatch commitments to reduce demand provided, however, the price at which the Demand Reduction Provider will voluntarily enter into dispatch commitments to reduce demand shall be no lower than \$75/MW hour. The Bids will identify the minimum period of time that the Demand Reduction Provider is willing to reduce demand. The Bid may separately identify the Demand Reduction Provider's Curtailment Initiation Cost. Demand Reduction Bids from Demand Reduction Providers that are not accepted in the Day-Ahead Market shall expire at the close of the Day-Ahead Market.

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4.2.3 ISO Responsibility to Establish a Statewide Load Forecast

By 8 a.m., the ISO will develop and publish its statewide Load forecast on the OASIS.

The ISO will use this forecast to perform the SCUC for the Dispatch Day.

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4.2.4 Security Constrained Unit Commitment (“SCUC”)

Subject to ISO Procedures and Good Utility Practice, the ISO will develop a SCUC schedule over the Dispatch Day using a computer algorithm which simultaneously minimizes the total Bid Production Cost of: (i) supplying power or Demand Reductions to satisfy accepted purchasers’ Bids to buy Energy from the Day-Ahead Market; (ii) providing sufficient Ancillary Services to support Energy purchased from the Day-Ahead Market consistent with the Regulation Service Demand curve and Operating Reserve Demand Curves set forth in Rate Schedules 3 and 4 respectively of this ISO Services Tariff; (iii) committing sufficient Capacity to meet the ISO’s Load forecast and provide associated Ancillary Services; and (iv) meeting Bilateral Transaction schedules submitted Day-Ahead excluding schedules of Bilateral Transactions with Trading Hubs as their POWs. The computer algorithm shall consider whether accepting Demand Reduction Bids will reduce the total Bid Production Cost. The schedule will include commitment of sufficient Generators and/or Demand Side Resources to provide for the safe and reliable operation of the NYS Power System. Pursuant to ISO Procedures, the ISO may schedule any Resource to run above its UOL_N up to the level of its UOL_E . In cases in which the sum of all Bilateral Schedules, excluding Bilateral Schedules for Transactions with Trading Hubs as their POWs, and all Day-Ahead Market purchases to serve Load within the NYCA in the Day-Ahead schedule is less than the ISO’s Day-Ahead forecast of Load, the ISO will commit Resources in addition to the Operating Reserves it normally maintains to enable it to respond to contingencies. The purpose of these additional resources is to ensure that sufficient Capacity is available to the ISO in real-time to enable it to

meet its Load forecast (including associated Ancillary Services). In considering which additional Resources to schedule to meet the ISO's Load forecast, the ISO will evaluate unscheduled Imports, and will not schedule those Transactions if its evaluation determines the cost of those Transactions would effectively exceed a Bid Price cap in the hours in which the Energy provided by those Transactions is required. In addition to all Reliability Rules, the ISO shall consider the following information when developing the SCUC schedule: (i) Load forecasts; (ii) Ancillary Service

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requirements as determined by the ISO given the Regulation Service Demand Curve and Operating Reserve Demand Curves referenced above; (iii) Bilateral Transaction schedules excluding Bilateral Schedules for Transactions with Trading Hubs as their POWs; (iv) price Bids and operating Constraints submitted for Generators or for Demand Side Resources; (v) price Bids for Ancillary Services; (vi) Decremental Bids and Sink Price Cap Bids for External Transactions; (vii) Ancillary Services in support of Bilateral Transactions; and (viii) Bids to purchase or sell Energy from or to the Day-Ahead Market. External Transactions with minimum run times greater than one hour will only be scheduled at the requested Bid for the full minimum run time. External Transactions with identical Bids and minimum run times greater than one hour will not be prorated. The SCUC schedule shall list the twenty-four (24) hourly injections and withdrawals for: (a) each Customer whose Bid the ISO accepts for the following Dispatch Day; and (b) each Bilateral Transaction scheduled Day-Ahead excluding Bilateral Transactions with Trading Hubs as their POWs.

In the development of its SCUC schedule, the ISO may commit and de-commit Generators and Demand Side Resources, based upon any flexible Bids, including Minimum Generation Bids, Start-Up Bids, Curtailment Initiation Cost Bids, Energy, and Incremental Energy Bids and Decremental Bids received by the ISO provided however that the ISO shall commit zero megawatts of Energy for Demand Side Resources committed to provide Operating Reserves and Regulation Service.

The ISO will select the least cost mix of Ancillary Services and Energy from Suppliers, Demand Side Resources, and Customers submitting Virtual Transactions bids. The ISO may

substitute higher quality Ancillary Services (i.e., shorter response time) for lower quality Ancillary Services when doing so would result in an overall least bid cost solution. For example, 10-Minute Non-Synchronized Reserve may be substituted for 30-Minute Reserve if doing so would reduce the total bid cost of providing Energy and Ancillary Services.

4.2.4.1 Reliability Forecast for the Dispatch Day

At the request of a Transmission Owner to meet the reliability of its local system, the ISO may incorporate into the ISO's Security Constrained Unit Commitment constraints specified by the Transmission Owner.

A Transmission Owner may request commitment of certain Generators for a Dispatch Day if it determines that certain Generators are needed to meet the reliability of its local system. Such request shall be made before the Day-Ahead Market for that Dispatch Day has closed if the Transmission Owner knows of the need to commit certain Generators before the Day-Ahead Market close.

A Transmission Owner may request commitment of additional Generators for a Dispatch Day following the close of the Day-Ahead Market to meet changed or local system conditions for the Dispatch Day that may cause the Day-Ahead schedules for the Dispatch Day to be inadequate to ensure the reliability of its local system. The ISO will use SRE to fulfill a Transmission Owner's request for additional units.

All requests by Transmission Owners to commit Generators, pursuant to this Section 4.2.4.1, shall be posted upon receipt on the ISO website following the close of the Day-Ahead Market.

After the Day-Ahead schedule is published, the ISO shall evaluate any events, including, but not limited to, the loss of significant Generators or transmission facilities that may cause the Day-Ahead schedules to be inadequate to meet the Load or reliability requirements for the Dispatch Day.

In order to meet Load or reliability requirements in response to such changed conditions the ISO may: (i) commit additional Resources, beyond those committed Day-Ahead, using a SRE and considering (a) Bids submitted to the ISO that were not previously accepted but were designated by the bidder as continuing to be available; or (b) new Bids from all Suppliers, including neighboring systems; or (ii) take the following actions: (a) after providing notice, require all Resources to run above their UOL_{NS}, up to the level of their UOL_{ES} (pursuant to ISO Procedures) and/or raise the UOL_{NS} of Capacity Limited Resources and Energy Limited Resources to their UOL_E levels, or (b) cancel or reschedule transmission facility maintenance outages when possible. Actions taken by the ISO in performing supplemental commitments will not change any financial commitments that resulted from the Day-Ahead Market

4.2.5 Reliability Forecast for the Six Days Following the Dispatch Day

In the SCUC program, system operation shall be optimized based on Bids over the Dispatch Day. However, to preserve system reliability, the ISO must ensure that there will be

sufficient resources available to meet forecasted Load and reserve requirements over the seven (7)-day period that begins with the next Dispatch Day. The ISO will perform a Supplemental Resource Evaluation (“SRE”) for days two (2) through seven (7) of the commitment cycle. If it is determined that a long start-up time Generator is needed for reliability, the ISO shall accept a Bid from the Generator and the Generator will begin its start-up sequence. During each day of the start-up sequence, the ISO will perform an SRE to determine if long start-up time Generators will still be needed as previously forecasted. If the Generator is still needed, it will continue to accrue start-up cost payments on a linear basis. If at any time it is determined that the Generator will not be needed as previously forecasted, the ISO shall order the Generator to abort its start-up sequence, and its start-up payment entitlement will cease at that point.

The ISO will commit to long start-up time Generators to preserve reliability. However, the ISO will not commit resources with long start-up times to reduce the cost of meeting Loads that it expects to occur in days following the next Dispatch Day. Supplemental payments to these Generators, if necessary, will be determined pursuant to the provisions of Attachment C and will be recovered by the ISO under Rate Schedule 1 of the ISO OATT.

The ISO shall perform the SRE as follows: (1) The ISO shall develop a forecast of daily system peak Load for days two (2) through seven (7) in this seven (7)-day period and add the appropriate reserve margin; (2) the ISO shall then

forecast its available Generators for the day in question by summing the Operating Capacity for all Generators currently in operation that are available for the commitment cycle, the Operating Capacity of all other Generators capable of starting on subsequent days to be available on the day in question, and an estimate of the net Imports from External Bilateral Transactions; (3) if the forecasted peak Load plus reserves exceeds the ISO's forecast of available Generators for the day in question, then the ISO shall commit additional Generators capable of starting prior to the day in question (e.g., start-up period of two (2) days when looking at day three (3)) to assure system reliability; (4) in choosing among Generators with comparable start-up periods, the ISO shall schedule Generators to minimize Minimum Generation Bid and Start-Up Bid costs of meeting forecasted peak Load plus Ancillary Services consistent with the Reliability Rules; (5) in determining the appropriate reserve margin for days two (2) through seven (7), the ISO will supplement the normal reserve requirements to allow for forced outages of the short start-up period units (e.g., gas turbines) assumed to be operating at maximum output in the unit commitment analysis for reliability.

The bidding requirements and the Bid tables in Attachment D indicate that Energy Bids are to be provided for days one (1) through seven (7). Energy Bids are binding for day one (1) only for units in operation or with start-up periods less than one (1) day. Minimum Generation Bids for Generators with start-up periods greater than one (1) day will be binding only for

units that are committed by the ISO and only for the first day in which those units could produce Energy given their start-up periods. For example, Minimum Generation Bids for a Generator with a start-up period of two (2) days would be binding only for day three (3) because, if that unit begins to start up at any time during day one (1), it would begin to produce Energy forty-eight (48) hours later on day three (3). Similarly, the Minimum Generation Bids for a Generator with a start-up period of three (3) days would be binding only for day four (4).

4.2.6 Post the Day-Ahead Schedule

By 11 a.m. on the day prior to the Dispatch Day, the ISO shall close the Day-Ahead scheduling process and post on the Bid/Post System the Day-Ahead schedule for each entity that submits a Bid or Bilateral Transaction schedule. All schedules shall be considered proprietary, with the posting only visible to the appropriate scheduling Customer and Transmission Owners subject to the applicable Code of Conduct (See Attachment F to the ISO OATT). The ISO will post on the OASIS the statewide aggregate resources (Day-Ahead Energy schedules and total operating capability forecast) and Load (Day-Ahead scheduled and forecast) for each Load Zone, and the Day-Ahead LBMP prices (including the Congestion Component and the Marginal Losses Component) for each Load Zone in each hour of the upcoming Dispatch Day. The ISO shall conduct the Day-Ahead Settlement based upon the Day-Ahead schedule determined in accordance with this Section. The ISO will

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provide the Transmission Owner with the Load forecast (for seven (7) days) as well as the ISO security evaluation data to enable local area reliability to be assessed.

4.2.7 Day-Ahead LBMP Market Settlements

The ISO shall calculate the Day-Ahead LBMPs for each Load Zone and at each Generator bus and Demand Reduction Bus as described in Attachment B. Each Supplier that bids a Generator into the ISO Day-Ahead Market and is scheduled in the SCUC to sell Energy in the Day-Ahead Market will be paid the product of: (a) the Day-Ahead hourly LBMP at the applicable Generator bus; and (b) the hourly Energy schedule. For each Demand Reduction Provider that bids a Demand Reduction into the Day-Ahead Market and is scheduled in SCUC to provide Energy from the Demand Reduction, the LSE providing Energy service to the Demand Side Resource that accounts for the Demand Reduction shall be paid the product of: (a) the Day-Ahead hourly LBMP at the applicable Demand Reduction Bus; and (b) the hourly demand reduction scheduled Day-Ahead (in MW). In addition, each Demand Reduction Provider that bids a Demand Reduction into the

Day-Ahead Market and is scheduled in the SCUC to provide Energy through Demand Reduction shall receive a Demand Reduction Incentive Payment from the ISO equal to the product of: (a) the Day-Ahead hourly LBMP at the Demand Reduction bus; and (b) the lesser of the actual hourly Demand Reduction or the scheduled hourly Demand Reduction (in MW). Each LSE that bids into the Day-Ahead Market, including each Customer that submits a Bid for a Virtual Transaction, and has a schedule accepted by the ISO to purchase Energy in the Day-Ahead Market will pay the product of: (a) the Day-Ahead hourly Zonal LBMP at each Point of Withdrawal; and (b) the scheduled Energy at each Point of Withdrawal. Each Customer that submits a Virtual Transaction bid into the ISO Day-Ahead Market and has a schedule accepted by the ISO to sell Energy in a Load Zone in the Day-Ahead Market will receive a payment equal to the product of (a) the Day-Ahead hourly zonal LBMP for that Load Zone; and (b) the hourly scheduled Energy for the Customer in that Load Zone. Each Trading Hub Energy Owner who bids a Bilateral Transaction into the Day-Ahead Market with a Trading Hub as its POI and has its schedule accepted by the ISO will pay the product of: (a) the Day-Ahead hourly zonal LBMP for the Load Zone associated with that Trading Hub; and (b) the Bilateral Transaction scheduled MW. Each Trading Hub Energy Owner who bids a Bilateral Transaction into the Day-Ahead Market with a Trading Hub as its POW and has its schedule accepted by the ISO will be paid the product of: (a) the Day-Ahead hourly zonal LBMP for the Load Zone associated with that Trading Hub; and (b) the Bilateral Transaction scheduled MW.

The ISO shall publish the Day-Ahead Settlement Load Zone LBMPs for each hour in the scheduling horizon (nominally twenty-four (24) hours). The ISO shall then close the Day-Ahead Settlement.

4.3 In-Day Scheduling Changes

After the Day-Ahead schedule is published, the ISO shall normally grant requests by Capacity Limited Resources and Energy Limited Resources for reductions from Day-Ahead schedules to their UOL_NS for any hour(s) in which they are scheduled above their UOL_NS. However, the ISO may schedule such Resources to provide Energy in the Real-Time Market in an amount up to its Day-Ahead schedule during the relevant hour(s) at a price no higher than the relevant Day-Ahead offer price when it is needed to prevent or to address an Emergency.

The ISO will not recall Energy produced by a Generator serving External Load to the extent that the Generator is not providing Installed Capacity (and has not indicated that it wishes to qualify as a provider of Installed Capacity) in the NYCA. The ISO shall take action, including manual intervention, to schedule Export Transactions from Generators that have Available Generating Capacity and that have supplied installed Capacity to entities serving Load located in an External Control Area when the External Control Area issues a notification requiring such Generators to supply Energy, provided however, that any Transaction may be Curtailed in response to the invocation of Transmission Loading Relief procedures by the ISO or by operators of other Control Areas. Energy from non-Installed Capacity providers in New York which is being Supplied outside the NYCA could be purchased by the ISO, pursuant to ISO Procedures, should an emergency exist in the NYCA, provided however that Energy from Generators that have supplied installed Capacity to entities serving Load located in an External Control Area that are responding to a notification by the External Control Area that requires such Generators to supply Energy, may not be purchased by the ISO should a capacity resource emergency exist in the NYCA.

4.4 Real-Time Markets and Schedules

4.4.1 In-Day Pre-Scheduled Transactions

For any hour in which the operator of an External Control Area informs the ISO that it must call on a Supplier located in the NYCA to provide the External Control Area with Energy, and that Supplier has previously committed to provide installed capacity to the External Control Area, then the ISO shall ensure, to the extent possible, that the required quantity of Energy will flow to the External Control Area in the hour. If the Supplier has already submitted an Export to the External Control Area for evaluation by the ISO, the ISO shall treat the Export as an in-day Pre-Scheduled Transaction. Such a Transaction shall be assigned a Sink Price Cap Bid that provides the highest scheduling priority available. If the Supplier has not previously submitted an Export for evaluation by the ISO it shall immediately submit such a bid into RTC. The ISO shall schedule the proposed Export as an in-day Pre-Scheduled Transaction, with the highest scheduling priority available, unless there is no Ramp Capacity or Transfer Capability on the relevant External Interface, in which case the Export will not be scheduled. To the extent that Ramp Capacity or Transfer Capability are available to support only a portion of an in-day Pre-Scheduled Transaction the ISO will schedule that portion of the Transaction.

In-day Pre-Scheduled Transactions will only be subject to Curtailment in the same limited circumstances as other Pre-Scheduled Transactions.

In-day Pre-Scheduled Transactions may not be scheduled at Proxy Generator Buses that are associated with Scheduled Lines.

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4.4.2 Real-Time Commitment (“RTC”)

A. Overview

RTC will make binding unit commitment and de-commitment decisions for the periods beginning fifteen minutes (in the case of Resources that can respond in ten minutes) and thirty minutes (in the case of Resources that can respond in thirty minutes) after the scheduled posting time of each RTC run, will provide advisory commitment information for the remainder of the two and a half hour optimization period, and will produce binding schedules for External Transactions to begin at the start of each hour. RTC will co-optimize to solve simultaneously for all Load, Operating Reserves and Regulation Service requirements and to minimize the total as-bid production costs over its optimization timeframe. RTC will consider SCUC’s Resource commitment for the day, load and loss forecasts that RTC itself will produce each quarter hour, binding transmission constraints, and all Real-Time Bids and Bid parameters submitted pursuant to Section 4.4.2.B below.

B. Bids and Other Requests

After the Day-Ahead schedule is published and no later than seventy-five (75) minutes before each hour; (or no later than eighty-five minutes before each hour for Bids to schedule External Transactions at the Proxy Generator Buses associated with the Cross-Sound Scheduled Line, the Neptune Scheduled Line, or the Linden VFT Scheduled Line), Customers may submit Real-Time Bids into RTC for real-time evaluation.

1. Real-Time Bids to Supply Energy and Ancillary Services

Intermittent Power Resources that depend on wind as their fuel submitting new or revised offers to supply Energy shall bid as ISO-Committed Flexible and shall not include a Minimum Generation Bid or a Start-Up Bid. Eligible Customers may submit new or revised Bids to supply Energy, Operating Reserves and/or Regulation Service. Customers that submit such Bids may specify different Bid parameters in RTC than they did Day-Ahead. ISO-Committed Fixed Generators, ISO-Committed Flexible Generators and Demand Side Resources, and Self-Committed Flexible Generators may not increase their Day-Ahead Incremental Energy Bids that are applicable to any portion of their Capacity that was scheduled Day-Ahead, and may not increase their Minimum Generation Bids, or Start-Up Bids, for any hour in which they received a Day-Ahead Energy schedule. Additionally, Real-Time Minimum Run Qualified Gas Turbine Customers shall not increase their previously submitted Real-Time Incremental Energy Bids, Minimum Generation Bids, or Start-Up Bids within 135 minutes of the dispatch hour. Bids to supply Energy or Ancillary Services shall be subject to the rules set forth in Section 4.2.2 above and in Attachment D to this ISO Services Tariff.

Generators that did not submit a Day-Ahead Bid for a given hour may offer to be ISO-Committed Flexible, Self-Committed Flexible, Self-Committed Fixed or, with ISO approval, as

ISO-Committed Fixed in real-time. Demand Side Resources that did not submit a Day-Ahead Bid to provide Operating Reserves or Regulation Service for a given hour or that submitted a Day-Ahead Bid to provide Operating Reserves or Regulation Service but did not receive a Day-Ahead schedule for a given hour may offer to provide Operating Reserves or Regulation Service as ISO-Committed Flexible for that hour in the Real-Time Market provided, however, that the Demand Side Resource shall have an Energy price Bid no lower than \$75 /MW hour.

Generators that submitted a Day-Ahead Bid but did not receive a Day-Ahead schedule for a given hour may change their bidding mode for that hour to be ISO-Committed Flexible, Self-Committed Flexible, Self-Committed Fixed or, with ISO approval, ISO-Committed Fixed in real-time without restriction.

Generators that received a Day-Ahead schedule for a given hour may not change their bidding mode between Day-Ahead and real-time provided, however, that Generators that were scheduled Day-Ahead in Self-Committed Fixed mode may switch, with ISO approval, to ISO-Committed Fixed bidding mode in real-time. Generators that were scheduled Day-Ahead in ISO-Committed Fixed mode will be scheduled as Self-Committed Fixed in the Real-Time Market unless, with ISO approval, they change their bidding mode to ISO-Committed Fixed.

A Generator with a real time physical operating problem that makes it impossible for it to operate in the bidding mode in which it was scheduled Day-Ahead should notify the NYISO.

Generators and Demand Side Resources may not submit separate Operating Reserves Availability Bids in real-time and will instead automatically be assigned a real-time Operating Reserves Availability Bid of zero for the amount of Operating Reserves they are capable of providing in light of their response rate (as determined under Rate Schedule 4).

2. Bids Associated with Internal and External Bilateral Transactions

Customers may seek to modify Bilateral Transactions that were previously scheduled Day-Ahead or propose new Bilateral Transactions, including External Transactions, for economic evaluation by RTC, provided however, that Bilateral Transactions with Trading Hubs as their POWs that were previously scheduled Day-Ahead may not be modified. Bids associated with Internal Bilateral Transactions shall be subject to the rules set forth above in Section 4.2.2(G).

Except as noted in Attachment N to this ISO Services Tariff, Sink Price Cap Bids or Decremental Bids for External Transactions may be submitted into RTC up to seventy five minutes before the hour in which the External Transaction would flow. External Transaction Bids must have a one hour duration, must start and stop on the hour, and must have constant magnitude for the hour. Intra-hour schedule changes, or Bid modifications, associated with External Transactions will not be accommodated.

3. Self-Commitment Requests

Self-Committed Flexible Resources must provide the ISO with schedules of their expected minimum operating points in quarter hour increments. Self-Committed Fixed Resources must provide their expected actual operating points in quarter hour increments or, with ISO approval, bid as an ISO-Committed Fixed Generator.

4. ISO-Committed Fixed

The ability to use the ISO-Committed Fixed bidding mode in the Real-Time Market shall be subject to ISO approval pursuant to procedures, which shall be published by the ISO. Generators that do not have the communications systems, operational control mechanisms or hardware to be able to respond to five-minute dispatch basepoints are eligible to bid as ISO-Committed in the Real-Time Market. Real-Time Bids by ISO-Committed Fixed Generators shall identify variable Energy price Bids, consisting of up to eleven monotonically increasing, constant cost incremental Energy steps, and other parameters described in Attachment D of this ISO Services Tariff and the ISO Procedures. Real-Time Bids by ISO-Committed Fixed Generators shall also include Minimum Generation Bids and hourly Start-Up Bids. ISO-Committed Fixed Bids shall specify that the Generator is offering to be ISO-Committed Fixed.

RTC shall schedule ISO-Committed Fixed Generators.

C. External Transaction Scheduling

RTC₁₅ will schedule External Transactions on an hour-ahead basis as part of its development of a co-optimized least-bid cost real-time commitment. RTC will alert the ISO when it appears that scheduled External Transactions need to be reduced for reliability reasons but will not automatically Curtail them. Curtailment decisions will be made by the ISO, guided by the information that RTC provides, pursuant to the rules established by Attachment B of this ISO Services Tariff and the ISO Procedures.

D. Posting Commitment/De-Commitment and External Transaction Scheduling Decisions

Except as specifically noted in Section 4.4.3 and 4.4.4 of this ISO Services Tariff, RTC will make all Resource commitment and de-commitment decisions. RTC will make all economic commitment/de-commitment decisions based upon available offers assuming Suppliers internal to the NYCA have a one-hour minimum run time; provided however, Real-Time Minimum Run Qualified Gas Turbines shall be assumed to have a two-hour minimum run time.

RTC will produce advisory commitment information and advisory real-time prices. RTC will make decisions and post information in a series of fifteen-minute “runs” which are described below.

RTC₁₅ will begin at the start of the first hour of the RTC co-optimization period and will post its commitment, de-commitment, and External Transaction scheduling decisions no later than fifteen minutes after the start of that hour. During the RTC₁₅ run, RTC will:

- (i) Commit Resources with 10-minute start-up times that should be synchronized by the time that the results of the next RTC run are posted so that they will be synchronized and running at their minimum generation levels by that time;
- (ii) Commit Resources with 30-minute start-up times that should be synchronized by the time that the results of the RTC run following the next RTC run are posted so that they will be synchronized and running at their minimum generation levels by that time;
- (iii) De-commit Resources that should be disconnected from the network by the time that the results of the next RTC run are posted so that they will be disconnected by that time;
- (iv) Issue advisory commitment and de-commitment guidance for periods more than thirty minutes in the future and advisory dispatch information;
- (v) Schedule Pre-Scheduled Transaction and economic External Transactions to run during the entirety of the next hour; and
- (vi) Schedule ISO-Committed Fixed Resources.

All subsequent RTC runs in the hour, i.e., RTC₃₀, RTC₄₅, and RTC₀₀ will begin executing at fifteen minutes before their designated posting times (for example, RTC₃₀ will begin in the fifteenth minute of the hour), and will take the following steps.

- (i) Commit Resources with ten-minute start-up times that should be synchronized by the time that the results of the next RTC run are posted so that they will be synchronized and running at that time;

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- (ii) Commit Resources with thirty-minute start-up times that should be synchronized by the time that the results of the RTC run following the next RTC run are posted so that they will be synchronized and running at that time;
- (iii) De-commit Resources that should be disconnected from the network by the time that the results of the next RTC run are posted so that they will be disconnected at that time;
- (iv) Issue advisory commitment, de-commitment, and dispatching guidance for the period from thirty minutes in the future until the end of the RTC co-optimization period;
- (v) Either reaffirm that the External Transactions scheduled by RTC₁₅ to flow in the next hour should flow, or inform the ISO that External Transactions may need to be reduced; and
- (vi) Schedule ISO-Committed Fixed Resources.

E. External Transaction Settlements

RTC₁₅ will calculate the Real-Time LBMP for all External Transactions if constraints at the interface associated with that External Transaction are binding. In addition, RTC₁₅ will calculate Real-Time LBMPs at Proxy Generator Buses for any hour in which: (i) proposed economic Transactions over the Interface between the NYCA and the External Control Area that the Proxy Generator Bus is associated with would exceed the Available Transfer Capability for the Proxy Generator Bus or for that Interface; (ii) proposed interchange schedule changes pertaining to the NYCA as a whole

would exceed any Ramp Capacity limits in place for the NYCA as a whole; or (iii) proposed interchange schedule changes pertaining to the Interface between the NYCA and the External Control Area that the Proxy Generator Bus is associated with would exceed any Ramp Capacity limit imposed by the ISO for the Proxy Generator Bus or for that Interface. Finally, Real-Time LBMPs will be determined at certain times at Non-Competitive Proxy Generator Buses and Proxy Generator Buses associated with designated Scheduled Lines that are subject to the Special Pricing Rules as is described in Attachment B to this ISO Services Tariff.

Real-Time LBMPs will be calculated by RTD for all other purposes, including for pricing External Transactions during intervals when the interface associated with an External Transaction is not binding pursuant to Section 4.4.3(B).

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4.4.3 Real-Time Dispatch

A. Overview

The Real-Time Dispatch will make dispatching decisions, send Base Point Signals to Internal Generators and Demand Side Resources, calculate Real-Time Market clearing prices for Energy, Operating Reserves, and Regulation Service, and establish real-time schedules for those products on a five-minute basis, starting at the beginning of each hour. The Real-Time Dispatch will not make commitment decisions and will not consider start-up costs in any of its dispatching or pricing decisions, except as specifically provided in Section 4.4.3.C below. Each Real-Time Dispatch run will co-optimize to solve simultaneously for Load, Operating Reserves, and Regulation Service and to minimize the total cost of production over its bid optimization horizon (which may be fifty, fifty-five, or sixty minutes long depending on where the run falls in the hour.) In addition to producing a binding schedule for the next five minutes, each Real-Time Dispatch run will produce advisory schedules for the remaining four time steps of its bid-optimization horizon (which may be five, ten, or fifteen minutes long depending on where the run falls in the hour). RTD will use the most recent system information and the same set of Bids and constraints that are considered by RTC.

