

Attachment III

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 and the other elements of Adjusted Actual Load 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 and other

elements of Adjusted Actual Load 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 5.17 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 5.17 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.

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 Obligations. LSEs with Load in more than one Locality will have an LSE Unforced Capacity Obligation for each Locality.

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 5.17 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 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 5.17 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 5.17 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 election by the holder of rights to UDRs that can provide Capacity from an External Control Area with a capability year start date that is different than the corresponding ISO Capability Year start date ("dissimilar capability year"), the Reliability Rules and any other FERC-approved Locational Minimum Installed Capacity Requirements.

The ISO shall compute the Locational Minimum Installed Capacity Requirements in accordance with ISO Procedures:

- (a) to minimize the total cost of capacity at the prescribed level of excess. For purposes of this computation, the ISO shall use the prescribed level of excess (as such term is defined in Section 5.14.1.2.2 of this Tariff,) and shall take into account the cost curves established with the results of net Energy and Ancillary Services revenue offset (as such term is defined in Section 5.14.1.2.2 of this Tariff,) that are (i) if for the first Capability Year covered by the applicable periodic review (as described in Section 5.14.1.2.2 of this Tariff,) the values utilized by the ISO in calculating the reference points for each ICAP Demand Curve as proposed by the ISO to be applicable for such first year in the ISO's filing referenced in Section 5.14.1.2.2.4.11 of this Tariff; and (ii) if for any subsequent Capability Year covered by such periodic review, the values utilized by the ISO in calculating the reference points for each ICAP Demand Curve for the respective Capability Year.
- (b) to maintain the loss of load expectation of no more than 0.1 days per year; and
- (c) so that the transmission security limits determined by the ISO in accordance with this paragraph and ISO Procedures, are respected. The ISO will determine these limits using inputs consistent with the NYSRC Installed Reserve Margin base case for the Capability Year to which the Locational Minimum Installed Capacity Requirements will apply. The ISO will compute such limits by determining the bulk power system transmission capability into the Locality, the MW of generation within the Locality accounting for capacity unavailability, the minimum MW of

available capacity required for each Locality based on forecasted Load, and using the N-1-1 system planning criteria (*i.e.*, a sequence of a primary contingency event followed by a secondary contingency event) to analyze thermal limits affecting the Locality. The ISO will post on its web site a report of its determination.

In computing the Locational Minimum Installed Capacity Requirements, the ISO shall utilize results from probabilistic modeling of reliability simulations, recognizing system constraints.

The Installed Capacity Supplier holding rights to UDRs from an External Control Area with a dissimilar capability year shall have one opportunity for a Capability Year in which the Scheduled Line will first be used to offer Capacity associated with the UDRs, to elect that the ISO determine Locational Minimum Installed Capacity Requirements without a quantity of MW from the UDRs for the first month in the Capability Year, and with the same quantity of MW as Unforced Capacity for the remaining months, in each case (a) consistent with and as demonstrated by a contractual arrangement to utilize the UDRs to import the quantity of MW of Capacity into a Locality, and (b) in accordance with ISO Procedures (a “capability year adjustment election”). If there is more than one Installed Capacity Supplier holding rights to UDRs concurrently, an Installed Capacity Supplier’s election pursuant to the preceding sentence (x) shall be binding on the entity to which the NYISO granted the UDRs up to the quantity of MW to which the Installed Capacity Supplier holds rights, and a subsequent assignment of these UDRs to another rights holder will not create the option for another one-time election by the new UDR rights holder, and (y) shall not affect the right another Installed Capacity Supplier may have to make an election. The right to make an election shall remain unless and until an election has been made by one or more holders of rights to the total quantity of MW corresponding to the

UDRs. Absent this one-time election, the UDRs shall be modeled consistently for all months in each Capability Year as elected by the UDR rights holder in its notification to the ISO in accordance with ISO Procedures. Upon such an election, the ISO shall determine the Locational Minimum Unforced Capacity Requirement (i) for the first month of the Capability Year without the quantity of MW of Capacity associated with the UDRs, and (ii) for the remaining eleven months as Unforced Capacity. After the Installed Capacity Supplier has made its one-time election for a quantity of MW, the quantity of MW associated with the UDRs held by the Installed Capacity Supplier shall be modeled consistently for all months in any future Capability Period.

5.11.5 The Locational Minimum Unforced Capacity Requirement

The Locational Minimum Unforced Capacity Requirement represents a minimum level of Unforced Capacity that must be secured by LSEs in each Locality in which it has Load for each Obligation Procurement 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 ((A) with or without the UDRs if there is a capability year adjustment election by a rights holder and (B) without the Locality Exchange MW) and the ratio of (1) the total amount of Unforced Capacity that the specified Resources are qualified to provide (with or without the UDRs associated with dissimilar capability periods, as so elected by the rights holder) during each month in the 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 (with or without the DMNCs associated with the UDRs, as so elected by the rights holder).

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. The ISO will apply the Locality Exchange Factor for the applicable External Control Area to the MW of Locational Export Capacity that are the lesser of (i) the lesser of the Generator's CRIS and its most recent DMNC, and (ii) the MW pursuant to the notice provided pursuant to Section 5.9.2.2.1 of this Services Tariff.

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.

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 and consistent with the election of the holder of the rights to the UDRs set forth in this Section.

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.

5.11.6 Determination of Locality Exchange Factor:

No later than January 31 each year, the ISO shall determine the Locality Exchange Factor for each Import Constrained Locality relative to each neighboring Control Area.

The ISO shall make each such determination by performing a power flow based analysis according to applicable transmission system planning practices for the determination of interface transfer limits used for the resource adequacy topology. Base case data from the most recent Reliability Planning Process will be incorporated. The Locality Exchange Factor is the ratio of the shift factor on the applicable NYCA interface of a transfer from the