B. Calculating Real-Time Market LBMPs and Advisory Prices

With the exceptions noted above in Section 4.4.2(E), RTD shall calculate *ex ante* Real-Time LBMPs at each Generator bus, and for each Load Zone in each RTD cycle, in

accordance with the procedures set forth in Attachment B to this ISO Services Tariff. RTD will also calculate and post advisory Real-Time LBMPs for the next four quarter hours in accordance with the procedures set forth in Attachment B.

C. Real-Time Pricing Rules for Scheduling Ten Minute Resources

RTD may commit and dispatch, for pricing purposes, Resources meeting Minimum Generation Levels and capable of starting within ten minutes (“eligible Resources”) when necessary to meet load. Eligible Resources committed and dispatched by RTD for pricing purposes may be physically started through normal ISO operating processes. In the RTD cycle in which RTD commits and dispatches an eligible Resource, RTD will consider the Resource’s start-up and incremental energy costs and will assume the Resource has a zero downward response rate for purposes of calculating *ex ante* Real-Time LBMPs at each Generator Bus, and for each Load Zone.

D. Converting to Demand Reduction, Special Case Resource Capacity scheduled as Operating Reserves, Regulation or Energy in the Real-Time Market

The ISO shall convert to Demand Reductions, in hours in which the ISO requests that Special Case Resources reduce their demand pursuant to ISO Procedures, any Operating Reserves, Regulation Service or Energy scheduled in the Day-Ahead Market from Demand Side Resources that are also providing Special Case Resource Capacity. The ISO shall settle the Demand Reduction provided by that portion of the Special Case Resource Capacity that was scheduled Day-Ahead as Operating Reserves, Regulation Service or Energy as being provided by a Supplier of Operating Reserves, Regulation Service or Energy as appropriate. The ISO

shall settle any remaining Demand Reductions provided beyond Capacity that was scheduled Day-Ahead as Ancillary Services or Energy as being provided by a Special Case Resource, provided such Demand Reduction is otherwise payable as a reduction by a Special Case Resource.

Operating Reserves or Regulation Service scheduled Day-Ahead and converted to Energy in real time pursuant to this subsection 4.4.3.D., will be eligible for a Day-Ahead Margin Assurance Payment, pursuant to Attachment J of this ISO Services Tariff.

Special Case Resource Capacity that has been scheduled in the Day-Ahead Market to provide Operating Reserves, Regulation Service or Energy and that has been instructed as a Special Case Resource to reduce demand shall be considered, for the purpose of applying Real-Time special scarcity pricing rules described in Attachment B of this Services Tariff, to be a Special Case Resource.

The ISO shall not accept offers of Operating Reserves or Regulation Service in the Real-Time Market from Demand Side Resources that are also providing Special Case Resource Capacity for any hour in which the ISO has requested Special Case Resources to reduce demand.

E. Converting to Demand Reduction Curtailment Services Provider Capacity scheduled as Operating Reserves, Regulation or Energy in the Real-Time Market

The ISO shall convert to Demand Reductions, in hours in which the ISO requests Demand Reductions from the Emergency Demand Response Program pursuant to ISO Procedures, any Operating Reserves, Regulation Service or Energy scheduled in the Day-Ahead

Market by Demand Side Resources that are also providing Curtailment Services Provider Capacity. The ISO shall settle the Demand Reduction provided by that portion of the Curtailment Services Provider Capacity that was scheduled Day-Ahead as Operating Reserves, Regulation Service or Energy as being provided by a Supplier of Operating Reserves, Regulation Service or Energy as appropriate. The ISO shall settle Demand Reductions provided beyond Capacity that was scheduled Day-Ahead as ancillary services or Energy as being provided by a Curtailment Services Provider.

Operating Reserves or Regulation Service scheduled Day-Ahead and converted to Energy in real time pursuant to this subsection 4.4.3.D., will be eligible for a Day-Ahead Margin Assurance Payment, pursuant to Attachment J of this ISO Services Tariff.

Curtailment Services Provider Capacity that has been scheduled in the Day-Ahead Market as Operating Reserves, Regulation Service or Energy and that has been instructed to reduce demand shall be considered, for the purpose of applying Real-Time special scarcity pricing rules described in Attachment B of this Services Tariff, to be a Emergency Demand Response Program Resource.

The ISO shall not accept offers of Operating Reserves and Regulation Service in the Real-Time Market from Demand Side Resources that are also providing Curtailment Services Provider Capacity for any hour in which the ISO has requested participants in the Emergency Demand Response Program pursuant to ISO Procedures to reduce demand.

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F. Real-Time Scarcity Pricing Rules Applicable to Regulation Service and Operating Reserves During EDRP and/or SCR Activations

Under Sections I.A.2.a and 2.b of Attachment B to this ISO Services Tariff, and Sections I.A.2.a and 2.b of Attachment J to the ISO OATT, the ISO will use special scarcity pricing rules to calculate Real-Time LBMPs during intervals when it has activated the EDRP and/or SCRs in order to avoid reserves shortages. During these intervals, the ISO will also implement special scarcity pricing rules for real-time Regulation Service and Operating Reserves. These rules are set forth in Section 5.1A of Rate Schedule 3 and Section 6.1A of Rate Schedule 4 of this ISO Services Tariff.

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4.4.4 Real-Time Dispatch - Corrective Action Mode

When the ISO needs to respond to system conditions that were not anticipated by RTC or the regular Real-Time Dispatch, e.g., the unexpected loss of a major Generator or Transmission line, it will activate the specialized RTD-CAM program. RTD-CAM runs will be nominally either five or ten minutes long, as is described below. Unlike the Real-Time Dispatch, RTD-CAM will have the ability to commit certain Resources. When RTD-CAM is activated, the ISO will have discretion to implement various measures to restore normal operating conditions. These RTD-CAM measures are described below.

The ISO shall have discretion to determine which specific RTD-CAM mode should be activated in particular situations. In addition, RTD-CAM may require all Resources to run above their UOL_{NS}, up to the level of their UOL_{ES} as is described in the ISO Procedures. Self-Committed Fixed Resources will not be expected to move in response to RTD-CAM Base Point Signals except when a maximum generation pickup is activated.

Except as expressly noted in this Section, RTD-CAM will dispatch the system in the same manner as the normal Real-Time Dispatch.

A. RTD-CAM Modes

1. Reserve Pickup

The ISO will enter this RTD-CAM mode when necessary to re-establish schedules when large area control errors occur. When in this mode, RTD-CAM will send 10-minute Base Point Signals and produce schedules for the next ten minutes. RTD-CAM may also commit, or if

necessary de-commit, Resources capable of starting or stopping within 10-minutes. The ISO will continue to optimize for Energy and Operating Reserves, will recognize locational Operating Reserve requirements, but will suspend Regulation Service requirements. If Resources are committed or de-committed in this RTD-CAM mode the schedules for them will be passed to RTC and the Real-Time Dispatch for their next execution.

The ISO will have discretion to classify a reserve pickup as a “large event” or a “small event.” In a small event the ISO will have discretion to reduce Base Point Signals in order to reduce transmission line loadings. The ISO will not have this discretion in large events. As is explained in Section 4.10 below, the distinction also has significance with respect to Resources’ eligibility to receive Bid Production Cost guarantee payments.

2. Maximum Generation Pickup

The ISO will enter this RTD-CAM mode when an Emergency makes it necessary to maximize Energy production in one or more location(s), i.e., Long Island, New York City, East of Central East and/or NYCA-wide. RTD-CAM will produce schedules directing all Generators located in a targeted location to increase production at their emergency response rate up to their UOL_E level and to stay at that level until instructed otherwise. Security constraints will be obeyed to the extent possible. The ISO will continue to optimize for Energy and Operating Reserves, will recognize locational Operating Reserve requirements, but will suspend its Regulation Service requirements.

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3. Base Points ASAP -- No Commitments

The ISO will enter this RTD-CAM mode when changed circumstances make it necessary to issue an updated set of Base Point Signals. Examples of changed circumstances that could necessitate taking this step include correcting line, contingency, or transfer overloads and/or voltage problems caused by unexpected system events. When operating in this mode, RTD-CAM will produce schedules and Base Point Signals for the next five minutes but will only redispatch Generators that are capable of responding within five minutes. RTD-CAM will not commit or de-commit Resources in this mode.

4. Base Points ASAP -- Commit As Needed

This operating mode is identical to Base Points ASAP – No Commitments, except that it also allows the ISO to commit Generators that are capable of starting within 10 minutes when doing so is necessary to respond to changed system conditions.

5. Re-Sequencing Mode

When the ISO is ready to de-activate RTD-CAM, it will often need to transition back to normal Real-Time Dispatch operation. In this mode, RTD-CAM will calculate normal five-minute Base Point Signals and establish five minute schedules. Unlike the normal RTD-Dispatch, however, RTD-CAM will only look ahead 10-minutes. RTD-CAM re-sequencing will terminate as soon as the normal Real-Time Dispatch software is reactivated and is ready to produce Base Point signals for its entire optimization period.

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B. Calculating Real-Time LBMPs

When RTD-CAM is activated, except when it is in reserve pickup mode, it shall calculate *ex ante* Real-Time LBMPs at each Generator bus, and for each Load Zone, every five minutes, in accordance with the procedures set forth above in Section 4.4.3B. When it is in reserve pickup mode, RTD-CAM will calculate *ex ante* Real-Time LBMPs every ten minutes, but shall otherwise follow the procedures set forth above in Section 4.4.3B. In addition, RTD-CAM will calculate Bid Production Cost payments for eligible Generators during large event, but not small event, reserve pickups and during maximum generation pickups. These payments are described in Section 4.10, and in Rate Schedule 4, of this ISO Services Tariff.

C. Posting Commitment Decisions

To the extent that RTD-CAM makes commitment and de-commitment decisions they will be posted at the same time as Real-Time LBMPs.

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4.5 Real-Time Market Settlements

Transmission Customers taking service under the Tariff, shall be subject to the Real-Time Market Settlement. Settlements for Limited Energy Storage Resources are governed by Rate Schedule 3 of this Services Tariff and are not governed by this Section 4.5. All withdrawals and injections not scheduled on a Day-Ahead

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basis, including Real-Time deviations from any Bilateral Transaction schedules, shall be subject to the Real-Time Market Settlement. Transmission Customers not taking service under this Tariff shall be subject to balancing charges as provided for under the ISO OATT. Settlements with External Suppliers or External Loads will be based upon hourly scheduled withdrawals or injections. Real-Time Market Settlements for injections by Resources supplying Regulation Service or Operating Reserves shall follow the rules which are described in Rate Schedules 3 and 4, respectively.

For the purposes of this section, the scheduled output of each of the following Generators in each RTD interval in which it has offered Energy shall retroactively be set equal to its actual output in that RTD interval:

- (i) Generators providing Energy under contracts executed and effective on or before November 18, 1999 (including PURPA contracts) in which the power purchaser does not control the operation of the supply source but would be responsible for penalties for being off-schedule, with the exception of Generators under must-take PURPA contracts executed and effective on or before November 18, 1999 who have not provided telemetering to their local TO and historically have not been eligible to participate in the NYPP market, which will continue to be treated as TO Load modifiers under the ISO-administered markets;
- (ii) Existing topping turbine Generators and extraction turbine Generators producing electric Energy resulting from the supply of steam to the district

steam system located in New York City (LBMP Zone J) in operation on or before November 18, 1999 and/or topping or extraction turbine Generators utilized in replacing or repowering existing steam supplies from such units (in accordance with good engineering and economic design) that cannot follow schedules, up to a maximum total of 499 MW of such units.

This procedure shall not apply to a Generator for those hours it has bid in a manner that indicates it is available to provide Regulation Service or Operating Reserves.

In subsections A, B, C, D, E and F of this Section 4.5, references to “scheduled” Energy injections and withdrawals shall encompass injections and withdrawals that are scheduled Day-Ahead, as well as injections and withdrawals that occur in connection with real-time Bilateral Transactions. In subsections A, C, D and F of this Section 4.5, references to Energy Withdrawals and Energy Injections shall not include Energy Withdrawals or Energy Injections in Virtual Transactions, or Energy Withdrawals or Energy Injections at Trading Hubs. Generators that are providing Regulation Service shall not be subject to the real-time Energy market settlement provisions set forth in this Section, but shall instead be subject to the Energy settlement rules set forth in Section 6.0 of Rate Schedule 3 of this ISO Services Tariff.

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A. Settlement When Actual Energy Withdrawals Exceed Scheduled Energy Withdrawals Other Than Scheduled or Actual Withdrawals in Virtual Transactions

When the Actual Energy Withdrawals by a Customer over an RTD interval exceed the Energy withdrawals scheduled over that RTD interval, the ISO shall charge the Real-Time LBMP for Energy equal to the product of: (a) the Real-Time LBMP calculated in that RTD interval for each applicable Load Zone; and (b) the difference between the Actual Energy Withdrawals and the scheduled Energy withdrawals at that Load Zone.

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B. Settlement for Customers Scheduled To Sell Energy in Virtual Transactions in Load Zones

The Actual Energy Injection in a Load Zone by a Customer scheduled Day-Ahead to sell Energy in a Virtual Transaction is zero and the Customer shall pay a charge for the Energy imbalance equal to the product of: (a) the Real-Time LBMP calculated in that hour for the applicable Load Zone; and (b) the scheduled Day-Ahead Energy Injection of the Customer for that Hour in that Load Zone.

C. Settlement When Actual Energy Injections are Less Than Scheduled Energy Injections or Actual Demand Reductions are Less Than Scheduled Demand Reductions

(1) General Rule

When the actual Energy injections by a Supplier over an RTD interval are less than the Energy injections scheduled Day-Ahead over that RTD interval, the Supplier shall pay a charge for the Energy imbalance equal to the product of: (a) the Real-Time LBMP calculated in that RTD interval for the applicable Generator bus; and (b) the difference between the scheduled Day-Ahead Energy injections and the lesser of: (i) the actual Energy injections at that bus; or (ii) the Supplier's Real-Time Scheduled Energy Injection plus any Compensable Overgeneration. If the Energy injections by a Supplier over an RTD interval are less than the Energy injections scheduled for the Supplier Day-Ahead, and if the Supplier reduced its Energy injections in response to instructions by the ISO or a Transmission Owner that were issued in order to maintain a secure and reliable dispatch, the Supplier may be entitled to a Day-Ahead Margin Assurance Payment, pursuant to Attachment J of this ISO Services Tariff.

(2) Failed Transactions

If an Energy injection scheduled by RTC at a Proxy Generator Bus fails in the ISO's checkout process after RTC₁₅, the Supplier or Transmission Customer that was scheduled to make the injection will pay the Energy imbalance charge described above in

subsection C(1). In addition, if the checkout failure occurred for reasons within the Supplier's or Transmission Customer's control it will be required to pay the "Financial Impact Charge" described below. The ISO's Market ~~Monitoring and Performance Unit~~Mitigation and Analysis Department will determine whether the Transaction associated with an injection failed for reasons within a Supplier's or Transmission Customer's control.

If an Energy injection at a Proxy Generator Bus is determined to have failed for reasons within a Supplier's or Transmission Customer's control, the Financial Impact Charge will equal: (i) the difference computed by subtracting the actual real-time Energy injection from the amount of the Import scheduled by RTC; multiplied by (ii) the greater of the difference computed by subtracting the RTC price from the RTD price in the relevant interval, or zero.

If a Wheel Through fails for reasons within a Supplier's or Transmission Customer's control, the Financial Impact Charge will equal the sum of the Financial Impact Charge described in this subsection and the Financial Impact Charge described below in subsection D(2).

All Financial Impact Charges collected by the ISO shall be used to reduce the charges assessed under Rate Schedule 1 of this ISO Services Tariff. In the event that the Energy injections

scheduled by RTC₁₅ at a Proxy Generator Bus are Curtailed at the request of the ISO then the Supplier or Transmission Customer that is subjected to the Curtailment, in addition to the charge for Energy Imbalance shall be paid the product (if positive) of: (a) the Real-Time LBMP at the Proxy Generator Bus minus the higher of its real-time Bid and zero; and (b) the scheduled Energy injections minus the actual Energy injections at that Proxy Generator Bus for the dispatch hour.

(3) Capacity Limited Resources and Energy Limited Resources

For any hour in which: (i) a Capacity Limited Resource is scheduled to supply Energy, Operating Reserves, or Regulation Service in the Day-Ahead Market; (ii) the sum of its schedules to provide these services exceeds its bid-in upper operating limit; (iii) the Capacity Limited Resource requests a reduction for Capacity limitation reasons; and (iv) the ISO reduces the Capacity Limited Resource's upper operating limit to a level equal to, or greater than, its bid-in upper operating limit; the imbalance charge for Energy, Operating Reserve Service or Regulation Service imposed on that Capacity Limited Resource for that hour for its Day-Ahead Market obligations above its Capacity

limited upper operating limit shall be equal to the product of: (a) the Real-Time price for Energy, Operating Reserve Service and Regulation Service; and (b) the Capacity Limited Resource's Day-Ahead schedule for each of these services minus the amount of these services that it has an obligation to supply pursuant to its ISO-approved schedule. When a Capacity Limited Resource's Day-Ahead obligation above its Capacity limited upper operating limit is balanced as described above, any real-time variation from its obligation pursuant to its Capacity limited schedules shall be settled pursuant to the methodology set forth in the first paragraph of this subsection C.

For any day in which: (i) an Energy Limited Resource is scheduled to supply Energy, Operating Reserve Service or Regulation Service in the Day-Ahead Market; (ii) the sum of its schedules to provide these services exceeds its bid-in upper operating limit; (iii) the Energy Limited Resource requests a reduction for Energy limitation reasons; and (iv) the ISO modifies the Energy Limited Resource's Day-Ahead upper operating limit; the imbalance charge imposed upon the Energy Limited Resource shall be equal to the sum of its Energy, Operating Reserve Service and Regulation Service imbalances across all twenty four hours of the Energy day, multiplied by the Real-Time price for each service in each hour at its location. However, if the total margin received by the Energy

Limited Resource for the twenty four hour day is less than its Day-Ahead margin than it shall receive a Day-Ahead Margin Assurance Payment pursuant to Attachment J of this Services Tariff.

(4) Demand Reductions

When actual Demand Reduction over an hour from a Demand Reduction Provider that is also the LSE providing Energy service to the Demand Side Resource(s) that produced the reduction is less than the Demand Reduction scheduled for that hour, that-LSE shall pay a Demand

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Reduction imbalance charge consisting of the product of: (a) the greater of the Day-Ahead LBMP or the Real-Time LBMP for that hour and (b) the difference between the scheduled Demand Reduction and the actual Demand Reduction in that hour.

When actual Demand Reduction over an hour from a Demand Reduction Provider that is not the LSE providing Energy service to the Demand Side Resource(s) that produced the reduction is less than the Demand Reduction scheduled over that hour, then (1) the LSE providing Energy service to the Demand Reduction Provider's Demand Side Resource(s) shall pay a Demand Reduction imbalance charge equal to the product of (a) the Day-Ahead LBMP calculated for that hour for the applicable Load bus and (b) the difference between the scheduled Demand Reduction and the actual Demand Reduction at that bus in that hour, and (2) the Demand Reduction Provider will pay an amount equal to (a) the product of (i) the higher of the Day-Ahead LBMP or the Real-Time LBMP calculated for that hour for the applicable Load bus, and (ii) the difference between the scheduled Demand Reduction and the actual Demand Reduction at that bus in that hour, and (b) minus the amount paid by the LSE providing service to the Demand Reduction Provider's Demand Side Resource(s) under (1), above.

D. Settlement When Actual Energy Withdrawals are Less Than Scheduled Energy Withdrawals Other Than Actual or Scheduled Withdrawals in Virtual Transactions

(1) General Rules

When a Customer's Actual Energy Withdrawals over an SCD interval are less than its Energy withdrawals scheduled Day-Ahead over that SCD interval, the Customer

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shall be paid the product of: (a) the Real-Time LBMP calculated in that RTD interval for each applicable Load Zone; and (b) the difference between the scheduled Energy withdrawals and the Actual Energy Withdrawals in that Load Zone.

(2) Failed Transactions

If an Energy withdrawal at a Proxy Generator Bus scheduled by RTC fails in the ISO's checkout process after RTC₁₅, the Supplier or Transmission Customer that was scheduled to make the withdrawal will pay or be paid the energy imbalance charge described above in subsection D(1). In addition, if the checkout failure occurred for the reasons within the Supplier's or Transmission Customer's control it will be required to pay the "Financial Impact Charge" described below. The ISO's Market ~~Monitoring and Performance Unit~~Mitigation and Analysis Department will determine whether the Transaction associated with a withdrawal failed for reasons within a Supplier's or Transmission Customer's control.

If an Energy withdrawal at a Proxy Generator Bus is determined to have failed for reasons within a Supplier's or Transmission Customer's control, the Financial Impact Charge will equal: (i) the difference computed by subtracting the actual real-time Energy withdrawal from the amount of the Export scheduled by RTC; multiplied by (ii) the greater of the difference computed by subtracting the RTD price in the relevant interval from the RTC price, or zero.

If a Wheel Through fails for reasons within a Supplier's or Transmission Customer's control, the Financial Impact Charge will equal the sum of the Financial Impact Charge described in this subsection and the Financial Impact Charge described above in subsection C(2).

All Financial Impact Charges collected by the ISO shall be used to reduce the charges assessed under Rate Schedule 1 of this ISO Services Tariff.

E. Settlement for Customers Scheduled To Purchase Energy in Virtual Transactions in Load Zones

The Actual Energy Withdrawal in a Load Zone by a Customer scheduled Day-Ahead to purchase Energy in a Virtual Transaction is zero and the Customer shall be paid the product of:

(1) the Real-Time LBMP calculated in that hour for the applicable Load Zone; and (b) the scheduled Day-Ahead Energy Withdrawal of the Customer for that Hour in that Load Zone.

F. Settlement When Actual Energy Injections Exceed Scheduled Energy Injections

When actual Energy injections from a Generator over an RTD interval exceed the Energy injections scheduled Day-Ahead over the RTD interval the Supplier shall be paid the product of:

(1) the

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Real-Time LBMP calculated in that RTD interval for the applicable Generator bus and (2) the difference between the lesser of (i) the Supplier's actual Energy injection or (ii) its Real-Time Scheduled Energy Injection for that RTD interval, plus any Compensable Overgeneration and the Supplier's Day-Ahead scheduled Energy injection over the RTD interval, unless the payment that the Supplier would receive for such injections would be negative (i.e., unless the LBMP calculated in that RTD interval at the applicable Generator's bus is negative) in which case the Supplier shall be paid the product of: (1) the Real-Time LBMP calculated in that RTD interval for the applicable Generator bus and (2) the difference between the Supplier's actual Energy injection for that RTD interval and the Supplier's scheduled Energy injection over that RTD interval. Suppliers shall not be compensated for Energy in excess of their Real-Time Scheduled Energy Injections, except: (i) for Compensable Overgeneration; (ii) when the ISO initiates a large event reserve pickup or a maximum generation pickup under RTD-CAM; or (iii) when a Transmission Owner initiates a reserve pickup in accordance with a Reliability Rule, including a Local Reliability Rule. When there is no large event reserve pickup or maximum generation pickup, or when there is such an instruction but a Supplier is not located in the area affected by the maximum generation pickup, that Supplier shall not be compensated for Energy in excess of its Real-Time Scheduled Energy Injection plus any Compensable Overgeneration. When there is a reserve pickup, or when there is a maximum generation pickup and a Supplier is

located in the area affected by it, and the Supplier was either scheduled to operate in RTD or subsequently was directed to operate by the ISO, that Supplier shall be paid based on the

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product of: (1) the Real-Time LBMP calculated in that RTD Interval for the applicable Generator bus; and (2) the actual Energy injection minus the Energy injection scheduled Day-Ahead. Generators will not be compensated for Energy produced during their start-up sequence.

G. Settlement for Trading Hub Energy Owner when POI is a Trading Hub

Each Trading Hub Energy Owner who bids a Bilateral Transaction into the Real-Time Market with a Trading Hub as its POI and has its schedule accepted by the ISO will pay the product of: (a) the hourly integrated Real-Time LBMP for the Load Zone associated with that Trading Hub; and (b) the Bilateral Transaction scheduled MW.

H. Settlement for Trading Hub Energy Owner when POW is a Trading Hub

Each Trading Hub Energy Owner who bids a Bilateral Transaction into the Real-Time Market with a Trading Hub as its POW and has its schedule accepted by the ISO will be paid the product of: (a) the hourly integrated Real-Time LBMP for the Load Zone associated with that Trading Hub; and (b) the Bilateral Transaction scheduled MW.

4.5a Payments to Suppliers of Regulation Service

Suppliers of Regulation Service shall receive a payment that is calculated pursuant to Rate Schedule 3 of this ISO Services Tariff

4.6 Payments to Suppliers of Reactive Supply and Voltage Support Service (“Voltage Support Service”)

Suppliers of Voltage Support Service shall receive a Voltage Support Service payment in accordance with the criteria and formula in Rate Schedule 2.

4.7 Payments to Suppliers for Operating Reserves

Suppliers of each type of Operating Reserve will receive payments for each MW of Operating Reserve that they provide, as requested by the ISO, pursuant to Rate Schedule 4.

Additionally, Generators providing Operating Reserves shall receive a payment for Energy when the ISO requests Energy under a reserve activation. The Energy payment shall be calculated as the product of: (a) the Energy provided; and (b) the Real-Time Market LBMP.

4.8 Payments to Generators for Black Start Capability

Black Start Capability providers shall receive a payment for Black Start Capability as set forth in Rate Schedule 5.

4.9 Day-Ahead Margin Assurance Payments

If an eligible Supplier is forced to buy out of a Day-Ahead Energy, Regulation Service or Operating Reserve schedule in a manner that reduces its Day-Ahead Margin, that Supplier shall receive a Day-Ahead Margin Assurance Payment. Such payments shall be calculated pursuant to Attachment J of this ISO Services Tariff.

4.10 Bid Production Cost Guarantee and Curtailment Initiation Cost Payments

The ISO shall determine, on a daily basis, if any ISO-Committed Fixed or ISO-Committed Flexible Generator, other than a Limited Energy Storage Resource, or Customer that schedules imports, that is committed by the ISO in the Day-Ahead Market will not recover its Minimum Generation Bid, Start-Up Bid, and Energy Bid Price through Day-Ahead LBMP and Day-Ahead Ancillary Services revenues. If

the sum of the Minimum Generation Bid, Start-Up Bid and the net Energy Bid Price over the twenty-four (24) hour day of such a Generator or Importer exceeds its Day-Ahead LBMP revenue over the twenty-four (24) hour day, then that Generator or Importer's Day-Ahead LBMP revenue may be augmented by a supplemental Day-Ahead Bid Production Cost guarantee payment calculated pursuant to the provisions of Attachment C to this ISO Services Tariff. However, the amount of the shortfall of such a Generator will be compared to the margin that the Generator receives from being scheduled to provide Ancillary Services that it can provide only if scheduled to operate. The Generator's Ancillary Service margin is equal to the revenue it would have received for providing these Ancillary Services prior to any reductions based on a failure to provide these services less its Bid to provide these services, if any. If, and only to the extent that, the shortfall exceeds these Ancillary Service margins, the Generator will receive a payment pursuant to the provisions of Attachment C to this ISO Services Tariff. Suppliers bidding on behalf of Resources that were not committed by the ISO to operate in a given Dispatch Day, but which continue to operate due to minimum run time Constraints, shall not receive such a supplemental payment.

The ISO shall make a supplemental payment pursuant to the terms of Attachment C to this Tariff if any Demand Side Resource scheduled to provide synchronized Operating Reserves in the Day-Ahead Market will not recover its synchronized Operating Reserves offers through its Day-Ahead synchronized Operating Reserves revenues and Regulation Service margin.

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Demand Side Resources committed Day-Ahead to provide non-synchronized Operating Reserves shall be treated the same as Generators with respect to the determination of supplemental payments.

In addition, the ISO shall: (i) use Real-Time Market prices and schedules to calculate and pay real-time Bid Production Cost guarantee payments to ISO-Committed Flexible Generators and to Customers that schedule imports provided however, no real-time Bid Production Cost guarantee payment shall be made to a Limited Energy Storage Resource; (ii) use RTD prices and schedules to calculate and pay real-time Bid Production Cost guarantee

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payments to any Self-Committed Flexible Generator if its self-committed minimum generation level does not exceed its Day-Ahead schedule at any point during the Dispatch Day; and (iii) use RTD prices and schedules to calculate and pay real-time Bid Production Cost guarantee payments for Minimum Generation Bids and Start-Up Bids to ISO-Committed Fixed Generators. All such payments shall be calculated in the manner described in Attachment C to this ISO Services Tariff. No such payments shall be made to Customers that schedule Exports or Wheels-Through.

Except as expressly noted in this Section 4.10, Self-Committed Flexible and Self-Committed Fixed Resources shall not be eligible to receive Bid Production Cost guarantee payments.

Resources committed via SRE, or committed or dispatched by the ISO as Out-of-Merit Generation to ensure NYCA or local system reliability, shall remain eligible to receive a real-time Bid Production Cost guarantee payment for the hours of the day that they are committed via SRE or are committed or dispatched by the ISO as Out-of-Merit Generation to meet NYCA or local reliability without regard to the Bid mode(s) employed during the Dispatch Day.

Generators that Bid in Self-Committed mode only during ISO authorized Start-Up, Shutdown or Testing Periods, and hours when they are committed via SRE or are committed or dispatched by the ISO as Out-of-Merit Generation to meet NYCA or local reliability, will not be

precluded from receiving a real-time Bid Production Cost guarantee payment for the other hours of the Dispatch Day due to these Self-Committed mode Bids.

Both Bid costs, and LBMP and Ancillary Services revenues received during ISO authorized Start-Up, Shutdown or Testing Periods shall be excluded from the calculation of the daily Bid Production Cost guarantee payment.

The ISO shall make a supplemental payment pursuant to the terms of Attachment C to this Tariff if any Demand Side Resource scheduled to provide synchronized Operating Reserves in the Real-Time Market will not recover its synchronized Operating Reserves offers through its Real-Time synchronized Operating Reserves revenues and Regulation Service margin.

An ISO-Committed Flexible Generator that is eligible to receive a Day-Ahead Bid Production Cost guarantee payment but that then self-commits in certain hours, thus becoming ineligible for a real-time Bid Production Cost guarantee payment, shall not be disqualified from receiving a Day-Ahead Bid Production Cost guarantee payment. Any Supplier that provides Energy during a large event reserve pickup or a maximum generation event, as described in Sections 4.4.4(A) (1) and (2) of this ISO Services Tariff shall be eligible for a Bid Production Cost guarantee payment calculated, under Attachment C, for the duration of the large event reserve pickup or maximum generation pickup and the three RTD intervals following the termination of the large event reserve pickup or maximum generation pickup. Such payments shall be excluded from the ISO's calculation of real-time Bid Production Cost guarantee payments otherwise payable to Suppliers on that Dispatch Day.

The ISO shall determine, on a daily basis, if any Demand Reduction Provider committed to provide Energy by the ISO in the Day-Ahead Market will not recover its Curtailment Initiation Cost and its Demand Reduction Bid price through Day-Ahead LBMP revenues. If a Demand Reduction Provider's Curtailment Initiation Cost Bid plus its Demand Reduction Bid Price over the twenty-four (24) hour day exceeds its Day-Ahead LBMP revenue over the twenty-four (24) hour day, its Day-Ahead LBMP revenue may be augmented by a supplemental Bid Production Cost guarantee payment pursuant to the provisions of Attachment C.

The ISO shall determine, on a daily basis, if any Special Case Resource committed by the ISO will not recover its Minimum Payment Nomination through LBMP revenues. If a Special Case Resource's Minimum Payment Nomination over the period of requested performance, or four (4) hour period, whichever is greater, exceeds the LBMP revenue received as a Special Case Resource over that same period, its LBMP revenue may be augmented by a supplemental payment pursuant to the provisions of Attachment C, provided however, that the ISO shall set to zero the Minimum Payment Nomination for that amount of Special Case Resource Capacity in each interval that was scheduled Day-Ahead to provide Operating Reserves, Regulation Service or Energy.

Each Generator committed by the ISO in the Real-Time Market whose Real-Time LBMP payments for Energy produced are less than its Minimum Generation and Start-Up Bids to produce that Energy will be compensated by the ISO for the shortfall, in accordance with

Attachment C. When a Non-Competitive Proxy Generator Bus or the Interface between the NYCA and the Control Area in which the Non-Competitive Proxy Generator Bus is located is export constrained due to limits on Available Interface Capacity or Ramp Capacity limits for that Interface in an hour, External Generators and other Suppliers scheduling Imports at such Non-Competitive Proxy Generator Bus in that hour will not be eligible for Real-Time shortfall payments for those Transactions.

When a Proxy Generator Bus that is associated with a designated Scheduled Line is export constrained due to limits on Available Interface Capacity in an hour, External Generators and other Suppliers scheduling Imports at such Proxy Generator Bus in that hour will not be eligible for real-time shortfall payments for those Transactions.

The ISO shall recover supplemental payments and Demand Reduction Incentive Payments to Demand Reduction Providers pursuant to Rate Schedule 1 of its Open Access Transmission Services Tariff, from all Loads excluding exports and Wheels Through on a zonal basis in proportion to the benefits received after accounting for, pursuant to ISO Procedures, Demand Reduction imbalance charges paid by Demand Reduction Providers pursuant to Section 4.4.5.

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4.12 Procurement of Station Power

A Generator may self-supply Station Power in accordance with the following provisions.

(a) A Generator may self supply Station Power during any calendar month when either:

1. Its net output for that month is positive; or
2. Its net output for that month is negative and the Generator, during the same month, has available at other Generators owned by the same entity that owns the Generator positive net output in an amount at least sufficient to offset fully such negative net output (hereinafter referred to as “remote self-supply of Station Power”). A Generator may not remotely self-supply Station Power from Generators that are owned by its owner’s corporate affiliates.

- i. If an entity owns a portion of a jointly owned Generator it may remotely self-supply its other Generators up to the amount of its entitlement to Energy from the jointly-owned Generator provided that:
 - (A) the entity has the right to call upon that Energy for its own use; and
 - (B) the Energy entitlement is not characterized as a sale from the jointly owned Generator to any of its joint owners.

- (b) A Generator's net output for the month may be positive because either:
1. The Generator is physically supplying Energy for its Station Power needs, using its own facilities, and without using facilities that are owned by any Transmission Owner; or
 2. The Generator's Station Power requirements for the month, including all Energy received for use as Station Power, regardless of its voltage or the metering point of receipt, are less than the amount of Energy that the Generator injects into the New York State Power System for the month.
- (c) The determination of net output under this Section 4.24 shall apply only to determine whether the Generator self-supplied Station Power during the month and will not affect the price of Energy sold or consumed by the Generator at any bus during any hour during the month.
- (d) When a Generator has positive net output for an interval and is delivering Energy into the New York State Power System, it will be paid the Real-Time or Day-Ahead LBMP at its bus, as appropriate, for all of the Energy delivered pursuant to the ISO Services Tariff. Conversely, when a Generator has negative net output for an interval and is self-supplying Station Power from the New York State Power System under Section 4.24.(a).1 or 4.24.(a).2, it will pay the Real-Time or Day-Ahead LBMP, as appropriate, for all of the Energy consumed, pursuant to the ISO Services Tariff.

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(e) The ISO will determine the extent to which each affected generator self-supplied its Station Power requirements or obtained Station Power from third-party providers (including corporate affiliates) during the month and will incorporate that determination in its accounting and billing. To the extent that Station Power deliveries from third parties, including corporate affiliates of a Generator's owner, involve an unbundled Transmission Service component, the Generator shall take Transmission Service under Part IV of the ISO OATT unless the Generator has made other arrangements with the local Transmission Owner under the Transmission Owner's retail access tariff.

(f) When a Generator self-supplies Station Power during any month according to Section 4.24.(a).1., above, the Generator will not incur any charges for Transmission Service. When a Generator remotely self-supplies Station Power according to Section 4.24.(a).2 above, the Generator shall, to the extent that Transmission Service is involved, pay for Transmission Service for the quantity of Energy that the Generator remotely self-supplies. Such Transmission Service shall be provided under Part II of the ISO OATT and shall be charged the hourly rate under Schedule 7 of the ISO OATT for Firm Point-to-Point Transmission Service, provided however, that the terms and charges under Schedules 1 through 3, 5, 6, 8 and 9 of the ISO OATT shall not apply to such service.

The amount of Energy that a Generator transmits in conjunction with remote self-supply

of Station Power will not be affected by any other sales, purchases, or transmission of Capacity or Energy by or for such Generator under any other provisions of the ISO OATT or ISO Services Tariff.

(g) A Generator may remotely self-supply Station Power from an External Generator owned by the same entity that owns the Generator only if the External Generator has positive net output during the month and if the Generator has scheduled Imports into the NYCA from the External Generator during the month in an amount at least sufficient to offset fully its negative net output for the month.

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ARTICLE 5

CONTROL AREA SERVICES: RIGHTS AND OBLIGATIONS

5.1 Control Area Services

The ISO will provide Control Area Services in accordance with the standards and criteria of NERC and NPCC and the NYSRC Reliability Rules and Good Utility Practice. The Control Area Services provided by the ISO include, but are not limited to, the following:

- (a) Developing and implementing procedures to maintain the reliability of NYS Power System;
- (b) Coordinating operations with other Control Area operators;
- (c) Arranging for reserve sharing agreements with other ISOs and other Control Areas to enhance reliability during abnormal operating conditions;
- (d) Coordinating the outage schedules for generating units within the NYCA to maintain system reliability;
- (e) Committing adequate generation resources to ensure the reliability of the NYS Power System;
- (f) Taking command and control of the NYCA resources during Emergency conditions and coordinating operations with Transmission Owners;
- (g) Maintaining and Operating a central control center and performing the functions of the NERC security control center for the NYCA under Emergency operating conditions;
- (h) Defining the Installed Capacity requirements for LSEs, inclusive of individual customers taking services directly from the ISO, within the NYCA;

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- (i) Determining Locational Installed Capacity requirements for LSEs to ensure the reliable operation of the NYCA;
- (j) Administering of an Installed Capacity Market;
- (k) Training the operating personnel of the ISO and Transmission Owner control rooms; and
- (l) Administering the mandatory NERC reliability compliance process.

5.1a Customer Compliance with Reliability Standards; Penalties

- (a) Customer Compliance with Reliability Standards

In accordance with applicable requirements in this Tariff and the ISO Procedures, all Customers shall conform to all applicable reliability criteria, policies, standards, rules, regulations and other requirements of NERC, NPCC, NYSRC, any applicable regional council, or their successors, the ISO's specific reliability requirements and ISO Procedures, and applicable operating guidelines and all applicable requirements of federal and state regulatory authorities. Failure to conform to these requirements may subject a Customer to direct assignment of penalties assessed against the ISO by FERC, NERC, NPCC or any other federal or state regulatory authority as a result of such Customer's failure to conform.

- (b) Direct Assignment of Penalty Costs

The ISO's compliance with applicable reliability criteria, policies, standards, rules, regulations and other requirements is sometimes dependent on timely, accurate and adequate information and/or action on the part of a Customer. If the ISO is found to be non-compliant with respect to any applicable reliability criteria, policies, standards, rules,

regulations and other requirements as a result of a Customer's actions or failure to act in violation of an obligation imposed by the ISO Tariffs, ISO Procedures, or ISO Related Agreements, the ISO may seek to directly assign to the Customer the cost of a penalty imposed on the ISO as a consequence of its non-compliance. If the Customer is found to be non-compliant with respect to any applicable reliability criteria, policies, standards, rules, regulations and other requirements as a result of the ISO's actions or failure to act in violation of an obligation imposed by the ISO Tariffs, ISO Procedures, or ISO Related Agreements, the Customer may seek to directly assign to the ISO the cost of a penalty imposed on the Customer as a consequence of the ISO's non-compliance. Any direct assignment of penalty costs must first be approved by FERC, as provided in Schedule 11 of the OATT.

(c) ISO's Recovery of Penalty Costs Through Schedule 11

If direct assignment to a particular Customer is not possible or if the ISO is directly responsible for a violation because of its own action or inaction, the ISO may seek to recover such penalty costs in Schedule 11 Section 3 of the ISO OATT. Any inclusion of penalty costs in Schedule 11 must first be approved by FERC on a case-by-case basis, as provided in Schedule 11 of the ISO OATT. Prior to seeking FERC authorization for recovery of a penalty in Schedule 11 Section 3 of the ISO OATT, the ISO shall consult with the Management Committee and any appropriate subcommittee or working groups designated by

the Management Committee, regarding the recovery and allocation of such penalty before filing at FERC. Any recommendation by the Management Committee regarding a proposed penalty recovery shall be reported by the ISO to FERC in any ISO filing seeking penalty recovery.

5.1.1 Interregional Congestion Management Pilot Program

The following procedures shall govern the redispatch of generation to alleviate transmission congestion on selected pathways on the transmission systems operated by the ISO and PJM Interconnection, L.L.C. (“PJM”) pursuant to an Interregional Congestion Management Pilot Program (“Pilot Program”). The procedures shall be used solely when, in the exercise of Good Utility Practice, the ISO or PJM determines that the redispatch of generation units on the other's transmission system would reduce or eliminate the need to resort to Transmission Loading Relief or other transmission-related emergency procedures.

5.1.1.1 Identification of Transmission Constraints

- (a) On a periodic basis determined by the ISO and PJM, the ISO and PJM shall identify potential transmission operating constraints that could result in the need to use Transmission Loading Relief or other emergency procedures in order to alleviate the transmission constraints.

- (b) In addition to the identification of such potential transmission operating constraints, the ISO and PJM shall identify generation units on the other's system, the redispatch of which would eliminate the identified transmission constraints.
- (c) From the identified transmission constraints, the ISO and PJM shall agree in writing on the transmission operating constraints and redispatch options that shall be subject to this Section 5.1.1. In reaching such agreement, the ISO shall endeavor reasonably to limit the number of transmission constraints that are subject to this Section 5.1.1 so as to minimize potential cost shifting among Market Participants in the ISO and PJM Control Areas resulting from the redispatch of generation under the Pilot Program. The ISO shall post the transmission operating constraints that are subject to the Pilot Program on its website.

5.1.1.2 Redispatch Procedures

If (i) a transmission constraint subject to this Section 5.1.1 occurs and continues or reasonably can be expected to continue after the exhaustion of all economic alternatives that are reasonably available to the transmission system on which the constraint occurs and (ii) the ISO or PJM, as applicable, has determined that it must use either Transmission Loading Relief or other emergency procedures, then (iii) the affected entity may request the other to redispatch one

or more of the previously identified generation units to eliminate the transmission constraint.

Upon such request, the ISO or PJM, as applicable, shall redispatch such generation if it is then subject to its dispatch control and such redispatch is consistent with Good Utility Practice.

5.1.1.3 Locational Based Marginal Price

In the event that a Generator is redispatched by the ISO in response to a request from PJM under Section 5.1.1, the Generator's bid for the Energy made available by the redispatch shall not be included in the determination of the Locational Based Marginal Price at that Generator's bus.

5.1.1.4 Generator Compensation

Generators that have increased or decreased generation output above or below the level that would otherwise represent the economic dispatch level as a result of a request made pursuant to the Pilot Program (the "MWh Adjustment") shall be compensated, on an interval-by-interval basis, based on the following formulas:

- (a) For a positive MWh Adjustment: Payment to Generator = MWh Adjustment *
(unit offer price - marginal price at the generator bus). In addition the Generator shall be paid any applicable Minimum Generation Bid, Start-Up Bid, and Energy Bid price costs not covered by the LBMP revenue for the 24 hour day or not covered by the marginal price, as appropriate.

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- (b) For a negative MWh Adjustment: Payment to Generator = MWh Adjustment *
(marginal price at the generator bus - unit offer price). In addition the Generator shall be paid any applicable minimum generation, start-up and Energy Bid price costs not covered by the LBMP revenue for the 24 hour day or not covered by the marginal price, as appropriate.
- (c) MWh adjustment payments to Generators pursuant to this subsection shall not be considered LBMP revenue for purposes of calculating minimum generation, start up and Energy bid price guarantees.

5.1.1.5 Settlements

- (a) If PJM redispatches generation, the ISO shall include in its monthly accounting and billing a payment to PJM for the costs of such redispatch as determined in accordance with Section 5.1.1.4
- (b) If the ISO redispatches generation under the Pilot Program, then it shall include in its monthly accounting and billing a credit to each redispatched Generator calculated in accordance with Section 5.1.1.4. The ISO shall invoice PJM and PJM shall collect from its market participants and pay to the ISO an amount equal to all such credits to Generators.
- (c) Unless there is a separate Emergency Energy Transaction accompanying a generation adjustment under the Pilot Program there shall be no adjustment in

interchange between the ISO and PJM as a result of redispatch under the Pilot Program. In the event that an Emergency Energy Transaction accompanies a generation adjustment under the Pilot Program, compensation for the Emergency Energy Transaction shall be at the rates for emergency purchases and sales which have been approved by the Commission, as they may be amended from time-to-time.

5.1.1.6 Incorporation of Certain Business Practice Standards

- (a) Pursuant to Commission Order No. 676-C, the ISO incorporates by reference the following business practice standards developed by the North American Energy Standards Board's Wholesale Electric Quadrant.

Business Practices for Open Access Same-Time Information Systems (OASIS), Version 1.4 (WEQ-001, Version 001, Oct. 31, 2007, with minor corrections applied on Nov. 16, 2007) including Standards 001-0.2 through 001-0.8, 001-0.14 through 001-0.20;

Business Practices for Open Access Same-Time Information Systems (OASIS) Standards & Communication Protocols, Version 1.4 (WEQ-002, Version 001, Oct. 31, 2007, with minor corrections applied on Nov. 16, 2007) including Standards 002-1 through 002-5.10, except as provided below;

Coordinate Interchange (WEQ-004, Version 001 θ , October 31, 2007, with minor corrections applied on Nov. 16, 2007) including Purpose, Applicability, and Standards 004-0.1 through 004-17.2, and 004-A through 004-D, except as provided below;

Area Control Error (ACE) Equation Special Cases Standards (WEQ-005, Version 001 θ , Oct. 31, 2007, with minor corrections applied on Nov. 16, 2007) including Purpose, Applicability, and Standards 005-0.1 through 005-3.1.3, and 005-A;

Manual Time Error Correction (WEQ-006, Version 001, Oct. 31, 2007, with minor corrections applied on Nov. 16, 2007) including Purpose, Applicability, and Standards 006-0.1 through 006-12;

Inadvertent Interchange Payback (WEQ-007, Version 001⁰, Oct. 31, 2007, with minor corrections applied on Nov. 16, 2007) including Purpose, Applicability, and Standards 007-0.1 through 007-2, and 007-A;

Transmission Loading Relief - Eastern Interconnection (WEQ-008, Version 001, Oct. 31, 2007, with minor corrections applied on Nov. 16, 2007) including Purpose, Applicability, and Standards 008-0.1 through 008-3.11.2.8, and 008-A through 008-D;

Gas/Electric Coordination (WEQ-011, Version 001, Oct. 31, 2007, with minor corrections applied on Nov. 16, 2007) including Standards 011-0.1 through 011-1.6;

Public Key Infrastructure (PKI) (WEQ-012, Version 001, Oct. 31, 2007, with minor corrections applied on Nov. 16, 2007) including Recommended Standard, Certification, Scope, Commitment to Open Standards, and Standards 012-0.1 through 012-1.26.5; and

Business Practices for Open Access Same-Time Information Systems (OASIS) Implementation Guide, Version 1.4 (WEQ-013, Version 001, Oct. 31, 2007, with minor corrections applied on Nov. 16, 2007) including Introduction and Standards 013-0.1 through 013-4.2, except as provided below.

(b) The ISO is not required to comply with the following Standards:

Business Practices for Open Access Same-Time Information Systems (OASIS), Version 1.4 (WEQ-001, Version 001, Oct. 31, 2007, with minor corrections applied on Nov. 16, 2007): Standards 001-2.0 through 001-12.5.2, and Appendices 001-A and 001-B;

Business Practices for Open Access Same-Time Information Systems (OASIS) Standards & Communication Protocols, Version 1.4 (WEQ-002, Version 001, Oct. 31, 2007 with minor corrections applied on Nov. 16, 2007): Standards 002-4.2.10, 002-4.2.11, 002-4.2.12, 002-4.3, *et seq.*, and 002-4.4;

Open Access Same-Time Information Systems (OASIS) Data Dictionary, Version 1.4 (WEQ-003, Version 001, Oct. 31, 2007, with minor corrections applied on Nov. 16, 2007): Standard 003-0;

Coordinate Interchange (WEQ-004, Version 001, Oct. 31, 2007, with minor corrections applied on Nov. 16, 2007): Standards 004-3, 004-3.1, 004-8.2, 004-11.1(a) Appendices 004-A, and 004-C to the extent they govern physical transmission reservations; and-

Business Practices for Open Access Same-Time Information Systems (OASIS) Implementation Guide, Version 1.4 (WEQ-013, Version 001, Oct. 31, 2007, with minor corrections applied on Nov. 16, 2007): Standard 013-4.1.

5.2 Independent System Operator Authority

The ISO will act as the Control Area operator, as defined by NERC, for the NYCA. The ISO will provide all Control Area Services in the NYCA. Control Area Services provided by the ISO will be in accordance with the terms of the ISO Services Tariff, the Reliability Rules, the ISO Related Agreements and Good Utility Practice. The ISO will interact with other Control Area operators as required to effect External Transactions pursuant to this Tariff and to ensure the effective and reliable coordination with the interconnected Control Areas. In acting as the Control Area operator, the ISO will be responsible for maintaining the safety and the short-term reliability of the NYCA and for the implementation of reliability standards promulgated by NERC and NPCC and for the Reliability Rules promulgated by the NYSRC. To be included within NYCA, a Market Participant must meet the requirements of Section 5.6. Each Market Participant that (1) withdraws Energy to supply Load within the NYCA; or (2) provides installed Capacity to an LSE serving Load within the NYCA, benefits from the Control Area Services provided by the ISO and from the reliability achieved as a result of ISO Control Area Services

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and therefore must take service as a Customer under the Tariff. To be included within NYCA, a Market Participant must meet the requirements of Section 5.6 A Market Participant that is not included within the NYCA may take service as a Customer under the Tariff, provided that it meets the requirements of Section 5.7.

B. Suspension of Virtual Transactions

The ISO may temporarily suspend Virtual Transactions if it determines that:

- 1) The financial exposure of customers engaged in Virtual Transactions cannot be determined with a reasonable degree of accuracy or to factors such as software or system failures;
- 2) a market aberration associated with Virtual Transactions substantially impairs the functioning of the ISO-administered markets; or
- 3) Virtual Transactions substantially impair the ability of the ISO to maintain the reliability of the electric system.

As soon as reasonably practicable, the ISO shall notify the Commission and Market Participants of the reason(s) for any suspension of Virtual Transactions, the action(s) necessary to restore Virtual Transactions, and the estimated time required to restore Virtual Transactions.

5.3 Control Center Operation

The ISO will maintain and operate a control center in order to monitor the power flows on and across the NYCA, coordinate the flow of electricity within the NYCA, respond to Emergency situations, monitor power flows between the NYCA and neighboring Control Areas and maintain reliability.

5.3.1 Back-Up Operation

The ISO shall develop Back-Up Operation procedures that will carry out the intent and purposes of this ISO Services Tariff, to the extent practical, in circumstances under which the normal communications or computer systems of the ISO are not fully functional. Such procedures shall include testing requirements and training for the ISO staff, Transmission Owner staff, and Market Participants. If a communication or computer system malfunction results in the ISO's inability to operate the NYCA in accordance with ISO Procedures or under approved testing procedures, the ISO will direct the Transmission Owners to assume the responsibility to operate their respective systems in accordance with Good Utility Practice to facilitate the operation of the NYCA in a safe and reliable manner. The Transmission Owners will

continue to operate their respective systems until such time that the ISO is ready to resume control. During Back-Up Operation, the Transmission Owner control centers will operate to maintain the Desired Net Interchange (“DNI”) within each Transmission District. Generator Bid curves will be provided by the ISO to the individual Transmission Owners in order to permit dispatch by the Transmission Owners subject to the Transmission Owner code of conduct. Normal Day-Ahead Market and Real-Time Market operations may be halted, if required.

5.3.2 Market Participant and Customer Obligations

During Back-Up Operation, Customers and other Market Participants shall comply with any and all instructions and orders issued by the ISO or the Transmission Owners.

5.3.3 Billing and Settlement

In the event that Back-Up Operation is implemented, the billing and settlement procedures contained in Article 7 of this ISO Services Tariff shall apply only to the extent they can be implemented under the Back-Up Operation procedures. The ISO will follow specific billing and settlement procedures for use under these specific circumstances that required Back-Up Operation. The ISO shall gather necessary information, manually reconstruct the billing information as soon as practical, and submit invoices to Customers. The ISO shall be under no obligation to

comply with the billing procedure time limits specified in Article 7. Neither the ISO nor the Transmission Owners shall be liable, under any circumstances, for any economic losses suffered by any Customer, Market Participant, or third party, resulting from the implementation by the ISO of Back-Up Operation, or from compliance with orders issued by the ISO or Transmission Owners that were necessary to operate the NYCA in a safe and reliable manner. Such orders may include, without limitation, instructions to generation facilities to increase or decrease output, and instructions to Load to reduce or interrupt service.

5.4 Operation Under Adverse Conditions

The ISO shall operate the NYS Power System during Adverse Conditions, including, but not limited to, thunder storms, hurricanes, tornadoes, solar magnetic flares and threat of terrorist activities, in accordance with the Reliability Rules, inclusive of Local Reliability Rules and related PSC orders. Consistent with such Reliability Rules, the ISO shall maintain reliability of the NYS Power System by directing the adjustment of the Generator output levels and controllable transmission devices in certain areas of the system to reduce power flows across transmission lines vulnerable to outages due to these Adverse Conditions, thereby reducing the likelihood of major power system disturbances.

The ISO shall have the sole authority to declare that Adverse Conditions are imminent or present and invoke the appropriate operating procedure(s) affecting the NYS Power System in

response to those conditions. Activation of a procedure in compliance with a Local Reliability Rule shall involve a two (2) step process. The Transmission Owner directly involved with such Local Reliability Rule, such as Storm Watch, shall advise the ISO that Adverse Conditions are imminent or present and recommend to the ISO the activation of procedures in support of that Local Reliability Rule. Consistent with the Local Reliability Rule, the ISO shall declare the activation of the appropriate procedures.

The Transmission Owner and the ISO shall coordinate the implementation of the applicable procedures to the extent that Transmission Facilities Under ISO Operational Control are impacted. Records pertaining to the activation of such procedures and the response in accordance with those procedures shall be maintained and made available upon request.

The Real-Time LBMPs shall be based on adjusted Generator levels set in response to activation of these procedures. Revenue shortfalls may occur if the redispatch of the system Curtails Energy scheduled Day-Ahead and more expensive Energy is dispatched subsequent to the Day-Ahead Settlement. These revenue shortfalls shall be recovered by the ISO through the Rate Schedule 1 charge under the ISO OATT.

5.5 Major Emergency State

In the event of, or in order to prevent, a Major Emergency State, Customers shall comply with all ISO Procedures and Reliability Rules applicable to a Major Emergency State.

5.6 Requirements For Inclusion Within The New York Control Area

To be included within the NYCA a Supplier or a Load must meet the following requirements:

- (a) Its facilities must be included within the NYCA.
- (b) It must accept and comply with NYCA standards with respect to system design, equipment ratings, operating practices and maintenance practices as set forth in the ISO Procedures so that sufficient electrical equipment control capability, information and communication are available to the ISO for planning and operation of the NYCA.
- (c) Its facilities must be able to respond to command and control instructions from the ISO.
- (d) It must have compatible operational communication mechanisms, maintained at its expense, to interact with the ISO and for Internal requirements.
- (e) It must ensure the continued compatibility of its local Energy management system, system monitoring and telecommunications systems to satisfy the technical requirements of interacting with the ISO as the ISO directs the operation of the NYCA.

5.7 Requirements For Entities Not Located Within The New York Control Area

In order for a Supplier or a Load that is not included within the NYCA to take services under the Tariff, it must be contained, in whole or in part, within a separate Control Area that meets all of the requirements for a Control Area defined by NERC, NPCC and any succeeding organizations. An entity that is contained in a Control Area other than the NYCA may take services under the ISO Services Tariff for the purpose of engaging in Control Area to Control Area Capacity and Energy Transactions with the ISO. In order for a Supplier or a Load not contained in the NYCA to take

services under the ISO Services Tariff, an inter-Control Area agreement between the Control Area in which the entity is located and the ISO, that satisfies the reasonable requirements of both Control Area operators, must be in place.

5.8 Communication and Metering Requirements for Control Area Services

The ISO shall arrange for and maintain reliable communications and metering facilities between the ISO and the Transmission Owners in the NYCA and the Control Area operators of all neighboring interconnected Control Areas. Such facilities may consist of data circuits, voice lines, meters and other facilities deemed necessary by the ISO to maintain reliable communication links for the sole purpose of transmitting operations and reliability data and instructions. The ISO shall be responsible for the specification, installation and maintenance of the required facilities according to ISO Procedures. The costs incurred by the ISO to establish communications facilities between the ISO and a Security Coordinators of a neighboring Control Area shall be borne by the Control Area that requested the establishment of the communications facilities unless a different arrangement is agreed to by both Control Areas. The total cost of the communications facilities between the ISO and the Transmission Owners and the portion of the cost of inter-Control Area communication facilities assigned to the ISO shall be collected from all Customers in accordance with Rate Schedule 1 of the ISO Services Tariff. Transmission Owners with communications requirements which exceed those required by the ISO shall

procure and maintain such additional facilities at their own expense.

Generators, Suppliers and Loads are required to exchange certain operating and reliability data with the ISO and the Transmission Owners' Control Centers in accordance with the ISO Agreement and the ISO/TO Agreement, applicable ISO operating and reliability requirements, and in conjunction with any requirements for interconnection with the Transmission Owner.

In addition, Suppliers wishing to submit Bids in the RTC for Energy or Regulation Service must make provision to receive command and control information from the ISO. Those Generators or Suppliers currently providing this capability via a Transmission Owner may continue to do so. Those requiring installation of this capability must contract with the ISO or with the interconnected Transmission Owner and must comply with applicable ISO or Transmission Owner data and other technical requirements.

Suppliers with multiple units at a single location must maintain a consistent representation of the plant with the ISO with respect to aggregation of units for purposes of bidding. If an aggregate Bid is to be provided for a group of units and those units are bidding in the RTC, or providing Regulation Service, then the ISO shall model those units as a group for purposes of dispatch, control and security modeling. The ISO will provide a single aggregate Base Point Signal and unit control error. If, however, the Supplier wishes to dispatch units individually, then it must configure both its bidding and data interfaces

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accordingly. Each Supplier must initially specify the configuration of the plant for purposes of bidding aggregation and must then maintain bidding and data interfaces consistent with that configuration. Similar modeling, control and bidding Constraints apply to an LSE that bids Load that is dispatchable by the ISO.

5.8a Collection and Communication of Meteorological Data by Intermittent Power Resources that Depend on Wind as Their Fuel

Pursuant to ISO Procedures, Intermittent Power Resources that depend on wind as their fuel shall maintain in good working order equipment to collect wind speed and wind direction data at their site and shall provide the ISO, or its agent, with wind speed and wind direction data in the manner identified by the ISO, provided however this requirement shall not apply any Intermittent Power Resource in commercial operation as of January 1, 2002 with nameplate capacity of 12 MWs or fewer. Each Intermittent Power Resource that depends on wind as its fuel shall be responsible for the cost of installing and maintaining such equipment at its site and shall share in funding the ISO's cost of wind forecasting function pursuant to this Services Tariff.

The ISO may impose financial sanctions for failure to provide wind speed and wind direction data pursuant to ISO Procedures.

Upon a determination of failure to provide wind speed and wind direction data pursuant to ISO Procedures, the ISO shall take the following actions. The ISO shall notify the Intermittent Power Resource that depends on wind as its fuel by written notice of its

determination of failure to provide wind speed and wind direction data and that the ISO may impose financial sanctions if the failure is not corrected. The ISO shall offer a reasonable opportunity to correct the failure to provide wind speed and wind direction data pursuant to ISO Procedures. If, following such reasonable opportunity to cure, such failure is not cured, the ISO may impose daily sanctions of the greater of \$500 or \$20/MW of nameplate capacity until such failure is cured. The ISO shall offer the Intermittent Power Resource an opportunity to be heard by senior officers of the ISO prior to imposing sanctions.

5.9 Installed Capacity - Implementation of Revised Installed Capacity Market Provisions

Sections 5.10 through 5.16 of this Tariff, implementing the Installed Capacity market design, shall govern LSE Unforced Capacity Obligations, the qualification of Installed Capacity Suppliers, and the ISO's administration of Installed Capacity auctions.

5.10 NYCA Minimum Installed Capacity Requirement

The NYCA Minimum Installed Capacity Requirement is derived from the NYCA Installed Reserve Margin, which is established each year by the NYSRC. The NYCA Minimum Installed Capacity Requirement for the Capability Year beginning each May 1 will be established by multiplying the NYCA peak Load forecasted by the ISO by the quantity of one plus the NYCA Installed Reserve Margin. The ISO shall translate the NYCA Installed Reserve Margin, and thus the NYCA Minimum Installed Capacity Requirement, into a NYCA Minimum Unforced Capacity Requirement. For each Capability Period, the NYCA Minimum Unforced Capacity Requirement shall equal the product of the NYCA Minimum Installed Capacity Requirement and the ratio of (1) the total amount of Unforced Capacity that the specified Resources are qualified to provide during such Capability Period, as of the time the NYCA Minimum Unforced Capacity Requirement is determined as specified in ISO Procedures, to (2) the sum of the DMNCs used to determine the Unforced Capacities of such Resources for such Capability Period. The foregoing calculation shall be determined using the Resources in the NYCA in the most recent final version of the ISO's annual Load and Capacity Data Report, with the addition of Resources commencing commercial operation since completion of that report and the deletion of Resources with scheduled or planned retirement dates before or during such Capability Period.

The NYCA Minimum Unforced Capacity Requirement represents a minimum level of Unforced Capacity that must be secured by LSEs in the NYCA for each Obligation Procurement

Period. Under the provisions of this Services Tariff and the ISO Procedures, each LSE will be obligated to procure its LSE Unforced Capacity Obligation. The LSE Unforced Capacity Obligation will be determined for each Obligation Procurement Period by the ICAP Spot Market Auction, in accordance with ISO Procedures. Qualified Resources will have the opportunity to supply amounts of Unforced Capacity to meet the LSE Unforced Capacity Obligation as established by the ICAP Spot Market Auction.

The ISO will calculate a NYCA peak Load each year by applying regional Load growth factors to the prior calendar year's Adjusted Actual Peak

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Load. Regional Load growth factors shall be proposed by the Transmission Owners and reviewed by the ISO pursuant to procedures agreed to by Market Participants and described in the ISO Procedures. Disputes concerning the development of regional Load growth factors shall be resolved through the Expedited Dispute Resolution Procedures set forth in Section 5.16 of this Tariff.

The ISO shall determine the amount of Unforced Capacity that must be sited within the NYCA, and within each Locality, and the amount of Unforced Capacity that may be procured from areas External to the NYCA, in a manner consistent with the Reliability Rules. New Transmission projects to which the NYISO has granted UDRs will not affect the determination by the NYISO of the amount of Unforced Capacity that must be located within the NYCA or within each Locality of the NYCA.

5.11 Requirements Applicable to LSEs

5.11.1 Allocation of the NYCA Minimum Unforced Capacity Requirement

Each Transmission Owner and each municipal electric utility will submit to the ISO, for its review pursuant to mutually agreed upon procedures which shall be described in the ISO Procedures, the weather-adjusted Load within its Transmission District during the hour in which actual Load in the NYCA was highest (the “NYCA peak Load”) for the current Capability Year. (Municipal electric utilities may elect not to submit weather-adjusted data, in which case, weather

adjustments shall be performed per ISO procedures. The ISO shall use these data to determine the Adjusted Actual Load at the time of the NYCA peak Load for each Transmission District and municipal electric utility pursuant to ISO Procedures, which shall ensure that transmission losses and the effects of demand reduction programs are treated in a consistent manner and that all weather normalization procedures meet a minimum criterion described in the ISO Procedures. Each Transmission District or municipal electric utility Load forecast coincident with the NYCA peak shall be the product of that Transmission District or municipal electric utility's Adjusted Actual Load at the time of the NYCA peak Load multiplied by one plus the regional Load growth factor for that Transmission District or municipal electric utility developed pursuant to Section 5.10 of this Tariff. After calculating each Transmission District or municipal electric utility Load forecast, if the ISO determines that an Adjusted Actual Load determined for a Transmission District or municipal electric utility does not reflect reasonable expectations of what Load might reasonably have been expected to occur in that Transmission District or area served by that municipal electric utility in that Capability Year, after taking into consideration the adjustments to account

for weather normalization, transmission losses and demand response programs that are described in the ISO Procedures, the ISO Procedures shall also authorize the ISO to substitute its own measures of Adjusted Actual Load for that Transmission District or area serviced by that municipal electric utility in this calculation, subject to the outcome of dispute resolution procedures if invoked. The ISO's measure of Adjusted Actual Load shall be binding unless otherwise determined as the result of dispute resolution procedures that may be invoked. Each Transmission Owner must also submit aggregate Adjusted Load data, coincident with the NYCA peak hour,

for all customers served by each LSE active within its Transmission District. The aggregate Load data may be derived from direct meters or Load profiles of the customers served. Each Transmission Owner shall be required to submit such forecasts and aggregate peak Load data in accordance with the ISO Procedures. Each municipal electric utility may choose to submit its peak Load forecast based on the Transmission District's peak Load forecast provided by a Transmission Owner or to provide its own. Any disputes arising out of the submittals required in this paragraph shall be resolved through the Expedited Dispute Resolution Procedures set forth in Section 5.16 of this Tariff.

All aggregate Load data submitted by a Transmission Owner must be accompanied by documentation indicating that each affected LSE has been provided the data regarding the assignment of customers to the affected LSE. Any disputes between LSEs and Transmission Owners regarding such data or assignments shall be resolved through the Expedited Dispute Resolution Procedures set forth in Section 5.16 of this Tariff, or the Transmission Owner's retail access procedures, as applicable.

The ISO shall allocate the NYCA Minimum Unforced Capacity Requirement among all LSEs serving Load in the NYCA prior to the beginning of each Capability Year. It shall then adjust the NYCA Minimum Unforced Capacity Requirement and reallocate it among LSEs before each Winter Capability Period as necessary to reflect changes in the factors used to translate ICAP requirements into

Unforced Capacity requirements. Each LSE's share of the NYCA Minimum Unforced Capacity Requirement will equal the product of: (i) the NYCA Minimum Installed Capacity Requirement as translated into a NYCA Minimum Unforced Capacity Requirement; and (ii) the ratio of the sum of the Load forecasts coincident with the NYCA peak Load for that LSE's customers in each Transmission District to the NYCA peak Load forecast.

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Each LSE Unforced Capacity Obligation will equal the product of (i) the ratio of that LSE's share of the NYCA Minimum Unforced Capacity Requirement to the total NYCA Minimum Unforced Capacity Requirement and (ii) the total of all of the LSE Unforced Capacity Obligations for the NYCA established by the ICAP Spot Market Auction. The LSE Unforced Capacity Obligation will be determined in each Obligation Procurement Period by the ICAP Spot Market Auction, in accordance with the ISO Procedures. Each LSE will be responsible for acquiring sufficient Unforced Capacity to satisfy its LSE Unforced Capacity Obligation.

Prior to the beginning of each Capability Period, Transmission Owners shall submit the required Load-shifting information to the ISO and to each LSE affected by the Load-shifting, in accordance with the ISO Procedures. In the event that there is a pending dispute regarding a Transmission Owner's forecast, the ISO shall nevertheless establish each LSE's portion of the NYCA Minimum Unforced Capacity Requirement applicable at the beginning of each Capability Period in accordance with the schedule established in the ISO Procedures, subject to possible adjustments that may be required as a result of resolution of the dispute through the Expedited Dispute Resolution Procedures set forth in Section 5.16 of this Tariff.

Each month, as Transmission Owners report customers gained and lost by LSEs through Load-shifting, the ISO will adjust each LSE's portion of the NYCA Minimum Unforced Capacity Requirement such that (i) the total Transmission District Installed Capacity requirement remains constant and (ii) an individual LSE's allocated portion reflects the gains and losses. If an LSE loses a customer as a result of that customer leaving the Transmission District, the Load-losing LSE shall be relieved

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of its obligation to procure Unforced Capacity to cover the Load associated with the departing customer as of the date that the customer's departure is accepted by the ISO and shall be free to sell any excess Unforced Capacity. In addition, when a customer leaves the Transmission District, the ISO will adjust each LSE's portion of the NYCA Minimum Unforced Capacity Requirement so that the total Transmission District's share of the NYCA Minimum Unforced Capacity -Requirement remains constant.

5.11.2 LSE Obligations

Each LSE must procure Unforced Capacity in an amount equal to its LSE Unforced Capacity Obligation from any Installed Capacity Supplier through Bilateral Transactions with purchases in ISO-administered Installed Capacity auctions, by self-supply from qualified sources, or by a combination of these methods. Each LSE must certify the amount of Unforced Capacity it has or has obtained prior to the beginning of each Obligation Procurement Period by submitting completed Installed Capacity certification forms to the ISO by the date specified in the ISO Procedures. The Installed Capacity certification forms submitted by the LSEs shall be in the format and include all the information prescribed by the ISO Procedures.

All LSEs shall participate in the ICAP Spot Market Auction pursuant to Section 5.14.1 of this Tariff.

5.11.3 Load-Shifting Adjustments

The ISO shall account for Load-shifting among LSEs each month using the best available information provided to it and the affected LSEs by the individual Transmission Owners. The ISO shall, upon notice of Load-shifting by a Transmission Owner and verification by the relevant Load-losing LSE, increase the Load-gaining LSE's LSE Unforced Capacity Obligation, as applicable, and decrease the Load-losing LSE's LSE Unforced Capacity Obligation, as applicable, to reflect the Load-shifting.

The Load-gaining LSE shall pay the Load-losing LSE an amount, pro-rated on a daily basis, based on the Market-Clearing Price of Unforced Capacity determined in the most recent previous applicable ICAP Spot Market Auction until the first day of the month after the

nearest following Monthly Installed Capacity Auction is held. The amount paid by a Load-gaining LSE shall reflect any portion of the Load-losing LSE's LSE Unforced Capacity Obligation that is attributable to the shifting Load for the applicable Obligation Procurement Period, in accordance with the ISO Procedures. In addition, the amount paid by a Load-gaining LSE shall be reduced by the Load-losing LSE's share of any rebate associated with the lost Load paid pursuant to Section 5.15 of this Tariff.

Each Transmission Owner shall report to the ISO and to each LSE serving Load in its Transmission District the updated, aggregated LSE Loads with documentation in accordance with and by the date set forth in the ISO Procedures. The ISO shall reallocate a portion of the NYCA Minimum Unforced Capacity Requirement and the Locational Minimum Unforced Capacity Requirement, as applicable, to each LSE for the following Obligation Procurement Period, which shall reflect all documented Load-shifts as of the end of the current Obligation Procurement Period. Any disputes among Market Participants concerning Load-shifting shall be resolved through the Expedited Dispute Resolution Procedures set forth in Section 5.16 of this Tariff, or the Transmission Owner's retail access procedures, as applicable. In the event of a pending dispute concerning a Load-shift, the ISO shall make its Obligation Procurement Period Installed Capacity adjustments as if the Load-shift reported by the Transmission Owners had occurred, or if the dispute pertains to the timing of a Load-shift, as if the Load-shift occurred on the effective date reported by the Transmission Owner, but will retroactively

modify these allocations, as necessary, based on determinations made pursuant to the Expedited Dispute Resolution Procedures set forth in Section 5.16 of this Tariff, or the Transmission Owner's retail access procedures, as applicable.

5.11.4 LSE Locational Minimum Installed Capacity Requirements

The ISO will determine the Locational Minimum Installed Capacity Requirements, stated as a percentage of the Locality's forecasted Capability Year peak Load and expressed in Unforced Capacity terms, that shall be uniformly applicable to each LSE serving Load within a Locality. In establishing Locational Minimum Installed Capacity Requirements, the ISO will take into account all relevant considerations, including the total NYCA Minimum Installed Capacity Requirement, the NYS Power System transmission Interface Transfer Capability, the Reliability Rules and any other FERC-approved Locational Minimum Installed Capacity Requirements.

The Locational Minimum Unforced Capacity Requirement represents a minimum level of Unforced Capacity that must be secured by LSEs in the NYCA Localities for each Obligation Procurement Period. For each Capability Period, the Locational Minimum Unforced Capacity Requirement for each Locality shall equal the product of the Locational Minimum Installed Capacity Requirement for a given Locality and the ratio of (1) the total amount of Unforced Capacity that the specified Resources are qualified to provide during such Capability Period, as of the time the Locational Minimum Unforced Capacity Requirement is determined as specified in ISO Procedures,

to (2) the sum of the DMNCs used to determine the Unforced Capacities of such Resources for such Capability Period. The foregoing calculation shall be determined using the Resources in the given Locality in the most recent final version of the ISO's annual Load and Capacity Data Report, with the addition of Resources commencing commercial operation since completion of that report and the deletion of Resources with scheduled or planned retirement dates before or during such Capability Period. Under the provisions of this Services Tariff and the ISO Procedures, each LSE will be obligated to procure its LSE Unforced Capacity Obligation. The LSE Unforced Capacity Obligation will be determined for each Obligation Procurement Period by the ICAP Spot Market Auction, in accordance with the ISO Procedures.

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Qualified Resources will have the opportunity to supply amounts of Unforced Capacity to meet the LSE Unforced Capacity Obligation as established by the ICAP Spot Market Auction.

To be counted towards the locational component of the LSE Unforced Capacity Obligation, Unforced Capacity owned by the holder of UDRs or contractually combined with UDRs must be deliverable to the NYCA interface with the UDR transmission facility pursuant to NYISO requirements.

~~Unforced Capacity associated with certain generation~~

~~located in the New York City Locality that is subject to capacity market mitigation measures may not be sold at a price greater than the annual mitigated price cap, except as explicitly provided in Sections 5.13.2, 5.13.3 and 5.14.1 of this Tariff.~~

In addition, any Customer that purchases Unforced Capacity associated with any generation that is subject to capacity market mitigation measures in an ISO-administered auction may not resell that Unforced Capacity in a subsequent auction at a price greater than the annual mitigated price cap, as applied in accordance with the ISO Procedures in accordance with Sections 5.13.2, 5.13.3, and 5.14.1 of this Tariff. The ISO shall inform Customers that purchase Unforced Capacity in an ISO-administered auction of the amount of Unforced Capacity they have purchased that is subject to capacity market mitigation measures.

The ISO shall have the right to audit all executed Installed Capacity contracts and related documentation of arrangements by an LSE to use its own generation to meet its Locational Minimum Installed Capacity Requirement for an upcoming Obligation Procurement Period.

5.12 Requirements Applicable to Installed Capacity Suppliers

5.12.1 Installed Capacity Supplier Qualification Requirements

In order to qualify as an Installed Capacity Supplier in the NYCA, each generator and merchant transmission facility interconnected to the New York State Transmission System must, commencing with the 2009 Summer Capability Period, have elected Capacity Resource Interconnection Service and been found deliverable, or must have been grandfathered as deliverable, pursuant to the applicable provisions of Attachment X, Attachment Z and Attachment S to the ISO OATT. In addition, to qualify as an Installed Capacity Supplier in the NYCA, Energy Limited Resources, Generators, Installed

Capacity Marketers, Intermittent Power Resources, Limited Control Run-of-River Hydro
Resources and System Resources rated 1 MW or greater, other than

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External System Resources and Control Area System Resources which have agreed to certain Curtailment conditions as set forth in the last paragraph of Section 5.12.1 below, and other than Special Case Resources, existing municipally-owned generation, Energy Limited Resources, and Intermittent Power Resources, to the extent those entities are subject to the requirements of Section 5.12.11 of this Tariff, shall:

- (i) provide information reasonably requested by the ISO including the name and location of Generators, and System Resources;
- (ii) in accordance with the ISO Procedures, perform DMNC tests and submit the results to the ISO, or provide to the ISO appropriate historical production data;
- (iii) abide by the ISO Generator maintenance coordination procedures;
- (iv) provide the expected return date from any outages (including partial outages) to the ISO;
- (v) in accordance with the ISO Procedures,
 - (a) provide documentation demonstrating that it will not use the same Unforced Capacity for more than one (1) buyer at the same time; and
 - (b) in the event that the Installed Capacity Supplier supplies more Unforced Capacity than it is qualified to supply in any specific month (i.e., is short on Capacity), documentation that it has procured sufficient Unforced Capacity to cover this shortfall.

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- (vi) except for Installed Capacity Marketers and Intermittent Power Resources that depend upon wind as their fuel, Bid into the Day-Ahead Market, unless the Energy Limited Resource, Generator, Limited Control Run-of-River Hydro Resource or System Resource is unable to do so due to an outage as defined in the ISO Procedures or due to temperature related de-ratings. Generators may also enter into the MIS an upper operating limit that would define the operating limit under

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- normal system conditions. The circumstances under which the ISO will direct a Generator to exceed its upper operating limit are described in the ISO Procedures;
- (vii) provide Operating Data in accordance with Section 5.12.5 of this Tariff;
 - (viii) provide notice to the ISO, prior to the commencement of the Annual Transmission Reliability Assessment on March 1, of any transfers of deliverability rights to be carried out pursuant to Section IX.C of Attachment S to the ISO OATT;
 - (ix) comply with the ISO Procedures;
 - (x) when the ISO issues a Supplemental Resource Evaluation request (an SRE), Bid into the in-day market unless the entity has a bid pending in the Real-Time Market when the SRE request is made or is unable to bid in response to the SRE request due to an outage as defined in the ISO Procedures, or due to other operational issues, or due to temperature related deratings; and
 - (xi) Installed Capacity Suppliers located East of Central-East shall Bid in the Day-Ahead and Real-Time Markets all Capacity available for supplying 10-Minute Non-Synchronized Reserve (unless the Generator is unable to meet its commitment because of an outage as defined in the ISO Procedures), except for the Generators described in subsections (a), (b), (c) and (d) below:
 - (a) Generators providing Energy under contracts executed and effective on or before November 18, 1999 (including PURPA contracts) in which the power purchasers do not control the operation of the supply source but

would be responsible for penalties for being off-schedule, with the exception of Generators under must-take PURPA contracts executed and effective on or before November 18, 1999, who have not provided telemetering to their local TO and historically have not been eligible to participate in the NYPP market, which will continue to be treated as TO Load modifiers under the ISO-administered markets;

- (b) Existing topping turbine Generators and extraction turbine Generators producing Energy resulting from the supply of steam to the district

steam system located in New York City (LBMP Zone J) in operation on or before November 18, 1999 and/or topping or extraction turbine Generators used in replacing or repowering steam supplies from such units (in accordance with good engineering and economic design) that cannot follow schedules, up to a maximum total of 499 MW of such units; and

- (c) Units that have demonstrated to the ISO that they are subject to environmental, contractual or other legal or physical requirements that would otherwise preclude them from providing 10-Minute NSR.

The ISO shall inform each potential Installed Capacity Supplier that is required to submit DMNC data of its approved DMNC ratings for the Summer Capability Period and the Winter Capability Period in accordance with the ISO Procedures.

Requirements to qualify as Installed Capacity Suppliers for External System Resources and Control Area System Resources located in External Control Areas that have agreed not to Curtail the Energy associated with such Installed Capacity or to afford it the same Curtailment priority that it affords its own Control Area Load shall be established in the ISO Procedures.

Not later than 30 days prior to each ICAP Spot Market Auction, each Market Participant that may make offers to sell Unforced Capacity in such auction shall submit information to the ISO, in accordance with ISO Procedures and in the format specified by the ISO that identifies each ~~person or entity that is an~~ Affiliated Entity, as that term is defined in Section 2.1 of Attachment H of the Services Tariff, of the Market Party or with which the Market Party is an Affiliated Entity, ~~or that serves as its agent for purposes of submitting bids in an ICAP Spot Market Auction~~. The names of entities that are Affiliated Entities ~~or bidding agents~~ shall not be treated as Confidential Information, but such treatment may be requested for the existence of an Affiliated Entity relationship. The information submitted to the ISO shall identify the nature of the Affiliated Entity relationship by the applicable category specified in the definition of “Affiliated Entity” in Section 2.1 of Attachment H of the Services Tariff.

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5.12.2 Additional Provisions Applicable to External Installed Capacity Suppliers

External Generators, External System Resources, and Control Area System Resources qualify as Installed Capacity Suppliers if they demonstrate to the satisfaction of the NYISO that the Installed Capacity Equivalent of their Unforced Capacity is deliverable to the NYCA or, in the case of an entity using a UDR to meet a Locational Minimum Installed Capacity Requirement, to the NYCA interface associated with that UDR transmission facility and will not be recalled or curtailed by an External Control Area to satisfy its own Control Area Loads, or, in the case of Control Area System Resources, if they demonstrate that the External Control Area will afford the NYCA Load the same curtailment priority that they afford their own Control Area Native Load Customers. The amount of Unforced Capacity that may be supplied by such entities qualifying pursuant to the alternative criteria may be reduced by the ISO, pursuant to ISO Procedures, to reflect the possibility of curtailment. External Installed Capacity associated with Import Rights or UDRs is subject to the same deliverability requirements applied to Internal Installed Capacity Suppliers associated with UDRs. In addition, External Installed Capacity not associated with UDRs will be subject to the deliverability test

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in Section VII.H and VII.I of Attachment S to the ISO OATT. The deliverability of External Installed Capacity not associated with UDRs will be evaluated annually as a part of the process that sets import rights for the upcoming Capability Year, to determine the amount of External Installed Capacity that can be imported to the New York Control Area across any individual External Interface and across all of those External Interfaces, taken together. The External Installed Capacity deliverability test will be performed using the ISO's forecast, for the upcoming Capability Year, of New York Control Area CRIS resources, transmission facilities, and load. Under this process, (i) Grandfathered External Installed Capacity Agreements listed in Attachment E of the ISO Installed Capacity Manual, and (ii) the Existing Transmission Capacity for Native Load listed for New York State Electric & Gas Corporation in Table 3 of Attachment L to the ISO OATT, will be considered deliverable. Additionally, 1090 MW of imports made over the Quebec (via Chateaugay) interface will be considered to be deliverable until the end of the 2010 Summer Capability Period.

Under this process, the import limit set for External Installed Capacity not associated with UDRs will be set no higher than the amount of imports that (i) would not increase the LOLE as determined in the upcoming Capability Year IRM consistent with

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Section 2.7 of the NYISO Installed Capacity Manual, “Limitations on Unforced Capacity Flow in External Control Areas,” (ii) are deliverable within the Capacity Region where the External Interface is located when evaluated with the New York Control Area CRIS resources forecast for the upcoming Capability Year, and (iii) would not degrade the transfer capability of any Other Interface by more than the threshold identified in Section VII.I of Attachment S to the ISO OATT. Procedures for qualifying selling, and delivery of External Installed Capacity are detailed in the Installed Capacity Manual.

Until the grandfathered import rights over the Quebec (via Chateauguay) interface expire at the end of the 2010 Summer Capability Period, the 1090 MW of grandfathered import rights will be made available on a first-come, first-served basis pursuant to ISO Procedures. Any of the grandfathered import rights over the Quebec (via Chateauguay) interface not utilized for a Capability Period will be made available to other external resources for that Capability Period, pursuant to ISO Procedures, to the extent the unutilized amount is determined to be deliverable. Additionally, any of the Existing Transmission Capacity for Native Load listed for New York State Electric & Gas Corporation not utilized by New York State Electric & Gas Corporation for a Capability Period will be made available to other external resources for that Capability Period, pursuant to ISO procedures, to the extent the unutilized amount is determined to be deliverable.

LSEs with External Installed Capacity as of the effective date of this Tariff will be entitled to designate External Installed Capacity at the same NYCA Interface with

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another Control Area, in the same amounts in effect on the effective date of this Tariff.

To the extent such External Installed Capacity corresponds to Existing Transmission Capacity for Native Load as reflected in Table 3 of Attachment L to the ISO OATT, these External Installed Capacity rights will continue without term and shall be allocated to the LSE's retail access customers in accordance with the LSE's retail access program on file with the PSC and subject to any necessary filings with the Commission. External

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Installed Capacity rights existing as of September 17, 1999 that do not correspond to Table 3 of Attachment L to the ISO OATT shall survive for the term of the relevant External Installed Capacity contract or until the relevant External Generator is retired.

5.12.3 Installed Capacity Supplier Outage Scheduling Requirements

All Installed Capacity Suppliers, except for Control Area System Resources, and Special Case Resources, that intend to supply Unforced Capacity to the NYCA shall submit a confidential notification to the ISO of their proposed outage schedules in accordance with the ISO Procedures. Transmission Owners will be notified of these and subsequently revised outage schedules. Based upon a reliability assessment, if Operating Reserve deficiencies are projected to occur in certain weeks for the upcoming calendar year, the ISO will request voluntary re-scheduling of outages. In the case of Generators actually supplying Unforced Capacity to the NYCA, if voluntary re-scheduling is ineffective, the ISO will invoke forced re-scheduling of their outages to ensure that projected Operating Reserves over the upcoming year are adequate.

A Generator that refuses a forced rescheduling of its outages for any unit shall be prevented from supplying Unforced Capacity in the NYCA with that unit during any month where it undertakes such outages. The rescheduling process is described in the ISO Procedures.

A Generator that intends to supply Unforced Capacity in a given month that did not qualify as an Installed Capacity Supplier prior to the beginning of the Capability Period must notify the ISO in accordance with the ISO Procedures so that it may be subject to forced re-scheduling of its proposed outages in order to qualify as an Installed Capacity Supplier. A Supplier that refuses the ISO's forced rescheduling of its proposed outages shall not qualify as an Installed Capacity Supplier for that unit for any month during which it schedules or conducts an outage.

Outage schedules for External System Resources and Control Area System

Resources shall be coordinated by the External Control Area and the ISO in accordance with the ISO Procedures.

5.12.4 Required Certification That Installed Capacity Has Not Been Resold

Each Installed Capacity Supplier must submit the appropriate ISO certification forms to the ISO no later than the dates specified in the ISO Procedures demonstrating that the Unforced

Capacity it has certified has not been sold for use in an External Control Area.

5.12.5 Operating Data Reporting Requirements

To qualify as Installed Capacity Suppliers in the NYCA, Resources shall submit to the ISO Operating Data in accordance with this Section 5.12.5 and the ISO Procedures. Resources that do not submit Operating Data in accordance with the following subsections and the ISO Procedures shall be subject to the sanctions provided in Section 5.12.12(a) of this Tariff.

Resources that were not in operation on January 1, 2000 shall submit Operating Data to the ISO no later than one month after such Resources commence commercial operation, and in accordance with the ISO Procedures and the following subsections as applicable.

5.12.5(a) Generators, System Resources, Energy Limited Resources, and Special Case Resources, Intermittent Power Resources, Limited Control Run-of-River Hydro Resources and Municipally Owned Generation

To qualify as Installed Capacity Suppliers in the NYCA, Generators, External Generators, System Resources, External System Resources, Energy Limited Resources, Special Case Resources, Intermittent Power Resources, Limited Control Run-of-River Hydro Resources and municipally owned generation or the purchasers of Unforced Capacity associated with those Resources shall submit GADS Data, data equivalent to GADS Data, or other Operating Data to the ISO in accordance with the ISO Procedures.

Prior to the successful implementation of a software modification that allows gas turbines to submit multiple bid points, these units shall not be considered to be forced out for any hours that the unit was available at its base load capability in accordance with the ISO Procedures. This Section shall also apply to any Installed Capacity Supplier, External or Internal, using UDRs to meet Locational Minimum Installed Capacity Requirements.

5.12.5(b) Control Area System Resources

To qualify as Installed Capacity Suppliers in the NYCA, Control Area System Resources, or the purchasers of Unforced Capacity associated with those Resources, shall submit CARL Data and actual system failure occurrences data to the ISO each month in accordance with the ISO Procedures.

**5.12.5(c) Transmission Projects Granted Unforced Capacity
Deliverability Rights**

An owner of a transmission project that receives UDRs must, among other obligations, submit outage data or other operational information in accordance with the ISO procedures to allow the ISO to determine the number of UDRs associated with the transmission facility.

5.12.6 Operating Data Default Value and Collection

5.12.6(a) UCAP Calculations

The ISO shall calculate for each Resource the amount of Unforced Capacity that each Installed Capacity Supplier is qualified to supply in the NYCA in accordance with formulae provided in the ISO Procedures.

The amount of Unforced Capacity that each Generator, System Resource, Energy Limited Resource, Special Case

Resource, and municipally-owned generation is authorized to supply in the NYCA shall be based on the ISO's calculations of individual Equivalent Demand Forced Outage Rates. The amount of Unforced Capacity that each Control Area System Resource is authorized to supply in the NYCA shall be based on the ISO's calculation of each Control Area System Resource's availability. The amount of Unforced Capacity that each Intermittent Power Resource is authorized to supply in the NYCA shall be based on the NYISO's calculation of the amount of capacity that the Intermittent Power Resource can reliably provide during system peak Load hours in accordance with ISO Procedures. The amount of Unforced Capacity that each Limited Control Run-of-River Hydro Resource is authorized to provide in the NYCA shall be determined separately for Summer and Winter Capability Periods as the rolling average of the hourly net Energy provided by each such Resource during the 20 highest NYCA integrated real-time load hours in each of the five previous Summer or Winter Capability Periods, as appropriate, stated in megawatts.

The ISO shall calculate separate Summer and Winter Capability Period Unforced Capacity values for each Generator, System Resource, Special Case Resource, Energy Limited Resource, and municipally owned generation and update them periodically using a twelve-month

calculation in accordance with formulae provided in the ISO
Procedures.

The ISO shall calculate separate Summer and Winter
Capability Period Unforced Capacity values for Intermittent Power
Resources and update them seasonally as described in ISO
Procedures.

5.12.6(b) Default Unforced Capacity

In its calculation of Unforced Capacity, the ISO shall deem a
Resource to be completely forced out for each month for which the Resource has
not submitted its Operating Data in accordance with Section 5.12.5 of this Tariff
and the ISO Procedures. A Resource that has been deemed completely forced out

for a particular month may submit new Operating Data, for that month, to the ISO at any time. The ISO will use such new Operating Data when calculating, in a timely manner in accordance with the ISO Procedures, a Unforced Capacity value for the Resource.

Upon a showing of extraordinary circumstances, the ISO retains the discretion to accept at any time Operating Data which have not been submitted in a timely manner, or which do not fully conform with the ISO Procedures.

5.12.6(c) Exception for Certain Equipment Failures

When a Generator, Special Case Resource, Energy Limited Resource, or System Resource is forced into an outage by an equipment failure that involves equipment located on the high voltage side of the electric network beyond the step-up transformer, and including such step-up transformer, the outage will not be counted for purposes of calculating that Resource's Equivalent Demand Forced Outage Rate.

5.12.7 Availability Requirements

Subsequent to qualifying, each Installed Capacity Supplier shall, except as noted in Section 5.12.11 of this Tariff, on a daily basis: (i) schedule a Bilateral Transaction; (ii) Bid Energy in each hour of the Day-Ahead Market in accordance with the applicable

provisions of Section 5.12.1 of this Tariff; or (iii) notify the ISO of any outages. The total amount of Energy that an Installed Capacity Supplier schedules, bids, or declares to be unavailable on a given day must equal or exceed the Installed Capacity Equivalent of the Unforced Capacity it supplies.

5.12.8 Unforced Capacity Sales

Each Installed Capacity Supplier will, after satisfying the deliverability requirements set forth in the applicable provisions of Attachment X, Attachment Z and Attachment S to the ISO OATT, be authorized to supply an amount of Unforced Capacity during each Obligation Procurement Period, based on separate seasonal Unforced Capacity calculations performed by the ISO for the Summer and Winter Capability Periods. Unforced Capacity may be sold in six-month strips, or in monthly, or multi-monthly segments.

If an Energy Limited Resource's, Generator's, System Resource's or Control Area System Resource's DMNC rating is determined to have increased during an Obligation Procurement Period, pursuant to testing procedures described in the ISO Procedures, the amount of Unforced Capacity that it shall be authorized to supply in that or future Obligation Procurement Periods shall also be increased on a prospective basis in accordance with the schedule set forth in the ISO Procedures provided that it first has satisfied the deliverability requirements set forth in the applicable provisions of Attachment X, Attachment Z and Attachment S to the ISO OATT.

New Generators and Generators that have increased their Capacity since the previous Summer Capability Period due to changes in their generating equipment may, after satisfying the deliverability requirements set forth in the applicable provisions of Attachment X, Attachment Z and Attachment S to the ISO OATT, qualify to supply

Unforced Capacity on a foregoing basis during the Summer Capability Period based upon a DMNC test that is performed and reported to the ISO after March 1 and prior to the beginning of the Summer Capability Period DMNC Test Period. The Generator will be required to verify the claimed DMNC rating by performing an additional test during the Summer DMNC Test Period. Any shortfall between the

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amount of Unforced Capacity supplied by the Generator for the Summer Capability Period and the amount verified during the Summer DMNC Test Period will be subject to deficiency charges pursuant to Section 5.14.2 of this Tariff. The deficiency charges will be applied to no more than the difference between the Generator's previous Summer Capability Period Unforced Capacity and the amount of Unforced Capacity equivalent the Generator supplied for the Summer Capability Period.

New Generators and Generators that have increased their Capacity since the previous Winter Capability Period due to changes in their generating equipment may, after satisfying the deliverability requirements set forth in the applicable provisions of Attachment X, Attachment Z and Attachment S to the ISO OATT, qualify to supply Unforced Capacity on a foregoing basis during the Winter Capability Period based upon a DMNC test that is performed and reported to the ISO after September 1 and prior to the beginning of the Winter Capability Period DMNC Test Period. The Generator will be required to verify the claimed DMNC rating by performing an additional test during the Winter Capability Period DMNC Test Period. Any shortfall between the amount of Unforced Capacity certified by the Generator for the Winter Capability Period and the amount verified during the Winter Capability Period DMNC Test Period will be subject to deficiency charges pursuant to Section 5.14.2 of this Tariff. The deficiency charges will be applied to no more than the difference between the

Generator's previous Winter Capability Period Unforced Capacity and the amount of Unforced Capacity equivalent the Generator supplied for the Winter Capability Period.

Any Installed Capacity Supplier, except as noted in Section 5.12.11 of this ISO Services Tariff, which fails on a daily basis to schedule, Bid, or declare to be unavailable in the Day-Ahead Market an amount of Unforced Capacity, expressed in terms of Installed Capacity Equivalent, that it certified for that day, rounded down to the nearest whole MW, is subject to sanctions pursuant to Section 5.12.12(b) of this Tariff. If an entity other than the owner of an Energy Limited Resource, Generator, System Resource, or Control Area System Resource that is providing Unforced Capacity is responsible for fulfilling bidding, scheduling, and notification requirements, the owner and that entity must designate to the ISO which of them will be responsible for complying with the scheduling, bidding, and notification requirements. The designated bidding and scheduling entity shall be subject to sanctions pursuant to Section 5.12.12(b) of this ISO Services Tariff.

5.12.9 Sales of Unforced Capacity by System Resources

Installed Capacity Suppliers offering to supply Unforced Capacity associated with Internal System Resources shall submit for each of their Resources the Operating Data and DMNC testing data or historical data described in Sections 5.12.1 and 5.12.5 of this ISO Services Tariff in accordance with the ISO Procedures. Such Installed Capacity Suppliers will be allowed to supply the amount of Unforced Capacity that

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the ISO determines pursuant to the ISO Procedures to reflect the appropriate Equivalent Demand Forced Outage Rate. Installed Capacity Suppliers offering to sell the Unforced Capacity associated with System Resources may only aggregate Resources in accordance with the ISO Procedures.

5.12.10 Curtailment of External Transactions In-Hour

All Unforced Capacity that is not out of service, or scheduled to serve the Internal NYCA Load in the Day-Ahead Market may be scheduled to supply Energy for use in External Transactions provided, however, that such External Transactions shall be subject to Curtailment within the hour, consistent with ISO Procedures. Such Curtailment shall not exceed the Installed Capacity Equivalent committed to the NYCA.

If an Installed Capacity Supplier's Exports are Curtailed in-hour to resolve a New York reserves shortage, the Transmission Customer scheduling such Exports shall be paid, for the remainder of the hour, the higher of the Real-Time LBMP at the New York proxy bus associated with the Exports, or the real-time price at the relevant proxy bus used by the External Control Area for Transactions with New York.

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FERC Electric Tariff
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5.12.11 Special Case Resources, Municipally-Owned Generation, Energy Limited Resources and Intermittent Power Resources

5.12.11 (a) Special Case Resources

Special Case Resources may qualify as Installed Capacity Suppliers, without having to comply with the daily bidding, scheduling, and notification requirements set forth in Section 5.12.7 of this Tariff, if:

(i) they are available to operate for a minimum of four (4) consecutive hours each day, at the direction of the ISO, except for those subject to operating limitations established by environmental permits, which will not be required to operate in excess of two (2) hours and which will be derated by the ISO pursuant to ISO Procedures to account for the Load serving equivalence of the hours actually available, following notice of the potential need to operate twenty-one (21) hours in advance if notification is provided by 3:00 P.M. ET, or twenty-four (24) hours in advance otherwise, and a notification to operate two (2) hours ahead; and (ii) they were not operated as a Load modifier

coincident with the peak upon which the LSE Unforced Capacity Obligation of the LSE that serves that customer is based, unless that LSE's LSE Unforced Capacity Obligation is adjusted upwards to prevent double-counting.

Special Case Resources supplying Unforced Capacity cannot offer the Demand Reduction associated with such Unforced Capacity in the Emergency Demand Response Program. A Resource with sufficient metering to distinguish MWs of Demand Reduction may participate as a Special Case Resource and in the Emergency Demand Response Program provided that the same MWs are not committed both as Unforced Capacity and to the Emergency Demand Response Program.

The ISO will have discretion, pursuant to ISO Procedures, to exempt distributed Generators that are incapable of starting in two (2) hours from the requirement to operate on two (2) hours notification. Distributed Generators and Loads capable of being interrupted upon demand, that are not available on certain hours or days will be derated by the ISO, pursuant to ISO Procedures, to reflect the Load serving equivalence of the hours they are actually available.

Special Case Resources must submit a Minimum Payment Nomination, in accordance with ISO Procedures. The ISO may request Special Case Resource performance from less than the total number of Special Case Resources within the NYCA or a Load Zone in accordance with ISO Procedures.

Distributed Generators and Loads capable of being interrupted upon demand will be required to comply with verification and validation procedures set forth in the ISO Procedures. Such procedures will not require metering other than interval billing meters on customer Load or testing other than DMNC or sustained disconnect, as appropriate, unless agreed to by the customer, except that Special Case Resources not called to supply Energy in a Capability Period will be required to run a test once every Capability Period in accordance with the ISO Procedures.

Unforced Capacity supplied in a Bilateral Transaction by a Special Case Resource pursuant to this subsection may only be resold if the purchasing

entity or the Installed Capacity Marketer has agreed to comply with the ISO notification requirements for Special Case Resources. LSEs and Installed Capacity Marketers may aggregate Special Case Resources and sell the Unforced Capacity associated with them in an ISO-administered auction if they comply with ISO notification requirements for Special Case Resources.

Special Case Resources that were requested to reduce Load in any month shall submit performance data to the NYISO, within 75 days of each called event or test, in accordance with ISO Procedures. Failure to submit performance data for any Special Case Resources required to respond to the event or test within the 75-day limit will result in zero performance attributed to those Special Case Resources for purposes of satisfying the Special Case Resource's capacity obligation as well as for determining energy payments. All performance data are subject to audit by the NYISO and its market monitoring unit. If the ISO determines that it has made an erroneous payment to a Special Case Resource it shall have the right to recover it either by reducing other payments to that Special Case Resource or by resolving the issue pursuant to other provisions of this Services Tariff or other lawful means.

Provided the Special Case Resource supplies evidence of such reductions in 75 days, the ISO shall pay Special Case Resources that cause a verified Load

reduction in response to (i) an ISO request to perform due to a Forecast Reserve Shortage (ii) an ISO declared Major Emergency State, (iii) an ISO request to perform made in response to a request for assistance for Load relief purposes or as a result of a Local Reliability Rule, or (iv) a test called by the ISO, for such Load reduction, in accordance with ISO Procedures. Subject to performance evidence and verification, in the case of a response pursuant to clauses (i), (ii), or (iii) of this Subsection, Special Case Resources shall be paid the zonal Real-Time LBMP for the duration of their verified Load reduction or four (4) hours, whichever is greater, in accordance with ISO Procedures, provided, however, Special Case Resource Capacity shall settle Demand Reductions, in the interval and for the capacity for which Special Case Resource Capacity has been scheduled Day-Ahead to provide Operating Reserves, Regulation Service or Energy, as being provided by a Supplier of Operating Reserves, Regulation Service or Energy.

In the event that a Special Case Resource's Minimum Payment Nomination for the number of hours of requested performance or the minimum four (4) hour period, whichever is greater, exceeds the LBMP revenue received, the Special Case Resource will be eligible for a Bid Production Cost Guarantee to

make up the difference, in accordance with Section 4.23 of this Services Tariff and ISO Procedures, provided, however, the ISO shall set to zero the Minimum Payment Nomination for Special Case Resource Capacity in each interval in which such Capacity was scheduled Day-Ahead to provide Operating Reserves, Regulation Service or Energy.

Subject to performance evidence and verification, in the case of a response pursuant to clause (iv) of this Subsection, payment for participation in tests called by the NYISO shall be equal to the zonal Real Time LBMP for the MWh of Energy reduced within the test period.

Transmission Owners that require assistance from distributed Generators larger than 100 kW and Loads capable of being interrupted upon

demand for Load relief purposes or as a result of a Local Reliability Rule, shall direct their requests for assistance to the ISO for implementation consistent with the terms of this Section. Within Load Zone J, participation in response to an ISO request to perform made as a result of a request for assistance from a Transmission Owner for less than the total number of Special Case Resources, for Load relief purposes or as a result of a Local Reliability Rule, in accordance with ISO Procedures, shall be voluntary and the responsiveness of the Special Case Resource shall not be taken into account for performance measurement.

5.12.11 (b) Existing Municipally-Owned Generation

A municipal utility that owns existing generation in excess of its Unforced Capacity requirement, net of NYPA-provided Capacity may, consistent with the deliverability requirements set forth in Attachment X and Attachment S to the ISO OATT, offer the excess Capacity for sale as Installed Capacity provided that it is willing to operate the generation at the ISO's request, and provided that the Energy produced is deliverable to the New York State Power System. Such a municipal utility shall not be required to comply with the requirement of Section 5.12.7 of this Tariff that an Installed Capacity Supplier bid into the Energy market or enter into Bilateral Transactions. Municipal utilities shall, however, be required to submit their typical physical operating parameters, such as their start-up times, to the ISO. This subsection is only applicable to municipally-owned generation in service or under construction as of December 31, 1999.

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5.12.11 (c) Energy Limited Resources

An Energy Limited Resource may, consistent with the deliverability requirements set forth in Attachment X and Attachment S to the ISO OATT, qualify as an Installed Capacity Supplier if it Bids its Installed Capacity Equivalent into the Day-Ahead Market each day and if it is able to provide the Energy equivalent of the Unforced Capacity for at least four (4) consecutive hours each day. Energy Limited Resources shall also Bid a Normal Upper Operating Limit or Emergency Upper Operating Limit, as applicable, designating their desired operating limits. Energy Limited Resources that are not scheduled in the Day-Ahead Market to operate at a level above their bid-in upper operating limit, may be scheduled in the RTC, or may be called in real-time pursuant to a manual intervention by ISO dispatchers, who will account for the fact that Energy Limited Resource may not be capable of responding.

5.12.11(d) Intermittent Power Resources

Intermittent Power Resources that depend upon wind as their fuel may qualify as Installed Capacity Suppliers, without having to comply with the daily bidding and scheduling requirements set forth in Section 5.12.7 of this Tariff, and may, consistent with the deliverability requirements set forth in Attachment X and Attachment S to the ISO OATT, claim up to their nameplate Capacity as Installed Capacity. To qualify as Installed Capacity Suppliers, such Intermittent Power Resources shall comply with the requirements of Section 5.12.1 and the outage notification requirements of 5.12.7 of this Tariff.

5.12.12 Sanctions Applicable to Installed Capacity Suppliers and Transmission Owners

Pursuant to this Section, the ISO may impose financial sanctions on Installed Capacity Suppliers and Transmission Owners that fail to comply with certain provisions of this Tariff. The ISO shall notify Installed Capacity Suppliers and Transmission Owners prior to imposing any sanction and shall afford them a reasonable opportunity to demonstrate that they should not be sanctioned and/or to offer mitigating reasons why they should be subject to a lesser sanction. The ISO may impose a sanction lower than the maximum amounts allowed by this Section at its sole discretion. Installed Capacity Suppliers and Transmission Owners may challenge any sanction imposed by the ISO pursuant to the ISO Dispute Resolution Procedures.

Any sanctions collected by the ISO pursuant to this Section will be applied to reduce the Rate Schedule 1 charge under this Tariff.

5.12.12 (a) Sanctions for Failing to Provide Required Information

If (i) an Installed Capacity Supplier fails to provide the information required by Subsections 5.12.1(i), (ii), (iii), (iv), or (viii) of this Tariff in a timely fashion, or (ii) a Supplier of Unforced Capacity from External System Resources located in an External Control Area or from a Control Area System Resource that has agreed not to Curtail the Energy associated with such Installed Capacity, or to afford it the same Curtailment priority that it affords its own Control Area Load, fails to provide the information required for certification as an Installed Capacity Supplier established in the ISO Procedures, the ISO may take the following actions: On the first day that required information is late, the ISO shall notify the Installed Capacity Supplier that required information is past due and that it reserves the right to impose financial sanctions if the information is not provided by the end of the following day. Starting on the third day that the required information is late, the ISO may impose a daily financial sanction of up to the higher of \$500 or \$5 per MW of Installed Capacity that the Generator, System Resource, or Control Area System Resource in question is capable of providing. Starting on the tenth day that the required information is late, the ISO may impose a daily financial sanction of up to the higher of \$1000 or \$10 per

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MW of Installed Capacity that the Generator, System Resource, or Control Area System Resource in question is capable of providing.

If an Installed Capacity Supplier fails to provide the information required by Subsection 5.12.1(v) of this Tariff in a timely fashion, the ISO may take the following actions: On the first calendar day that required information is late, the ISO shall notify the Installed Capacity Supplier that required information is past due and that it reserves the right to impose financial sanctions if the information is not provided by the end of that first calendar day. Starting on the second calendar day that the required information is late, the ISO may impose a daily financial sanction up to the higher of \$500 or \$5 per MW of Installed Capacity that the Generator, System Resource, or Control Area System Resource in question is capable of providing.

If a TO fails to provide the information required by Subsection 5.11.3 of this Tariff in a timely fashion, the ISO may take the following actions: On the first day that required information is late, the ISO shall notify the TO that required information is past due and that it reserves the right to impose financial sanctions if the information is not provided by the end of the following day. Starting on the third day that the required information is late, the ISO may impose

a daily financial sanction up to \$5,000 a day. Starting on the tenth day that required information is late, the ISO may impose a daily financial sanction up to \$10,000.

5.12.12(b) Sanctions for Failing to Comply with Scheduling, Bidding, and Notification Requirements

On any day in which an Installed Capacity Supplier fails to comply with the scheduling, bidding, or notification requirements of Subsections 5.12.1(vi), (vii), or (x), or with Section 5.12.7 of this Tariff, or in which a Supplier of Installed Capacity from External System Resources or Control Area System Resources located in an External Control Area that has agreed not to Curtail the Energy associated with such Installed Capacity, or to afford it the same Curtailment priority that it affords its own Control Area Load, fails to comply with scheduling, bidding, or notification requirements for certification as an Installed Capacity Supplier established in the ISO Procedures, the ISO may impose a financial sanction up to the product of a deficiency charge (pro-rated on a daily basis) and the maximum number of MWs that the Installed Capacity Supplier failed to schedule or Bid in any hour in that day provided, however, that no financial sanction shall apply to any Installed Capacity Supplier who demonstrates that the Energy it schedules,

bids, or declares to be unavailable on any day is not less than the Installed Capacity that it supplies for that day rounded down to the nearest whole MW. The deficiency charge may be up to one and one-half times the applicable Market-Clearing Price of Unforced Capacity determined in the ICAP Spot Market Auction for each month in which the Installed Capacity Supplier is determined not to have complied with the foregoing requirements.

In addition, if an Installed Capacity Supplier fails to comply with the scheduling, bidding, or notification requirements of Sections 5.12.1(vi), (vii), or (x), or with Section 5.12.7 of this Tariff, or if an Installed Capacity Supplier of Unforced Capacity from External System Resources or from a Control Area System Resource located in an External Control Area that has agreed not to curtail the Energy associated with such Unforced Capacity, or to afford it the same curtailment priority that it affords its own Control Area Load, fails to comply with the scheduling, bidding, or notification requirements for certification as an Installed Capacity Supplier established in the ISO Procedures during an hour in which the ISO curtails Transactions associated with NYCA Installed Capacity Suppliers, the ISO may impose an additional financial sanction equal to the product of the number of MWs the Installed Capacity Supplier failed to schedule during that hour and the corresponding Real-Time LBMP at the applicable Proxy Generator Bus.

5.13 Installed Capacity Auctions

5.13.1 General Auction Requirements

The ISO will administer Installed Capacity auctions to accommodate LSEs' and Installed Capacity Suppliers' efforts to enter into Unforced Capacity Transactions and to give LSEs an opportunity to acquire sufficient their Unforced Capacity to meet their respective LSE Unforced Capacity Obligations. The ISO shall conduct regular auctions, at the request of an LSE, at the times specified in this Section and the ISO Procedures, and may conduct additional auction as necessary.

Installed Capacity Suppliers, LSEs and Installed Capacity Marketers that are Customers under this Tariff will be allowed to participate in Installed Capacity auctions, provided that they satisfy the creditworthiness requirements set forth in Attachment K of the ISO OATT. Unforced Capacity purchased in Installed Capacity auctions may not be sold for the purposes of meeting Installed Capacity requirements imposed by operators of External Control Areas. Offers to sell and bids to purchase Unforced Capacity shall be made in \$/kW for the time period appropriate to the auction. The ISO shall impose no limits on Bids or offers in any auction, except to the extent required by any applicable capacity market mitigation measures.

Installed Capacity Suppliers that wish to participate in an ISO-administered auction must submit completed certification forms to the ISO in accordance with the ISO procedures,

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demonstrating that their Unforced Capacity has not been committed to a Bilateral Transaction.

The ISO Procedures shall specify the dates by which the ISO will post the results of Installed Capacity auctions. The ISO Procedures shall ensure that there are at least four business days between the time that auction results from monthly auctions are posted and the dates that LSEs are required to demonstrate the quantity of Unforced Capacity that has been obtained for the upcoming Obligation Procurement Period, pursuant to Section 5.11.2 of this Tariff. LSEs holding Unforced Capacity which they want credited against their LSE Unforced Capacity Obligations must certify such Unforced Capacity when submitting their Installed Capacity certifications.

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5.13.2 Capability Period Auction

A Capability Period Auction will be conducted no later than thirty (30) days prior to the start of each Capability Period in which Unforced Capacity will be purchased and sold for the entire duration of the Capability Period. The exact date of the Capability Period Auction shall be established in the ISO Procedures. The Capability Period Auction is intended to facilitate long-term Unforced Capacity transactions between Market Participants.

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The Capability Period Auction will be conducted and solved simultaneously to purchase Unforced Capacity which may be used by an LSE toward all components of its LSE Unforced Capacity Obligation for each Obligation Procurement Period.

Participation shall consist of: (i) LSEs seeking to purchase Unforced Capacity; (ii) any other entity seeking to purchase Unforced Capacity; (iii) qualified Installed Capacity Suppliers; and (iv) any other entity that owns excess Unforced Capacity.

Buyers that are awarded Unforced Capacity shall pay the applicable Market-Clearing Price of Unforced Capacity in the Capability Period Auction. Sellers that are selected to provide Unforced Capacity shall receive the applicable Market-Clearing Price of Unforced Capacity in the Capability Period Auction.

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FERC Electric Tariff
Original Volume No. 2

Fourth Revised Sheet No. 149
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The results of the Capability Period Auction will be made available to Market Participants at the time specified in the ISO Procedures, which shall be prior to the start of the Monthly Auction held prior to the beginning of each Capability Period.

5.13.3 Monthly Auctions

Monthly Auctions will be held during which Unforced Capacity may be purchased and sold for the forthcoming Obligation Procurement Period, and any other month or months remaining in the Capability Period, as specified in the ISO Procedures. The exact dates of each Monthly Auction shall be established in the ISO Procedures. Each Monthly Auction is intended to facilitate Unforced Capacity transactions between Market Participants.

Each Monthly Auction will be conducted and solved simultaneously to purchase Unforced Capacity which may be used by an LSE toward all components of its LSE Unforced Capacity Obligation for each Obligation Period. Participation shall consist of:

(i) LSEs seeking to purchase Unforced Capacity; (ii) any other entity seeking to

purchase Unforced Capacity; (iii) qualified Installed Capacity Suppliers; and (iv) any other entity that owns excess Unforced Capacity.

Buyers that are awarded Unforced Capacity shall pay the applicable Market-Clearing Price of Unforced Capacity in the Monthly Auction. Sellers that are selected to provide Unforced Capacity shall receive the applicable Market-Clearing Price.

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The results of each Monthly Auction will be made available to Market Participants in accordance with the ISO Procedures.

5.13.4 Detailed Installed Capacity Auction Description

Additional detail concerning the ISO's Installed Capacity auction procedures are provided in the ISO Procedures.

5.14 Installed Capacity Spot Market Auction and Installed Capacity Supplier Deficiencies

5.14.1 LSE Participation in the ICAP Spot Market Auction

5.14.1(a) ICAP Spot Market Auction

When the ISO conducts each ICAP Spot Market Auction it will account for all Unforced Capacity that each NYCA LSE has certified for use in the NYCA to meet its NYCA Minimum Installed Capacity Requirement or Locational Minimum Installed Capacity Requirement, as applicable, whether purchased through Bilateral Transactions or in prior auctions. The ISO shall receive offers of Unforced Capacity that has not previously been purchased through Bilateral Transactions or in prior auctions from qualified Installed Capacity Suppliers for the ICAP Spot Market Auction. The ISO shall also receive offers of Unforced Capacity from any LSE for any amount of Unforced Capacity that LSE has in excess of its NYCA Minimum Unforced Capacity Requirement or Locational Minimum Unforced Capacity Requirement, as applicable. Unforced

Capacity that will be exported from the New York Control Area during the month for which Unforced capacity is sold in an ICAP Spot Market Auction shall be certified to the NYISO by the certification deadline for that auction.

The ISO shall conduct an ICAP Spot Market Auction to purchase Unforced Capacity which shall be used by an LSE toward all components of its LSE Unforced Capacity Obligation for each Obligation Procurement Period immediately preceding the start of each Obligation Procurement Period. The exact date of the ICAP Spot Market Auction shall be established in the ISO Procedures. All LSEs shall participate in the ICAP Spot Market Auction. In the ICAP Spot Market Auction, the ISO shall submit monthly bids on behalf of all LSEs at a level per MW determined by the ICAP Demand Curves established in accordance with this Tariff and the ISO Procedures. The ICAP Spot Market Auction will set the LSE Unforced Capacity Obligation for each NYCA LSE in accordance with the ISO Procedures.

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The ICAP Spot Market Auction will be conducted and solved simultaneously for Unforced Capacity that may be used by an LSE towards all components of its LSE Unforced Capacity Obligation for that Obligation Procurement Period using the applicable ICAP Demand Curves, as established in accordance with the ISO Procedures. LSEs that are awarded Unforced Capacity in the ICAP Spot Market Auction shall pay to the ISO the Market-Clearing Price of Unforced Capacity determined in the ICAP Spot Market Auction using the applicable ICAP Demand Curve. The ISO shall pay Installed Capacity Suppliers that are selected to provide Unforced Capacity the Market-Clearing Price determined in the ICAP Spot Market Auction using the applicable ICAP Demand Curve.

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5.14.1(b) Demand Curve and Adjustments

Three ICAP Demand Curves will be established: one to determine the locational component of LSE Unforced Capacity Obligations for each of the two Localities, and one to determine the total LSE Unforced Capacity Obligations for all LSEs. The ICAP Demand Curves for the 2007/2008, 2008/2009, 2009/2010, and 2010/2011 Capability Years shall be established at the following points:

Capability Year	5/1/2007 to 4/30/2008	5/1/2008 to 4/30/2009	5/1/2009 to 4/30/2010	5/1/2010 to 4/30/2011
NYCA	Max @ \$11.54 \$7.30 @ 100% \$0.00 @ 112%	Max @ \$11.55 \$8.19 @ 100% \$0.00 @ 112%	Max @ \$12.45 \$9.13 @ 100% \$0.00 @ 112%	Max @ \$13.42 \$9.90 @ 100% \$0.00 @ 112%
NYC	Max @ \$23.34 \$14.77 @ 100% \$0.00 @ 118%	Max @ \$23.51 \$13.36 @ 100% \$0.00 @ 118%	Max @ \$25.34 \$14.40 @ 100% \$0.00 @ 118%	Max @ \$27.32 \$15.99 @ 100% \$0.00 @ 118%
LI	Max @ \$20.55 \$13.52 @ 100% \$0.00 @ 118%	Max @ \$20.87 \$7.48 @ 100% \$0.00 @ 118%	Max @ \$22.50 \$8.06 @ 100% \$0.00 @ 118%	Max @ \$24.25 \$8.69 @ 100% \$0.00 @ 118%

NOTE: All dollar figures are in terms of \$/kW-month of ICAP and all percentages are in terms of the applicable NYCA Minimum Installed Capacity Requirement and Locational Minimum Installed Capacity Requirement. The defined points describe a line segment with a negative slope that will result in higher values for percentages less than 100% of the NYCA Minimum Installed Capacity Requirement or the Locational Installed Capacity Requirement with the maximum value for each ICAP Demand Curve established at 1.5 times the estimated localized levelized cost per kw-month to develop a new peaking unit in each Locality or in Rest of State, as applicable.

In subsequent years, the costs assigned to the NYCA Minimum Installed Capacity Requirement and the Locational Minimum Installed Capacity Requirement by the ICAP Demand Curves will be defined by the results of the independent review conducted

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pursuant to this Section. The ICAP Demand Curves will be translated into Unforced Capacity terms in accordance with the ISO Procedures.

A periodic review of the ICAP Demand Curves shall be performed every three (3) years in accordance with the ISO Procedures to determine the parameters of the ICAP Demand Curves for the next three Capability Years. The periodic review shall assess: (i) the current localized levelized embedded cost of a peaking unit in each NYCA Locality and the Rest of State to meet minimum capacity requirements; (ii) the likely projected annual Energy and Ancillary Services revenues of the peaking unit over the period covered by the adjusted ICAP Demand Curves, net of the costs of producing such Energy and Ancillary Services, under conditions in which the available capacity would equal or slightly exceed the minimum Installed Capacity requirement; (iii) the appropriate shape and slope of the ICAP Demand Curves, and the associated point at which the dollar value of the ICAP Demand Curves should decline to zero; and (iv) the appropriate translation of the annual net revenue requirement of the peaking unit determined from the factors specified above, into monthly values that take into account seasonal differences in the amount of capacity available in the ICAP Spot Market Auctions. For purposes of this review, a peaking unit is defined as the unit with technology that results in the lowest fixed costs and highest variable costs among all other units' technology that are economically viable.

The periodic review shall be conducted in accordance with the schedule and procedures

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specified in the ISO Procedures. A proposed schedule will be reviewed with the stakeholders not later than May 30 of the year prior to the year of the filing specified in (xi) below. The schedule and procedures shall provide for:

- (i) ISO development, with stakeholder review and comment, of a request for proposals to provide independent consulting services to determine recommended values for the factors specified above, and appropriate methodologies for such determination;
- (ii) Selection of an independent consultant in accordance with the request for proposals;
- (iii) Submission to the ISO and the stakeholders of a draft report from the independent consultant on the independent consultant's determination of recommended values for the factors specified above;
- (iv) Stakeholder review of and comment on the data, assumptions and conclusions in the independent consultant's draft report, with participation by the responsible person or persons providing the consulting services;
- (v) ~~Participation by the ISO's independent Market Advisor~~ An opportunity for the Market Monitoring Unit in the periodic review, including to review of and comment on the draft request for proposals, review of the independent consultant's report, and promulgation for stakeholder review of any proposed adjustments recommended by the Market Advisor in the values determined by the independent consultant or in the ISO's proposed ICAP Demand Curves (the responsibilities of the Market Monitoring Unit that are addressed in this section of the Services Tariff are also addressed in Section 4.6.3.1 of the Market Monitoring Plan);
- (vi) Issuance by the independent consultant of a final report;

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(vii) Issuance of a draft of the ISO's recommended adjustments to the ICAP Demand Curves for stakeholder review and comment;

(viii) Issuance of the ISO's proposed ICAP Demand Curves, taking into account the report of the independent consultant, the recommendations of the ~~Market Advisor~~ Market Monitoring Unit, and the views of the stakeholders together with the rationale for accepting or rejecting any such inputs;

(ix) Submission of stakeholder requests for the ISO Board of Directors to review and adjust the ISO's proposed ICAP Demand Curves;

(x) Presentations to the ISO Board of Directors of stakeholder views on the ISO's proposed ICAP Demand Curves; and

(xi) Filing with the Commission of ICAP Demand Curves as approved by the ISO Board of Directors incorporating the results of the periodic review, such filing to be made not later than November 30 of the year prior to the year that includes the beginning of the first Capability Year to which such ICAP Demand Curves would be applied. The filing shall specify ICAP Demand Curves for a period of three Capability Years.

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Upon FERC approval, the ICAP Demand Curves will be translated into Unforced Capacity terms in accordance with the ISO Procedures; provided that nothing in this Tariff shall be construed to limit the ability of the ISO or its Market Participants to propose and adopt alternative provisions to this Tariff through established governance procedures.

5.14.1(c) Supplemental Supply Fee

Any LSE that has not met its share of the NYCA Minimum Installed Capacity Requirement or its share of the Locational Minimum Installed Capacity Requirement after the completion of an ICAP Spot Market Auction, shall be assessed a supplemental supply fee equal to the applicable Market-Clearing Price of Unforced Capacity determined in the ICAP Spot Market Auction multiplied by the number of MWs the LSE needs to meet its share of the NYCA Minimum Installed Capacity Requirement or its share of the Locational Minimum Installed Capacity Requirement.

The ISO will attempt

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to use these supplemental supply fees to procure Unforced Capacity at a price less than or equal to the applicable Market-Clearing Price of Unforced Capacity determined in the ICAP Spot Market Auction from Installed Capacity Suppliers that are capable of supplying Unforced Capacity including: (1) Installed Capacity Suppliers that were not qualified to supply Capacity prior to the ICAP Spot Market Auction; (2) Installed Capacity Suppliers that offered Unforced Capacity at levels above the ICAP Spot Market Auction Market-Clearing Price; and (3) Installed Capacity suppliers that did not offer Unforced Capacity in the ICAP Spot Market Auction. In the event that different Installed Capacity Suppliers offer the same price, the ISO will give preference to Installed Capacity Suppliers that were not qualified to supply capacity prior to the ICAP Spot Market Auction.

Offers from Installed Capacity Suppliers are subject to review pursuant to the NYISO-Market Monitoring Plan that is set forth in Attachment O to the Services Tariff, and the -Market Mitigation Measures (that are set forth in Attachment H to the Services Tariff). Installed Capacity Suppliers selected by the ISO to provide capacity after the ICAP Spot Market Auction will be paid a negotiated price, subject to the standards, procedures and remedies in the ~~NYISO Market Monitoring Plan~~-Market Mitigation Measures.

The ISO will not pay an Installed Capacity Supplier more than the applicable Market-Clearing Price of Unforced Capacity determined in the ICAP Spot Market Auction per MW of Unforced Capacity, or, in the case of In-City generation that is subject to capacity market mitigation measures, the annual mitigated price cap per MW of Unforced Capacity, whichever is less, pro-rated to reflect the portion of the Obligation Procurement Period for which the Installed Capacity Supplier provides Unforced Capacity. Any remaining monies collected by the ISO pursuant to this section will be applied in accordance with Section 5.14.3 of the Services Tariff.

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5.14.2 Installed Capacity Supplier Shortfalls and Deficiency Payments

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In the event that an Installed Capacity Supplier sells in the Capability Period Auctions, in the Monthly Auctions, or through Bilateral Transactions more Unforced Capacity than it is qualified to sell in any specific month due to a de-rating or other cause, the Installed Capacity Supplier shall be deemed to have a shortfall for that month. To cover this shortfall, the Installed Capacity Supplier shall purchase sufficient Unforced Capacity in the relevant Monthly Auction or through Bilateral Transactions, and certify to the ISO consistent with the ISO Procedures that it has covered such shortfall. If the Installed Capacity Supplier does not cover such shortfall or if it does not certify to the ISO in a timely manner, the ISO shall prospectively purchase Unforced Capacity on behalf of that Installed Capacity Supplier in the appropriate ICAP Spot Market Auction or through post ICAP Spot Market Auction Unforced Capacity purchases to cover the shortfall.

In the event that an External Installed Capacity Supplier fails to deliver to the NYCA the Energy associated with the Unforced Capacity it committed to the NYCA due to a failure to obtain appropriate transmission service or rights, the External Installed Capacity Supplier shall be deemed to have a shortfall from the last time the External

Installed Capacity Supplier “demonstrated” delivery of its Installed Capacity Equivalent (“ICE”), or any part thereof, until it next delivers its ICE or the end of the term for which it certified the applicable block of Unforced Capacity, whichever occurs first, subject to the limitation that any prior lack of demonstrated delivery will not precede the beginning of the period for which the Unforced Capacity was certified. An External Installed Capacity Supplier deemed to have a shortfall shall be required to pay to the ISO a deficiency charge equal to one and one-half times the applicable Market-Clearing Price of Unforced Capacity determined in the ICAP Spot Market Auction for the applicable month, prorated for the number of hours in the month that External Installed Capacity Supplier is deemed to have a shortfall (i.e., $((\text{deficiency charge} \div 12 \text{ months}) \div \text{total number of hours in month when shortfall occurred}) * \text{number of hours the shortfall lasted}) * \text{numbers of MWs of shortfall}$).

The ISO shall submit a Bid, calculated pursuant to Section 5.14.1 of this Tariff, in the appropriate ICAP Spot Market Auction on behalf of an Installed Capacity Supplier deemed to have a shortfall as if it were an LSE. Such Installed Capacity Supplier shall be required to pay to the ISO the applicable Market-Clearing Price of Unforced Capacity established in that

ICAP Spot Market Auction. Immediately following the ICAP Spot Market Auction, the ISO may suspend the Installed Capacity Supplier's privileges to sell or purchase Unforced Capacity in ISO-administered Installed Capacity auctions or to submit Bilateral Transactions to the NYISO. Once the Installed Capacity Supplier pays for or secures the payment obligation that it incurred in the ICAP Spot Market Auction, the ISO shall reinstate the Installed Capacity Supplier's privileges to participate in the ICAP markets.

In the event that the ICAP Spot Market Auction clears below the NYCA Minimum Installed Capacity Requirement or the Locational Minimum Installed Capacity Requirement, whichever is applicable to the Installed Capacity Supplier, the Installed Capacity Supplier shall be assessed the applicable deficiency charge equal to the applicable Market-Clearing Price of Unforced Capacity determined in the ICAP Spot Market Auction, times the amount of its shortfall.

If an Installed Capacity Supplier is found, at any point during a Capability Period, to have had a shortfall for that Capability Period, *e.g.*, when the amount of Unforced Capacity that it supplies is found to be less than the amount it was committed to supply,

the Installed Capacity Supplier shall be retrospectively liable to pay the ISO the monthly deficiency charge equal to one and one-half times the applicable Market-Clearing Price of Unforced Capacity determined in the ICAP Spot Market Auction for each month the Installed Capacity Supplier is deemed to have a shortfall.

Any remaining monies collected by the ISO pursuant to Section 5.14.1 and 5.14.2 will be applied as specified in Section 5.14.3.

5.14.3 Application of Installed Capacity Supplier Deficiency Charges

Any remaining monies collected by the ISO through supplemental supply fees or Installed Capacity Supplier deficiency charges pursuant to Section 5.14.1 but not used to procure Unforced Capacity on behalf of LSEs or Installed Capacity suppliers deemed to have a shortfall shall be applied as provided in this Section 5.14.3.

5.14.3(a) General Application of Deficiency Charges

Except as provided in Section 5.14.3(b), remaining monies will be applied to reduce the Rate Schedule 1 charge in the following month.

5.14.3(b) Installed Capacity Rebates

(i) New York City

If an Unforced Capacity shortfall exists during any month, the ISO shall rebate any remaining unspent deficiency charges or supplemental supply fees collected for that month for the New York City Locality allocated among all LSEs in that Locality in proportion to their share of the applicable Locational Minimum Installed Capacity Requirement. Rebates shall include interest accrued between the time payments were collected and the time that rebates are paid.

(ii) Long Island

If an Unforced Capacity shortfall exists during any month, the ISO shall rebate any remaining unspent deficiency charges or supplemental supply fees collected for that month for the Long Island Locality, allocated among all LSEs in that Locality in proportion to their share of the applicable Locational Minimum Installed

Capacity Requirement. Rebates shall include interest accrued between the time payments were collected and the time that rebates are paid.

(iii) Rest of State

If an Unforced Capacity shortfall exists during any month, the ISO shall rebate any remaining unspent deficiency charges or supplemental supply fees collected for that month for the Rest of State requirements, allocated among all LSEs in each of the two Localities, New York City and Long Island, and in Rest of State, in proportion to each LSE's share of the NYCA Minimum Installed Capacity Requirement less that LSE's Locational Minimum Installed Capacity Requirement. Rebates shall include interests accrued between the time payments were collected and the time that rebates are paid.

5.15 Payment and Allocation of Installed Capacity Auction Rebates

The ISO shall rebate to all LSEs with Locational Minimum Installed Capacity Requirements in the New York City Locality, except NYPA, any Excess Amount that remains after the completion of an auction. Such rebates shall be allocated among all New York City LSEs, except NYPA, in proportion to their share of

the Locational New York City Installed Capacity Requirement, regardless of whether they actually took part in the Capability Period Auctions or Monthly Auctions. The ISO shall allocate such rebates among In-City LSEs except NYPA on a monthly basis. Rebates shall include interest accrued between the time they were collected and the time that they are paid.

5.16 Expedited Dispute Resolution Procedures

5.16.1 Five-Day Consultation Period

Parties to a dispute involving a matter that is subject to the procedures of this Section must immediately confer and attempt to resolve the dispute on an informal basis. If the parties are unable to resolve the dispute within five (5) calendar days by mutual agreement, the dispute shall be immediately submitted to the ISO's Dispute Resolution Administrator ("DRA").

5.16.2 Written Submissions

Immediately upon conclusion of the five-day consultation period, the party requesting the dispute resolution shall submit to the DRA and all other parties to the dispute, a concise written statement specifying that expedited dispute resolution under this Section is requested and describing the nature of the dispute, the issues to be resolved and the specific award requested. The party opposing the requested relief shall then have five (5) calendar days to submit to the DRA and the party requesting the dispute

resolution, a concise written response which shall include a proposed disposition of the dispute.

5.16.3 Appointment of the Arbitrator

The DRA shall keep at all times a list of ten (10) qualified arbitrators for matters which may be subject to the procedures of this Section. Within five (5) calendar days of receipt of a request for dispute resolution under this Section, the DRA shall appoint one arbitrator from that list to preside over the dispute. The arbitrator shall be selected by the DRA by randomly drawing names from the list until an available arbitrator is found. If none of the arbitrators on the list is available, the DRA shall appoint a qualified arbitrator to preside over the dispute. No person shall be eligible to act as an arbitrator who is a past or present officer, employee of, or consultant to any of the disputing parties, or of an entity related to or affiliated with any of the disputing parties, or is otherwise interested in the matter to be arbitrated except upon the express written consent of the parties. Any individual appointed as an arbitrator shall make known to the disputing parties any such disqualifying relationship or interest and a new arbitrator shall be appointed by the DRA, unless express written consent is provided by each party.

5.16.4 Arbitration Proceeding

There shall be no right to discovery between the parties, including, but not limited to, depositions, interrogatories or other information requests. The arbitrator may request,

and the parties shall produce, any information in addition to the written statements that is deemed by the arbitrator to be relevant to the issues presented. The arbitrator shall resolve the arbitration matter solely on the basis of the written statements and evidence submitted by the parties unless, in the sole discretion of the arbitrator, a hearing is deemed necessary. Any such hearing shall be limited to one (1) day and conducted in accordance with the procedures determined by the arbitrator. Absent agreement to the contrary by all parties to the dispute, no person or entity shall be permitted to intervene. Except as otherwise set forth in this Section, the arbitrator will follow the Commercial Arbitration Rules of the American Arbitration Association and the expedited procedures contained therein.

5.16.5 Arbitration Award

Within fifteen (15) calendar days of the appointment of the arbitrator, the arbitrator shall select as an arbitration award the award proposed by one of the parties in their written submission (except that, in disputes concerning the development of regional Load growth factors pursuant to Section 5.10 of this Tariff, the arbitration award shall be either the forecast developed by the Transmission Owner or by the ISO) and shall render a concise written decision including findings of fact and the basis for the decision. All costs associated with the time, expenses, and other charges of the arbitrator shall be borne

by the unsuccessful party. Each party shall bear its own costs, including attorney and expert fees, if any. No award shall be deemed to be precedential in any other arbitration related to a different dispute.

5.16.6 Limited Appeal

The decision of the arbitrator shall be final and binding upon the parties, except that, within one year of the arbitration decision, a party may request that any federal, state regulatory or judicial authority (in the State of New York) having jurisdiction take such action as may be appropriate with respect to any arbitration decision that is based on fraudulent conduct or demonstrable bias of the arbitrator.

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ARTICLE 6

CONFIDENTIALITY

6.1 Access to Confidential Information

The ISO may request, and the Customer shall provide, Confidential Information consistent with the disclosure requirements set forth in the ISO Services Tariff (as provided for below). The ISO shall use reasonable procedures to prevent the disclosure of Confidential Information and shall not publish, disclose or otherwise divulge Confidential Information to any person or entity without the prior written consent of the party supplying such Confidential Information, except as provided for under the ISO Market ~~Power~~-Monitoring Plan and/or ISO Code of Conduct. The provisions of this Section shall not apply to any Confidential Information: (i) which was in the public domain at the time of disclosure hereunder; (ii) which thereafter passes into the public domain by acts other than the acts of the ISO; or (iii) that the ISO is required to make publicly available by the Commission, the PSC or other legal process, or for reliability purposes pursuant to Good Utility Practice.

A Customer may request that the ISO keep confidential from another entity Confidential Information that the other entity does not require to perform its obligations and duties hereunder. The Customer must state in writing that the information is to be treated as Confidential Information and the reasons for treating it as Confidential Information, otherwise information will be treated as non-Confidential Information.

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6.2 Use of Confidential Information

The ISO shall use Confidential Information for the exclusive purpose of performing its obligations hereunder and under any Service Agreement. The ISO will treat this information in conformity with the standards of conduct contained in Part 37 of the Commission's Regulations and the Code of Conduct set forth in Attachment F to the ISO OATT.

6.3 Disclosure of Bid Information

Pursuant to Commission requirements, the ISO shall make public Bid information from the Energy, Capacity and Ancillary Services markets, including Bids submitted for Virtual Transactions, ~~(but not the names of the bidders making any of these Bids)~~, ~~six-three~~ months after the Bids are submitted. The ISO shall post the data in a way that permits third parties to track each individual bidder's ~~bids~~ Bids over time. Prior to such disclosure, Bid information submitted to the ISO by Market Participants shall be considered Confidential Information.

6.4 Survival

This Article 6 will survive the termination of the ISO Services Tariff and any associated Service Agreement.

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ARTICLE 7

BILLING AND PAYMENT

7.1 ISO Clearing Account

The ISO will establish an account (the “ISO Clearing Account”), and Customers shall make payments into or receive payments from the ISO Clearing Account in accordance with their settlement information provided by the ISO as described in Section 7.2 of this ISO Services Tariff.

The ISO Clearing Account established herein shall be opened and operated by the ISO as trustee in trust for ISO creditors and ISO debtors in accordance with this ISO Services Tariff. The account shall be maintained at a bank or other financial institution in New York State as a trust account. Such account shall not be commingled with any other ISO accounts. The ISO will not take title to the funds held in the ISO Clearing Account. Nor will the ISO take title to any Energy, Capacity, Ancillary Services, or TCCs.

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7.2 Billing Procedures and Payments

A. Invoices and Settlement Information.

The ISO shall provide settlement and billing information to Customers. The ISO shall inform each Customer that provides or is provided services furnished under this ISO Services Tariff or the ISO OATT of the payments due for such service. For each service provided for under this ISO Services Tariff or the ISO OATT, the payments due to the ISO shall be netted against the corresponding amounts due to the Customer for providing service. Such information shall be electronically transmitted to the Customer.

Within five (5) business days after the first day of each month, the ISO shall submit an invoice to the Customer that indicates the net amount owed by or owed to the Customer for each of the services furnished under this ISO Services Tariff and the ISO OATT during the preceding month. Charges may be based in whole or in part on estimates. Any charges based on estimates shall be subject to true-up, including interest calculated from the first due date after the service was rendered in accordance with Section 7.3 of this ISO Services Tariff, in invoices subsequently issued by the ISO after the ISO has obtained the requisite actual information, provided that the actual information is supplied to the ISO within the timeframes established in Section 7.4 of this ISO Services Tariff. The ISO may net any overpayment, including interest calculated from the date the overpayment was made in accordance with Section 7.3 of this ISO Services Tariff, by the Customer for past estimated charges against current amounts due from the Customer or, if the Customer has no outstanding amounts due, the ISO may pay to the Customer an amount equal to the overpayment. The ISO's invoices to Customers will be submitted only by electronic means via the ISO's Bid/Post System.

B. Payment by the Customer

A Customer owing payments on net shall make those payments to the ISO Clearing Account by the first banking day common to all parties after the 15th day of the month that the invoice is rendered by the ISO. All payments shall be made by

wire transfer in immediately available funds payable to the ISO as trustee of the ISO Clearing Account.

C. Payments by the ISO

The ISO shall pay all net monies owed to a Customer from the ISO Clearing Account by the first banking day common to all parties after the 19th day of the month that the invoice is rendered by the ISO. All payments shall be made by wire transfer in immediately available funds payable to the Customer by the ISO as trustee of the ISO Clearing Account unless other arrangements are made.

D. Verification of Payments

The ISO shall verify that all payments owed by Customers in accordance with his ISO Services Tariff and the ISO OATT to the ISO Clearing Account have been paid in a timely manner in accordance with ISO Procedures. If a Customer fails to make a payment within the time period established in Section 7.2B of this ISO Services Tariff or pays less than the amount due, the ISO shall take measures pursuant to Section 7.5 of this ISO Services Tariff. The ISO shall also ensure that monies owed to Customers in accordance with this ISO Services Tariff and the ISO OATT are paid through the ISO Clearing Account in a timely manner in accordance with ISO Procedures.

E. Payments for TSCs

Payments for TSCs shall be issued in accordance with the ISO OATT.

7.3 Interest on Unpaid Balances

Interest on any unpaid amount whether owed to a Customer or to the ISO as trustee of the ISO Clearing Account (including amounts placed in escrow) shall be calculated in accordance

with the methodology specified for interest on refunds in the Commission's regulations at 18 C.F.R. § 35.19a (a)(2)(iii). Interest on unpaid amounts shall be calculated from the due date of the bill to the date of payment. Invoices shall be considered as having been paid on the date of receipt by the ISO.

If the ISO is unable to provide settlement information on time due to the action or inaction of the Customer, in addition to any other remedies the ISO may have at law or in equity, the Customer shall pay interest on amounts due, as calculated above, from the first day of the month following the month in which charges are accrued to the time of payment of those charges.

7.4 Billing Disputes This Section 7.4 establishes the process and timeframe for review, challenge, and correction of Customer invoices. For purposes of this Section 7.4, any deadline that falls on a Saturday, Sunday, or holiday for which the ISO is closed shall be observed on the ISO's next business day.

For purposes of this Section 7.4, "finalized" data and invoices shall not be subject to further correction, including by the ISO, except as ordered by the Commission or a court of competent jurisdiction; *provided, however*, that nothing herein shall be construed to restrict any stakeholder's right to seek redress from the Commission in accordance with the Federal Power Act.

New York Independent System Operator, Inc.
FERC Electric Tariff
Original Volume No. 2

First Revised Sheet No. 190.01
Superseding Original Sheet No. 190.01

[Reserved for future use.]

Issued by: Stephen G. Whitley, President
Issued on: April 17, 2009

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7.4.1 Settlement Cycle for Services Furnished Between January 1, 2007, and December 31, 2008

7.4.1.A ISO Corrections or Adjustments and Customer Challenges to the Accuracy of Settlement Information

Settlement information for services furnished between January 1, 2007, and December 31, 2008, shall be subject to review, comment, and challenge by a Customer and correction or adjustment by the ISO for errors at any time for up to seven (7) months from the date of the initial invoice for the month in which the service is rendered and as further provided in Section 7.4.1.B, subject to the following requirements and limitations:

- (i) A Supplier or meter authority may review, comment on, and challenge Generator, tie-line, and sub-zone Load metering data for fifty-five (55) days from the date of the initial invoice for the month in which service is rendered. Following this review period, the ISO shall

- then have five (5) days to process and correct Generator, tie-line, and sub-zone Load metering data, after which time it shall be finalized.
- (ii) The meter authority shall provide to the ISO all LSE bus metering data then available within seventy (70) days from the date of the initial invoice and shall provide any necessary updates to the LSE bus metering data as soon as possible thereafter. The ISO shall post all available LSE bus metering data within approximately seventy-one (71) days from the date of the initial invoice and shall continue to post incoming LSE bus metering data as soon as practicable after it is received.
- (iii) The ISO shall post advisory settlement information, including available LSE bus metering data, within ninety (90) days from the date of the initial invoice. Customers may review, comment on, and challenge this settlement information, except for Generator, tie-line, and sub-zone Load metering data, after which the ISO shall process and correct the data and issue a corrected invoice with the regular monthly invoice issued on or about one hundred twenty (120) days from the date of the initial invoice.
- (iv) The meter authority shall provide to the ISO any final updates or corrections to LSE bus metering data within one hundred thirty (130) days from the date of the initial invoice. The ISO shall then post any updated and corrected LSE bus metering data within one hundred thirty-one (131) days from the date of the initial invoice.

Customers may then review, comment on, and challenge the LSE bus metering data for an additional fourteen (14) days. Following this review period, the ISO shall have five (5) days to process and correct the LSE bus metering data, after which it shall be finalized.

- (v) At one hundred fifty (150) days from the date of the initial invoice, the ISO shall post updated advisory settlement information. Customers may review, comment on, and challenge this settlement information, except for Generator, tie-line, sub-zone Load, and LSE bus metering data, after which the ISO shall process and correct the data and issue an updated corrected invoice with the regular monthly invoice issued on or about one hundred eighty (180) days from the date of the initial invoice.
- (vi) Following the ISO's issuance of an updated corrected invoice, Customers may continue to review, comment on, and challenge settlement information, excepting Generator, tie-line, sub-zone Load, and LSE bus metering data, until the end of the seven-month review period.

The ISO shall use reasonable means to post metering revisions for review by Customers and to notify Customers of the approaching expiration of review periods. To challenge settlement information contained in an invoice, a Customer shall first make payment in full, including any amounts in dispute. Customer challenges to settlement information shall: (i) be submitted to the ISO in writing, (ii) be clearly identified as a settlement challenge, (iii) state the

basis for the Customer's challenge, and (iv) include supporting documentation, if applicable.

The ISO shall notify all Customers of errors identified and the details of corrections or adjustments made pursuant to this Section 7.4.1.A.

7.4.1.B Review and Correction of Challenged Invoices

The ISO shall evaluate a settlement challenge as soon as possible within two (2) months following the conclusion of the challenge period specified in Section 7.4.1.A; *provided, however*, the ISO may, upon notice to Customers within this time of extraordinary circumstances requiring a longer evaluation period, take up to six (6) months to evaluate a settlement challenge. The ISO shall not be limited to the scope of Customer challenges in its review of a challenged invoice and may, at its discretion, review and correct any other elements and intervals of a challenged invoice, except Load and meter data as specified in 7.4.1.A. Corrections to a challenged invoice shall be applied to all Customers that were or should have been affected by the original settlement and shall not be limited to the Customer challenging the invoice; *provided, however*, that the ISO may recover *de minimis* amounts or amounts that the ISO is unable to collect from individual Customers through Rate Schedule 1 of this ISO Services Tariff.

Upon completing its evaluation, the ISO shall provide written notice to the challenging Customer of the ISO's final determination regarding the Customer's settlement challenge. If the ISO determines that corrections or adjustments to a challenged invoice are necessary and can quantify them with reasonable certainty, the ISO shall provide all Customers with the details of the corrections or adjustments within the timeframe established in this Section 7.4.1.B. The ISO shall then provide a period of twenty-five (25) days for Customers to review the corrected settlement information and provide comments to the ISO regarding the implementation of those corrections or adjustments; *provided, however*, that in the event of a dispute resolution proceeding conducted in accordance with Section 7.4.3 of this ISO Services Tariff, this twenty-five (25) day period shall not start or, if it has already started, shall be suspended until the conclusion of the dispute resolution proceeding. Following the conclusion of the dispute resolution proceeding, the ISO shall make any corrections to Customers' settlement invoices that it determines to be necessary and shall then start or re-start the twenty-five (25) day Customer comment period.

If no errors in the implementation of corrections or adjustments are identified during the twenty-five (25) day Customer comment period, the ISO shall issue a finalized close-out settlement ("Close-Out Settlement"), clearly identified as such, in the next regular monthly billing invoice. If an error in the implementation of a correction or adjustment is identified during the twenty-five (25) day Customer comment period, the ISO shall have one (1) month to make such further

corrections as are necessary to address the error and provide Customers with one additional period of twenty-five (25) days to review and comment on the implementation of those further corrections. If an error in the implementation of those further corrections is identified, the ISO shall then have one (1) month to make any final corrections that are necessary and shall issue a finalized Close-Out Settlement in the next regular monthly billing invoice.

7.4.2 Settlement Cycle for Services Furnished On and After January 1, 2009

7.4.2.A ISO Corrections or Adjustments and Customer Challenges to the Accuracy of Settlement Information

Settlement information for services furnished beginning January 1, 2009, and thereafter shall be subject to review, comment, and challenge by a Customer and correction or adjustment by the ISO for errors at any time for up to five (5) months from the date of the initial invoice for the month in which service is rendered and as further provided in Section 7.4.2.B, subject to the following requirements and limitations:

- (i) A Supplier or meter authority may review, comment on, and challenge Generator, tie-line, and sub-zone Load metering data for fifty-five (55) days from the date of the initial invoice for the month in which service is rendered. Following this review period, the ISO shall then have five (5) days to process and correct Generator, tie-line, and sub-zone Load metering data, after which time it shall be finalized.
- (ii) The meter authority shall provide to the ISO all LSE bus metering data then available within seventy (70) days from the date of the initial invoice and shall provide any

- necessary updates to the LSE bus metering data as soon as possible thereafter. The ISO shall post all available LSE bus metering data within approximately seventy-one (71) days from the date of the initial invoice and shall continue to post incoming LSE bus metering data as soon as practicable after it is received.
- (iii) The ISO shall post advisory settlement information, including available LSE bus metering data, within ninety (90) days from the date of the initial invoice. Customers may review, comment on, and challenge this settlement information, except for Generator, tie-line, and sub-zone Load metering data, after which the ISO shall process and correct the data and issue a corrected invoice with the regular monthly invoice issued on or about one hundred twenty (120) days from the date of the initial invoice. Following the ISO's issuance of a corrected invoice, Customers may continue to review, comment on, and challenge their settlement information, excepting Generator, tie-line, and sub-zone Load metering data, until the end of the five-month review period.
- (iv) The meter authority shall provide to the ISO any final updates or corrections to LSE bus metering data within one hundred thirty (130) days from the date of the initial invoice. The ISO shall then post any updated and corrected LSE bus metering data within one hundred thirty-one (131) days from the date of the initial invoice. Customers may then review, comment on, and challenge the LSE bus metering data for an additional fourteen (14) days. Following this review period, the ISO shall have five (5) days to process and correct the LSE bus metering data, after which it shall be finalized.

The ISO shall use reasonable means to post metering revisions for review by Customers and to notify Customers of the approaching expiration of review periods. To challenge settlement information contained in an invoice, a Customer shall first make payment in full, including any amounts in dispute. Customer challenges to settlement information shall: (i) be submitted to the ISO in writing, (ii) be clearly identified as a settlement challenge, (iii) state the basis for the Customer's challenge, and (iv) include supporting documentation, if applicable. The ISO shall notify all Customers of errors identified and the details of corrections or adjustments made pursuant to this Section 7.4.2.A.

7.4.2.B Review and Correction of Challenged Invoices

The ISO shall evaluate a settlement challenge as soon as possible within two (2) months following the conclusion of the challenge period specified in Section 7.4.2.A; *provided, however*, the ISO may, upon notice to Customers within this time of extraordinary circumstances requiring a longer evaluation period, take up to six (6) months to evaluate a settlement challenge. The ISO shall not be limited to the scope of Customer challenges in its review of a challenged invoice and may, at its discretion, review and correct any other elements and intervals of a challenged invoice, except Load and meter data as specified in Section 7.4.2.A. Corrections to a challenged invoice shall be applied to all Customers that were or should have been affected by the original settlement and shall not be limited to the Customer challenging the invoice; *provided, however*, that the ISO may recover *de minimis* amounts or amounts that the ISO is unable to collect from individual Customers through Rate Schedule 1 of this ISO Services Tariff.

Upon completing its evaluation, the ISO shall provide written notice to the challenging Customer of the ISO's final determination regarding the Customer's settlement challenge. If the ISO determines that corrections or adjustments to a challenged invoice are necessary and can quantify them with reasonable certainty, the ISO shall provide all Customers with the details of the corrections or adjustments within the timeframe established in this Section 7.4.2.B. The ISO shall then provide a period of twenty-five (25) days for Customers to review the corrected settlement information and provide comments to the ISO regarding the implementation of those corrections or adjustments; *provided, however*, that in the event of a dispute resolution proceeding conducted in accordance with Section 7.4.3 of this ISO Services Tariff, this twenty-five (25) day period shall not start or, if it has already started, shall be suspended until the conclusion of the dispute resolution proceeding. Following the conclusion of the dispute resolution proceeding, the ISO shall make any corrections to Customers' settlement invoices that it determines to be necessary and shall then start or re-start the twenty-five (25) day Customer comment period.

If no errors in the implementation of corrections or adjustments are identified during the twenty-five (25) day Customer comment period, the ISO shall issue a finalized close-out settlement ("Close-Out Settlement"), clearly identified as such, in the next regular monthly billing invoice. If an error in the implementation of a correction or adjustment is identified during the twenty-five (25) day Customer comment period, the ISO shall have one (1) month to make such further

corrections as are necessary to address the error and provide Customers with one additional period of twenty-five (25) days to review and comment on the implementation of those further corrections. If an error in the implementation of those further corrections is identified, the ISO shall then have one (1) month to make any final corrections that are necessary and shall issue a finalized Close-Out Settlement in the next regular monthly billing invoice.

7.4.3 Expedited Dispute Resolution Procedures for Unresolved Settlement Challenges

7.4.3.A Applicability of Expedited Dispute Resolution Procedures

This Section 7.4.3 establishes expedited dispute resolution procedures applicable to address any dispute between a Customer and the ISO regarding a Customer settlement that was not resolved in the ordinary settlement review, challenge, and correction process; *provided, however*, that nothing herein shall restrict a Customer or the ISO from seeking redress from the Commission in accordance with the Federal Power Act.

A Customer may request expedited dispute resolution if it has previously presented a settlement challenge consistent with the requirements of Section 7.4.1.A or Section 7.4.2.A of this ISO Services Tariff and has received from the ISO a final, written determination regarding the settlement challenge pursuant to Section 7.4.1.B or Section 7.4.2.B of this ISO Services Tariff. The scope of an expedited dispute resolution proceeding shall be limited to the subject matter of the Customer's prior settlement challenge. Customer challenges regarding Generator, tie-line, sub-zone Load, and LSE bus metering data shall not be eligible for formal dispute resolution proceedings under this ISO Services Tariff. To ensure consistent treatment of disputes, separate requests for expedited dispute resolution regarding the same issue and the same service month or months may be resolved on a consolidated basis, consistent with applicable confidentiality requirements.

7.4.3.B Initiation of Expedited Dispute Resolution Proceeding

To initiate an expedited dispute resolution proceeding, a Customer shall submit a written request to the ISO Chief Financial Officer within eleven (11) business days from the date that the ISO issues a final, written determination regarding a Customer settlement challenge pursuant to Section 7.4.1.B or Section 7.4.2.B of this ISO Services Tariff. A Customer's written request for expedited dispute resolution shall contain: (i) the name of the Customer making the request, (ii) an indication of other potentially affected parties, to the extent known, (iii) an estimate of the amount in controversy, (iv) a description of the Customer's claim with sufficient detail to enable the ISO to determine whether the claim is within the subject matter of a settlement challenge previously submitted by the Customer, (v) copies of the settlement challenge materials previously submitted by the Customer to the ISO, and (vi) citations to the ISO Tariffs and other relevant materials upon which the Customer's settlement challenge relies.

The ISO Chief Financial Officer shall acknowledge in writing receipt of the Customer's request to initiate an expedited dispute resolution proceeding. If the ISO determines that the proceeding would be likely to aid in the resolution of the dispute, the ISO shall accept the Customer's request and provide written notice of the proceeding to all Customers through the ordinary means of communication for settlement issues. The ISO shall provide written notice to the Customer in the event that the ISO declines its request for expedited dispute resolution.

7.4.3.C Participation by Other Interested Customers

Any Customer with rights or interests that would be materially affected by the outcome of an expedited dispute resolution proceeding may participate; *provided, however*, that a

Customer seeking or supporting a change to the NYISO's determination regarding a Customer settlement challenge must have previously raised the issue in a settlement challenge consistent with the requirements of Section 7.4.1.A or Section 7.4.2.A of this ISO Services Tariff. To participate, such Customer shall submit to the ISO Chief Financial Officer a written request to participate that meets the requirements for an initiating request for expedited dispute resolution within eleven (11) business days from the date that the ISO issues notice of the expedited dispute resolution proceeding. If the ISO determines that the Customer has met the requirements of this Section 7.4.3.C, the ISO will accept the Customer's request to participate in the dispute resolution proceeding.

7.4.3.D Selection of a Neutral

As soon as reasonably possible following the ISO's acceptance of a Customer's request for expedited dispute resolution under Section 7.4.3.B, the ISO shall appoint a neutral to preside over the proceeding by randomly selecting from a list (i) provided to the ISO by the American Arbitration Association or (ii) developed by the ISO with input from the appropriate stakeholder committee, until an available neutral is found. To the extent possible, the neutral shall be knowledgeable in electric utility matters, including electric transmission and bulk power issues and the financial settlement of electric markets.

No person shall be eligible to act as a neutral who is a past or present officer, employee, or consultant to any of the disputing parties, or of an entity related to or affiliated with any of the disputing parties, or is otherwise interested in the matter in dispute except upon the express

written consent of the parties. Any individual appointed as a neutral shall make known to the disputing parties any such disqualifying relationship or interest and a new neutral shall be appointed, unless express written consent is provided by each party.

7.4.3.E Conduct of the Expedited Dispute Resolution Proceeding

The neutral shall schedule the initial meeting of the disputing parties within five (5) business days of appointment. Except as otherwise provided in this Section 7.4.3, the neutral shall have discretion over the conduct of the dispute resolution process including, but not limited to: (i) requiring the disputing parties to meet for discussion, (ii) allowing or requiring written submissions, (iii) establishing guidelines for such written submissions, and (iv) allowing the participation of Customers that have requested an opportunity to be heard.

Within sixty (60) days of the appointment of the neutral, if the dispute has not been resolved, the neutral shall provide the disputing parties with a written, confidential, and non-binding recommendation for resolving the dispute. The disputing parties shall then meet in an attempt to resolve the dispute in light of the neutral's recommendation. If the disputing parties have not resolved the dispute within ten (10) days of receipt of the neutral's recommendation, the dispute resolution process will be concluded.

Neither the recommendation of the neutral, nor statements made by the neutral or any party, including the ISO, or their representatives, nor written submissions prepared for the dispute resolution process, shall be admissible for any purpose in any proceeding.

7.4.3.F Allocation of Costs

Each party to a dispute resolution proceeding shall be responsible for its own costs incurred during the process and for a pro rata share of the costs of a neutral.

7.5 Customer Default

A. Events of Default

An event of default (“Default”) shall occur in the event a Customer (the “Defaulting Party”) shall:

- (i) fail to comply with the ISO’s creditworthiness requirements and receive notice of such failure;
- (ii) fail to comply with Section 8.4 of this Tariff;
- (iii) make an assignment or any general arrangement for the benefit of creditors;
- (iv) fail to timely make a payment due to the ISO, regardless of whether such payment is in dispute, and receive notice from the ISO of such failure;
- (v) fail to cure its default in another independent system operator/regional transmission organization market;
- (vi) file a petition or otherwise commence, authorize, or acquiesce in the commencement of a case, petition, proceeding, or cause of action under any bankruptcy or insolvency law or similar law for the protection of debtors or creditors, or have such a petition, case, proceeding or cause of action filed or commenced against it and such case, petition, proceeding or cause of action is not withdrawn or dismissed within thirty (30) days after such filing or commencement;

- (vii) otherwise become bankrupt or insolvent (however evidenced);
- (viii) be unable or unwilling to pay its debts to third parties as they fall due;
- ~~(viii)~~(ix) otherwise become adjudicated a debtor in bankruptcy or insolvent
(however evidenced);
- ~~(ix)~~ be unable (or admits in writing its inability) generally to pay its debts as they become due;
- ~~(xi)~~ be dissolved (other than pursuant to a consolidation, acquisition, amalgamation or merger);
- ~~(xii)~~ have a resolution passed for its winding-up official management or liquidation (other than pursuant to a consolidation, acquisition, amalgamation or merger);
- ~~(xiii)~~ seek or become subject to the appointment of an administrator, provisional liquidator, conservator, assignee, receiver, trustee, custodian or other similar entity or official for all or substantially all of its assets;
- ~~(xiii)~~(xiv) have a secured party take possession of all or substantially all of its assets or has a distress, levy, execution, attachment, sequestration or other legal process levied, enforced or sued on or against all or substantially all of its assets and such secured party maintains possession, or any such process is

not dismissed, discharged, stayed or restrained, in each case within thirty (30) days thereafter;

(xiv) cause or subject to any event with respect to which, under the applicable laws of any jurisdiction, said event has an analogous effect to any of the events specified in clauses (iv) to (xii) (inclusive);

(xvi) take any action in furtherance of, or indicating its consent to, approval of, or acquiescence in, any of the foregoing acts; or

(xvii) fail to perform any material covenant set forth in the Tariff or a Service Agreement (other than the events that are otherwise specifically covered in this Section as a separate Event of Default), and such failure is not excused by Force Majeure or cured within five (5) business days after written notice thereof to the Defaulting Party;

B. Cure

Unless otherwise provided in Attachment K to this Services Tariff:

(i) A ~~Customer-Defaulting Party~~ shall have ~~two~~ one (21) business days to cure a Default resulting from its failure to timely make a payment due to the ISO.

(ii) A ~~Customer-Defaulting Party~~ shall have ~~three~~ two (32) business days to cure a Default resulting from its failure to comply with the ISO's creditworthiness requirements; *provided, however*, that a Customer shall have one (1) business day to cure a default resulting from its failure to comply with the ISO's creditworthiness requirements following termination of a Prepayment Agreement.

C. ISO Remedies

In addition to any and all other remedies available under the ISO Tariffs or pursuant to law or equity, the ISO shall have the following remedies:

- (i) Default. Upon an event of Default and expiration of any cure period, the ISO shall have the right to suspend and/or terminate the Service Agreement between the ISO and the Defaulting Party immediately upon notice to the Commission ~~in addition to any and all other remedies available hereunder or pursuant to law or in equity.~~
- (ii) Financial Distress. In the event of a reduction in the amount of a Customer's Unsecured Credit (a) by fifty percent (50%) or more as determined in accordance with Article IV of Attachment K to the ISO Services Tariff, or (b) as a result of a material adverse change as determined in accordance with Article X of Attachment K to the ISO Services Tariff, then the ISO shall have the right to: (1) immediately issue an invoice to such Customer requiring payment within two (2) business days from the invoice date for initial settlements representing the sum of that billing period's daily billing data available as of the invoice date, and/or (2) require such Customer to prepay estimated charges for up to twelve months in accordance with ISO Procedures.

- (iii) Default in Another ISO/RTO. In the event a Customer fails to cure its default in another independent system operator/regional transmission organization market, then the ISO shall have the right to: (1) demand immediate payment by the Customer to the ISO for any amounts owed as of the date of the demand, and/or (2) require the Customer to prepay estimated charges for a minimum of twelve months in accordance with ISO Procedures, and/or (3) reduce or eliminate the amount of the Customer's Unsecured Credit.
- (iv) Two Late Payments. In the event a Customer fails to pay its invoice when due on two occasions within a rolling twelve (12) month period, then the ISO shall have the right to: (1) require the Customer to prepay estimated charges for up to twelve months in accordance with ISO Procedures, and/or (2) reduce or eliminate the amount of the Customer's Unsecured Credit for up to twelve (12) months.

D. Forward Contracts

By entering into Transactions under this Tariff, the Customer agrees that its Service Agreement and Transactions under this Tariff shall constitute a “forward contract” within the meaning of the United States Bankruptcy Code.

E. ISO Setoff Rights

The ISO shall have the right to apply any amounts owed a Customer pursuant to this Tariff against any amounts owed to the ISO by a Customer.

7.6 Survival

This Article 7 will survive the termination of the ISO Services Tariff and any associated Service Agreement.

New York Independent System Operator, Inc.
FERC Electric Tariff
Original Volume No. 2

Original Sheet Nos. 195 through 200

Sheet Nos. 195 through 200 are reserved for future use.

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ARTICLE 8

ELIGIBILITY FOR ISO SERVICES

In order to participate in any ISO-Administered Market or to be a Primary Holder of a TCC, a Customer must satisfy the applicable requirements of this Article 8 and Attachment K to this Services Tariff.

8.1 Requirements Common to all Customers

A. Creditworthiness

All Customers and applicants seeking to become a Customer shall be subject to the creditworthiness requirements contained in Attachment K to this Services Tariff.

B. Completed Application and Minimum Technical Requirements

A Customer shall submit a Completed Application in accordance with Article 9 and shall receive ISO approval prior to obtaining any services under the ISO Services Tariff.

A Customer also shall demonstrate to the ISO's reasonable satisfaction that it is

capable of performing all functions required by the ISO Services Tariff including operational communications, financial and Settlement requirements.

8.2 Additional Requirements Applicable to Suppliers

In addition to the requirements set forth in Section 8.1 above, Suppliers shall satisfy the communication requirements of Article 4 and the metering requirements of Article 13 prior to entering into a Transaction with the ISO.

8.3 Additional Requirements Applicable to LSEs

In addition to the requirements set forth in Section 8.1 above, each LSE shall satisfy the following requirements prior to taking services under the Tariff:

- A.** All requirements and conditions contained within an approved retail access plan in the service territory of the Transmission Owner in which the LSE's Load is located, which retail access plan has been approved by the PSC or other appropriate authority or, in the case of the LIPA, has been approved by the Trustees of the Long Island Power Authority.
- B.** All New York State application and license requirements, and any other authorization required by New York State to serve retail Load; and
- C.** The LSE must be: (a) aggregating or serving Load that is of an amount greater than or equal to one (1) MW in each hour as measured between a single Point of Injection

and a single Point of Withdrawal; or (b) making purchases from the ISO Administered Markets at a single bus of an amount greater than or equal to one (1) MW in each hour.

8.4 Eligibility to Obtain Services Under This Tariff In Response To Sales Tax Issues

(A) In addition to any other requirements set forth in this Tariff, every Customer and every agent of a Customer (“Agent”) seeking to purchase any services under this Tariff shall supply to the ISO and have on file with the ISO at the time the Customer or Agent commences such purchases the following:

(2) (1) If the Customer is registered or required to be registered with the New York State Department of Taxation and Finance under Articles 28 and 29 of the New York State Tax Law, or, if the Customer is a non-New York State purchaser, a valid, properly completed New York State exemption document, for example, without limitation, a Resale Certificate, an exempt organization certificate, an exempt purchase certificate or a direct pay permit, issued in accordance with New York State Tax Law; or in the case of a Customer that is a non-New York State purchaser, a written statement of such Customer, sworn to or affirmed under penalties of perjury by the principal executive officer of such Customer, stating its name and address and certifying that the Customer is a non-New York State purchaser, that is not registered or required to be registered with the New York State Department of Taxation and

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Finance under Articles 28 and 29 of the New York State Tax Law and is not qualified for any New York State Exemption Document, that it makes no purchase of electricity or other tangible personal property or services in markets administered by the ISO for resale or for its own use in New York State and that it makes no retail sales of electricity or other tangible personal property or services in New York State; or

(2) If the Customer is not required to register, and is not registered, for sales and compensating use tax purposes under Articles 28 and 29 of the New York State Tax Law, and is not a Customer described in paragraph (A)(3) of this Section 8.4, a valid, properly completed exempt organization certificate issued in accordance with New York State Tax Law; or

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(3) If the Customer is an entity described in paragraphs one, two or three of subdivision (a) of Section 1116 of the New York State Tax Law, evidence satisfactory under such law that it is such an entity and it is not subject to New York State and local sales and compensating use taxes on its purchases of services under this Tariff; or

(4) If the person or entity seeking to make a purchase under this Tariff is an Agent, (a) the appropriate documents described above that its principal would be required to supply and have on file with the ISO if it were making the purchase directly and (b) evidence satisfactory under the New York State Tax Law to establish that person's or entity's status as Agent.

(B) Customer's change in status.

(1) If a Customer's certificate of authority issued under Articles 28 and 29 of the New York State Tax Law is revoked, suspended, cancelled, surrendered or otherwise terminated or expires or,

(2) If a Customer's status as an exempt organization under New York State Tax Law is revoked, suspended, cancelled, surrendered or otherwise terminated or expires, or,

(3) If a Customer is no longer eligible to rely on the exemption document, exempt organization certificate or other satisfactory evidence it furnished to the

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ISO, that Customer shall immediately notify the ISO of its change in status and shall furnish to the ISO all other information the ISO may require to enable it to comply with its obligations under this Tariff and New York State Tax Law.

(C) Agent's change in status.

(1) If an Agent's certificate of authority issued under Articles 28 and 29 of the New York State Tax Law is revoked, suspended, cancelled, surrendered or otherwise terminated or expires or,

(2) If an Agent's relationship with a Customer is revoked, suspended, cancelled, surrendered or otherwise terminated or expires, that Agent or former Agent shall immediately notify the ISO of its change in status and shall furnish to the ISO all other information the ISO may require to enable that Agent to comply with its obligations under this Tariff and New York State Tax Law.

(D) Regardless of whether a Customer or its Agent or former Agent notifies the ISO of any change in status, as described in subsections B and C of this Section 8.4, of either the Customer or of the Agent or former Agent, a change in status, as described in subsections B and C of this Section 8.4, shall, from the time of its occurrence, be a Default under Section 7.5 of this Tariff and the Customer or Agent, as the case may be, as a Defaulting Party, shall, from the time of that change in status, be required to pay any State and local sales taxes lawfully imposed on its

purchases. A Defaulting Party shall have ten days from its change in status to cure the Default and to notify the ISO that it has so cured the Default. Regardless of whether the ISO has notice of any change in status from the affected Customer, Agent or from a third party, such as the New York State Commissioner of Taxation and Finance, as of the date of Default, the Customer or its Agent on the Customer's behalf shall continue to be allowed to purchase services under this Tariff for ten days from the time that the ISO has actual notice of a change in status.

(E) Immediately upon the ISO receiving notice from a Customer or its Agent described in subsections Band C of this Section 8.4, or immediately upon learning that a Customer's or its Agent's status has changed as described in subsections B and C of this Section 8.4, the ISO shall notify the New York State Commissioner of Taxation and Finance of the name, address and federal identifying number of the Customer, and of any Agent of such a Customer, and of the change of status; and the ISO shall keep records of the type, quantity, price, etc. of services any such Customer purchases, or has purchased on its behalf by any Agent, after a change in status; and the ISO shall furnish such information to the Commissioner of Taxation and Finance in such form as the Commissioner requests.

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(F) If a Defaulting Party has not cured its Default prior to the expiration of the ten day period described in subsection D of this Section 8.4, in addition to any and all other remedies available under this Tariff or pursuant to law or in equity, the ISO shall have the right to suspend and/or terminate the Defaulting Party's Service Agreement immediately upon notice to the Commission.

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ARTICLE 9

APPLICATION AND REGISTRATION PROCEDURE

9.1 Application

Each Customer requesting to schedule, take or provide any services under the ISO Services Tariff must apply to the ISO in writing at least sixty (60) days in advance of the month in which service is to commence. The ISO will consider requests for such services on shorter notice when feasible. Service commencement will depend on the ISO's ability to accommodate the request. To apply, the Customer shall complete and deliver a Service Agreement (in the form of Attachment A) and an Application to the ISO.

9.2 Completed Application

A Completed Application shall provide all of the information reasonably required by the ISO to permit the ISO to perform its responsibilities under the ISO Services Tariff. A Customer taking or providing service under the Tariff shall provide the ISO, upon application for service, with a list identifying its parent company as well as any Affiliate. The Customer shall notify the ISO within 30 days of the effective date of any change to the original list. Any Customer shall notify the ISO within 30 days of the effective date of any change to the original list. Any

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Customer shall respond within 10 days to a request by the ISO to update the list of Affiliates and/or parent company. In addition, a Customer and an applicant seeking to become a Customer shall inform the ISO of any Affiliates that are currently taking service or applying to take service under the Tariffs. The ISO shall treat the information provided in the Application as Confidential Information except to the extent that disclosure of the information is required by the ISO Services Tariff, by regulatory or judicial order or for reliability purposes pursuant to Good Utility Practice. The ISO also shall treat the information in conformity with the standards of conduct contained in Part 37 of the Commission's Regulations and the Code of Conduct set forth in Attachment F to the ISO OATT.

9.3 Approval of Application and/or Notice of Deficient Application

The ISO will promptly review the Application and may request additional information to determine whether the applicant meets the ISO's minimum financial and technical requirements. The ISO will notify the applicant within thirty (30) days of receipt of a Completed Application. If the ISO rejects an Application, the ISO shall provide a written explanation within fourteen (14) days of the rejection. The ISO will attempt to remedy minor deficiencies in the Application through informal communications with the applicant. If such efforts are unsuccessful, the ISO shall return the Application.

9.4 Filing of Service Agreement

The ISO will file Service Agreements with the Commission in compliance with applicable Commission regulations and the ISO Services Tariff.

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ARTICLE 10

RECORDKEEPING AND AUDIT

The ISO and each Customer shall keep complete and accurate records of service taken or provided under the ISO Services Tariff including, but not limited to, meter readings (if any), dispatch logs, Bid data and other memoranda of Applications and service. Upon thirty (30) days prior written notice, and subject to the provisions in Article 6, the Customer, the ISO, the applicable Transmission Owner, the NYSRC, the Commission or the PSC shall have the right to inspect all records, meter readings and memoranda for the purpose of ascertaining the accuracy of all settlement information prepared pursuant to Article 7 and in compliance with the provisions of the ISO Services Tariff and the Reliability Rules. These inspections shall be performed in a reasonable manner and so as to avoid disrupting the business of the party whose records are being inspected. The costs of all these inspections, including the costs of the party whose records are being inspected, shall be borne by the inspecting party, except that there shall be no charge to the PSC or the Commission for such inspections or for the costs associated with such inspections. Historical records shall be kept as follows: (i) settlement information rendered under the ISO Services Tariff shall be maintained for at least twenty-four (24) months from the date that settlement information is rendered; (ii) Applications under the ISO Services Tariff shall be maintained for twelve (12) months after the date of termination of the service or

twelve (12) months after the Application was rejected; and (iii) any other records associated with service under the ISO Services Tariff that are not listed above shall be maintained for twelve (12) months after the date of termination of the service.

ARTICLE 11

DISPUTE RESOLUTION PROCEDURES

11.0 Applicability of Dispute Resolution Provisions

The dispute resolution provisions in this Article 11 shall apply to any dispute arising under this Tariff with the exception of those disputes subject to Expedited Dispute Resolution Procedures.

11.1 Internal Dispute Resolution Procedures

Any dispute between or among Customers and/or the ISO involving service under the ISO Services Tariff (excluding applications for rate changes or other changes to the Tariff), ISO Procedures or to any Service Agreement entered into under the Tariff shall be presented directly to a senior representative of each party to the dispute for resolution on an informal basis as promptly as practicable.

If the designated representatives are unable to resolve the dispute within thirty (30) days by mutual agreement, the dispute may be submitted to the ISO's Dispute Resolution Administrator ("DRA"). The party submitting the matter to the DRA shall include a written statement describing the nature of the dispute and the issues to be resolved. Any subsequent mediation or arbitration process shall be limited to the issues presented for resolution.

The DRA may submit disputes to non-binding, mediation where the subject matter of the dispute involves the proposed change or modification of a rule, rate, Service Agreement or ISO

Services Tariff provision. The DRA may submit disputes to binding arbitration which involve interpretation of a rule, rate, Service Agreement or ISO Services Tariff provision. Both the mediator and the arbitrator shall have the authorization to dismiss a dispute if:

1. The dispute did not arise under the ISO Services Tariff; or
2. The claim is de minimis.

11.2 Non-Binding Mediation

If the DRA refers the dispute to non-binding mediation, then the following procedure will be followed:

The DRA shall have ten (10) days from the date of such referral to distribute a list of ten (10) qualified mediators to the disputing parties. Absent the express written consent of all disputing parties, as to any particular individual, no person shall be eligible for selection as mediator who is a past or present officer, employee or consultant to any of the disputing parties, or of any entity related to or Affiliated with any of the disputing parties or is otherwise interested in the matter to be mediated. Any individual designated as mediator shall make known to the disputing parties an such disqualifying relationship and a new mediator shall be designated.

If the disputing parties cannot agree upon a mediator, the disputing parties shall take turns striking names from a list supplied by the DRA with a disputing party chosen by lot, first striking a name. The last remaining name shall be designated as the mediator. If that individual

is unable or unwilling to serve, the individual last stricken from the list shall be designated and the process repeated until an individual is selected that is able and willing to serve.

The disputing parties shall attempt in good faith to resolve their dispute in accordance with the schedule established by the mediator but in no event, may the schedule extend beyond ninety (90) days from the date of appointment of the mediator.

The mediator may require the disputing parties to:

1. submit written statements of issue(s) and position(s);
2. meet for discussions;
3. provide expert testimony and exhibits; and
4. comply with the mediation procedures designated by the DRA and/or the mediator.

If the parties have not resolved the dispute within ninety (90) days after the date the mediator was appointed, then the mediator shall promptly provide the disputing parties and the DRA with a written, confidential, non-binding recommendation to resolve the dispute. The recommendation shall include an assessment by the mediator of the merits of the principal positions being advanced by each of the parties to the dispute. The parties to the dispute shall then meet in a good faith attempt to resolve the dispute in light of the mediator's recommendation. This recommendation shall be limited to resolving the specific issues presented for mediation.

If the parties are still unable to resolve the dispute, then:

- A. any dispute not involving a proposed change or modification of a rule, rate, Service Agreement or ISO Services Tariff provision may be referred to the arbitration process described below; or
- B. any disputing party may resort to regulatory or judicial proceedings as provided for under the ISO Services Tariff; and
- C. the recommendation of the mediator, and any other statements made by any party during the mediation process, shall not be admissible for any purpose, in any subsequent proceeding.

Each party to the dispute will bear a pro rata portion of the costs associated with the time, expenses and other charges of the mediator. Each party shall bear its own costs, including attorney and expert fees.

11.3 Arbitration

If the DRA refers the dispute to arbitration, then the following procedure will be followed:

The DRA shall have ten (10) days from the date of such decision to distribute a list of qualified arbitrators to the disputing parties. No person shall be eligible for selection as an arbitrator who is a past or present officer, employee of or consultant to any of the disputing

parties, or of an entity related to or affiliated with any of the disputing parties, or is otherwise interested in the matter to be arbitrated, except upon the express written consent of the parties. Any individual designated as an arbitrator shall make known to the disputing parties any such disqualifying relationship or interest and a new arbitrator shall be designated, unless express written consent is provided by each party.

If the disputing parties cannot agree upon an arbitrator, the disputing parties shall take turns striking names from a list of ten (10) qualified individuals supplied by the DRA. The party to first strike a name should be chosen by lot. The last-remaining name not stricken shall be designated as the arbitrator. If that individual is unable or unwilling to serve, the individual last stricken from the list shall be designated and the process repeated until an individual is selected that is able and willing to serve.

The arbitrator shall have no power to modify or change any agreement, tariff or rule or otherwise create any additional rights or obligations for any party. The scope of the arbitrator's decision shall be limited to the issues presented for arbitration. The arbitrator shall determine discovery procedures, intervention rights, how evidence shall be taken, what written submittals may be made, and other such procedural matters, taking into account the complexity of the issues involved, the extent to which factual matters are disputed, and the extent to which the credibility of witnesses is relevant to a resolution. Each party to the dispute shall produce all evidence

determined by the arbitrator to be relevant to the issues presented. To the extent such evidence involves proprietary or Confidential Information, the arbitrator may issue an appropriate protective order which shall be complied with by all disputing parties. The arbitrator may elect to resolve the arbitration matter solely on the basis of written evidence and arguments.

The arbitrator shall consider all issues underlying the dispute, and the arbitrator shall take evidence submitted by the disputing parties in accordance with procedures established by the arbitrator and may request additional information including the opinion of recognized technical bodies or experts. The parties shall be afforded a reasonable opportunity to rebut any such additional information.

Absent agreement to the contrary by all disputing parties, no person or entity that is not a party to the dispute shall be permitted to intervene. Within ninety (90) days of the appointment of the arbitrator, and after providing the parties with an opportunity to be heard, the arbitrator shall render a written decision, including findings of fact and the legal basis for the decision. The arbitrator will follow the Commercial Arbitration Rules of the American Arbitration Association.

Under the following circumstances, the decision of the arbitrator shall be final and binding upon the parties:

1. all parties agree that the decision will be binding; or

2. the dispute involves a claim that a party owes another party a sum of money less than \$500,000.

If the arbitrator concludes that no proposed award is consistent with the ISO Services Tariff, the FPA and Commission's then-applicable standards and policies, or would address all issues in dispute, the arbitrator shall develop a compromise solution consistent with the terms of the ISO Services Tariff. A written decision explaining the basis for the award shall be provided by the arbitrator to the parties and the DRA. No award shall be deemed to be precedential in any other arbitration related to a different dispute.

All costs associated with the time, expenses and other charges of the arbitrators shall be borne by the unsuccessful party. Each party shall bear its own costs, including attorney and expert fees.

All arbitration decisions that affect matters subject to the jurisdiction of the Commission shall be filed with the Commission. Any arbitration decision that affects matters subject to the jurisdiction of the PSC under the PSL may be filed with the PSC. The judgment of the arbitrator may be entered on the award by any court in New York having jurisdiction. Within one (1) year of the arbitration decision, a party may request that the Commission or any other federal, state, regulatory or judicial authority (in the State of New York) having jurisdiction over such matter vacate, modify or take such other action as may be appropriate with respect to any arbitration

decision that is:

1. based upon an error of law;
2. contrary to the statutes, rules or regulations administered by such authority;
3. violative of the Federal Arbitration Act or Administrative Dispute Resolution Act;
4. based on conduct by an arbitrator that is violative of the Federal Arbitration Act or Administrative Dispute Resolution Act; or
5. involves a dispute in excess of \$500,000.

Nothing in this Section shall restrict the rights of any party to file a complaint, rate or tariff or other contract change with the Commission under the relevant provisions of the FPA. No arbitrator shall select an award which requires the transmission of electricity under circumstances where the Commission is precluded from ordering Transmission Services pursuant to FPA Section 212(h).

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FERC Electric Tariff
Original Volume No. 2

Original Sheet Nos. 215 through 220

Sheet Nos. 215 through 220 are reserved for future use.

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ARTICLE 12

LIABILITY AND INDEMNIFICATION

12.1 Force Majeure

The ISO, the NYSRC, the Transmission Owners and any Customer or Market Participant shall not be considered to be in default or breach under the ISO Services Tariff or a Service Agreement, and shall be excused from performance, or liability for damages to any other party, if and to the extent it shall be delayed in or prevented from performing or carrying out any of the provisions of the ISO Services Tariff or a Service Agreement, except the obligation to pay any amount when due, arising out of or from any act, omission or circumstance occasioned by or in consequence of any act of God, labor disturbance, failure of contractors or suppliers of materials, act of the public enemy, war, invasion, insurrection, riot, fire, storm, flood, ice, explosion, breakage or accident to machinery or equipment, or by any other cause or causes beyond such party's reasonable control, including any Curtailment, order, regulation or restriction imposed by governmental, military or lawfully established civilian authorities, or by the making of repairs necessitated by an Emergency circumstance not limited to those listed above upon the property or equipment of the ISO or any party to the ISO Agreement. Nothing contained in this Section shall relieve any entity of the obligation to make payments when due hereunder or pursuant to a Service Agreement. Any party claiming a force majeure event shall use reasonable diligence to

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remove the condition that prevents performance, except the settlement of all labor disturbances shall be in the sole judgment of the affected party.

Nothing contained in this Section shall relieve a party to a Service Agreement of its obligations to pay all charges due under the Tariff, even if such charges would not have been due had the party claiming force majeure not experienced the force majeure.

12.2 Claims by Employees and Insurance

Each Transmission Owner, Customer, Market Participant and the ISO shall be solely responsible for and shall bear all of the costs of claims by its own employees, contractors, or agents arising under, and covered by, any workers' compensation law. Each of the parties shall furnish, at its sole expense, such insurance coverage and such evidence thereof, or evidence of self-insurance, as is reasonably necessary to meet its obligations under this Section.

12.3 Limitation on Liability

The ISO, Transmission Owners and NYSRC shall not be liable (whether based on contract, indemnification, warranty, tort, strict liability or otherwise, to any Customer, Market Participant, or any third party or other party for any damages whatsoever including, without limitation, direct, incidental, consequential, punitive, special, exemplary or indirect damages resulting from any act or omission in any way associated with a Service Agreement or the ISO Services Tariff, except to the extent that the ISO, Transmission Owner or NYSRC is found liable

for gross negligence or intentional misconduct, in which case the ISO, Transmission Owner or NYSRC will not be liable for any incidental, consequential, punitive, special, exemplary or indirect damages. This Section, however, does not limit in any way the ISO's obligation to indemnify the Transmission Owners pursuant to the ISO/TO Agreement or any other agreement.

Nothing in the ISO Services Tariff, or any Service Agreement pursuant to the ISO Services Tariff, express or implied, is intended to confer on any person, other than the parties to a Service Agreement, any rights or remedies under or by reason of the ISO Services Tariff.

The protections provided to the ISO, Transmission Owners and NYSRC in this Section 12.3 regarding limitation of liability and damages shall be applicable to Generators acting in good faith to implement or comply with the directives of the ISO, Transmission Owner or NYSRC.

12.4 Indemnification

For the purpose of this Section, the terms Market Participant(s) and Customer(s) shall not include a Transmission Owner with respect to acts or omissions related in any way to the Transmission Owner's ownership or operation of its transmission facilities when such acts or omissions are either (1) pursuant to or consistent with ISO Procedures or direction or (2) in any way related to the Transmission Owner's or the ISO's performance under this Tariff.

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Subject to the ISO's obligations to the Transmission Owners under the ISO/TO Agreement and the ISO Agreement, each Customer and Market Participant shall indemnify, save harmless and defend the ISO, the Transmission Owners and the NYSRC including their directors, members, managers, officers, employees, trustees, committee members and agents, or each of them (individually the "Indemnitee" or collectively the "Indemnitees") from and against

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all claims, demands, losses, liabilities, judgments, damages, and related costs and expenses (including, without limitation, reasonable attorney and expert fees, and disbursements incurred by the Indemnitees in any actions or proceedings between the Indemnitees and a third party, the Customer or Market Participant or any other party) arising out of or related to the Indemnitee's or the Customer's acts or omissions related in any way to performance under the ISO Services Tariff, a Service Agreement, an ISO Related Agreement, or ISO Procedures except to the extent that the Indemnitees are found liable for gross negligence or intentional misconduct.

The ISO will procure insurance or other alternative risk financing arrangements sufficient to cover the risks associated with the carrying out of its responsibilities under this Tariff. The proceeds from such insurance shall be used prior to the invocation by the ISO of its right to indemnification under this Section through the Rate Schedule 1 charge. Except to the extent that indemnification of the ISO is required from a particular Market Participant or Customer because of the acts or omissions of that Market Participant or Customer, indemnification of or by the ISO shall be effected through the Rate Schedule 1 charge of the ISO OATT.

Nothing in this section shall preclude the ISO from seeking indemnification of penalty costs against Customers and Market Participants, including Transmission Owners, as provided in Schedule 11 of the ISO OATT, except that the ISO shall not be indemnified in instances of its gross negligence or intentional misconduct.

12.5 Other Remedies

Nothing in the ISO Services Tariff shall be construed as in any way to limit the Transmission Owner's rights and remedies, at law or in equity, with respect to a party in the event of an act or omission related to the ISO Services Tariff by such party.

12.6 Survival

The provisions of this Article 12, "Liability and Indemnification," shall survive termination or expiration of the ISO Services Tariff or any associated Service Agreement.

ARTICLE 13

METERING

13.1 General Requirements

Existing metering in the NYCA provides revenue-quality metering information among the currently designated electrical zones separated by the designated transmission Interfaces. In addition, sufficient metering information will be made available by the ISO to calculate Load for the individual Transmission Owners within each Load Zone. The ISO will require adequate metering for all Generators and Loads within the NYCA to ensure the reliable operation of the NYS Power System.

13.2 Requirements Pertaining to Customers

Customers shall provide to the ISO such information and data as the ISO reasonably deems necessary in order to perform its functions and fulfill its responsibilities under the ISO Services Tariff and in accordance with the ISO Market Power Monitoring Program. Such information will be provided on a timely basis and in the formats prescribed in the ISO Procedures. The ISO shall establish metering specifications and standards for all metering that is

used as a data source by the ISO. Customers shall install and maintain such metering at their own expense and deliver data to the ISO without charge.

A Customer taking service under the ISO Services Tariff will make available to the ISO metered data that meets ISO requirements by one of the following means: (i) direct transmission to the ISO; (ii) direct transmission to the ISO through Transmission Owner communications equipment, or (iii) indirectly through metering provided by the Transmission Owner in whose Load Zone it is located.

The Customer also shall provide its metered data to the Transmission Owner in whose Load Zone it is located, to the extent that the Transmission Owner determines that the metered data provided to the ISO is required for its system operation and planning functions, for the billing of services it provides to the Customer, or to perform calculations required as part of the ISO Settlement procedures.

Load Serving Entities

Any Load that is not directly metered, as described above, will have its Load determined by the Transmission Owner in whose Load Zone it is located in accordance with the Transmission Owner's retail access plan on file with the PSC or otherwise authorized.

Ancillary Service Suppliers

Suppliers shall ensure that adequate metering data is made available to the ISO as described above. Additionally, for operational purposes, metered data provided to the ISO must also simultaneously be provided to the Transmission Owner, which will handle such information in conformity with the OASIS standards of conduct as specified in Order No. 889.

Third Party Metering Services

Customers whose metering services are provided by third parties qualified under rules, regulations and procedures of applicable state regulatory authorities shall be responsible to ensure that all data described in this Section are satisfactorily made available to the ISO and applicable Transmission Owner(s) by those third parties.

Estimation of Metering

In the event of a meter malfunction or inadequate metering data, the ISO may use estimates to determine Customer's rights and responsibilities under the ISO Services Tariff.

ARTICLE 14

MISCELLANEOUS

14.1 Notices

Except as specified in the ISO Procedures, all written notices under the ISO Services Tariff shall be deemed as having been given: (i) when delivered in person; (ii) when sent by

United States registered or certified mail (return receipt requested), postage prepaid, or (iii) when sent by a reputable overnight courier to the other party at the address stated in the Service Agreement between the ISO and each Customer or at the last changed address given by the other party as hereinafter specified. Either party may, at any time, change its address for notification purposes by sending the other party written notice stating the change and setting forth the new address. The ISO shall adopt procedures for the provision of all notices and protocols required to implement the ISO Services Tariff.

14.2 Tax Exempt Financing Pursuant to Section 142 (f) of the Internal Revenue Code

This provision is applicable only to Transmission Owners that have financed facilities for the local furnishing of Energy with Local Furnishing Bonds as described in Section 142(f) of the Internal Revenue Code (“Local Furnishing Bonds”). Notwithstanding any other provision of the ISO Services Tariff, neither the ISO nor the Transmission Owner shall be required to take any action or provide any service if the taking of such action or provision of such service would result in loss of the tax-exempt status of any Local Furnishing Bonds. In the event a Transmission Owner is ordered to take an action on behalf of a Customer that results in the loss of tax-exempt status of any Local Furnishing Bonds, such Customer shall be obligated to pay to the Transmission Owner all costs associated with the loss of tax-exempt status of the Local Furnishing Bonds.

14.3 LIPA and NYPA Tax Exempt Obligations

This provision is applicable to LIPA and NYPA, which have financed transmission facilities with the proceeds of tax-exempt bonds issued pursuant to the Internal Revenue Code. Notwithstanding any other provision of the ISO OATT or the ISO Services Tariff, neither the ISO nor the Transmission Owner shall be required to provide Transmission Service to any Customer pursuant to an ISO Tariff if the provision of such Transmission Service would result in loss of tax-exempt status of the NYPA Tax Exempt Bonds or LIPA Tax Exempt Bonds or impair LIPA's or NYPA's ability to issue future tax-exempt obligations. If, by virtue of an order issued by the Commission pursuant to Section 211 of the FPA, the ISO or a Transmission Owner is required to provide Transmission Service that would adversely affect the tax-exempt status of the LIPA Tax Exempt Bonds or NYPA's Tax Exempt Bonds or any other tax-exempt debt obligations, then the Customer receiving such Transmission Service will compensate LIPA or NYPA for all costs, if any, associated with the loss of tax-exempt status plus the normal costs of Transmission Service.

14.4 Amendments

Nothing contained in the ISO Services Tariff or any Service Agreement shall be construed as affecting in any way the right of the ISO or a Transmission Owner under the ISO/TO Agreement to make application to the Commission for a change in: rates, terms,

conditions, charges, or classifications of service; the provision of Ancillary Services; a Service Agreement; or a rule or regulation, under the FPA and pursuant to the Commission's rules and regulations promulgated thereunder.

Nothing contained in the ISO Services Tariff of any Service Agreement shall be construed as affecting in any way the ability of any Transmission Customer or Transmission Owner to exercise its rights under the FPA including, but not limited to, the right to file a complaint under Section 206 of the FPA or any successor statute and pursuant to the Commission's rules and regulations promulgated thereunder.

Notwithstanding any other provision of the ISO Services Tariff, the ISO Services Tariff may be amended only in accordance with the ISO Agreement, the ISO/TO Agreement, and consistent with the requirements of the FPA and the Commission's rules and regulations promulgated thereunder.

14.5 Applicable Law and Forum

The ISO Services Tariff and any Service Agreement shall be governed by and construed in accordance with the law of the State of New York, except its conflict of law provisions. Customers irrevocably consent that any legal action or proceeding arising under or relating to the ISO Services Tariff or any Service Agreement shall be brought in any court of the State of New York or any federal court of the United States of America located in the State of New York.

Customers irrevocably waive any objection that they may now or in the future have to the designated courts in the State of New York as the proper and exclusive forum for any legal action or proceeding arising under or relating to the ISO Services Tariff or any Service Agreement.

14.6 Counterparts

Any Service Agreement entered into pursuant to the ISO Services Tariff may be executed in several counterparts, each of which shall be an original and all of which shall constitute one and the same instrument.

14.7 Waiver

No delay or omission in the exercise of any right under a Service Agreement or the ISO Services Tariff shall impair any such right or shall be taken, construed or considered as a waiver or relinquishment thereof, but any such right may be exercised from time-to-time and as often as may be deemed expedient. If any obligation or covenant under a Service Agreement or the ISO Services Tariff shall be breached and thereafter waived, such waiver shall be limited to the particular breach so waived and shall not be deemed to waive any other breach hereunder or under a Service Agreement.

14.8 Assignment

Obligations under the ISO Services Tariff and any Service Agreement shall be binding on the successors and assigns of the Service Agreement. No assignment shall relieve the original

Customer from its obligations under the ISO Services Tariff or any Service Agreement.

14.9 Representations, Warranties & Covenants

A Service Agreement entered into under the ISO Services Tariff shall contain representations, warranties and covenants, as the parties deem appropriate and in accordance with the pro forma Service Agreement, regarding the Customer's ability to perform, and the enforceability of, the Service Agreement.

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New York Independent System Operator, Inc.
FERC Electric Tariff
Original Volume No. 2

Original Sheet Nos. 233 through 250

Sheet Nos. 233 through 250 are reserved for future use.

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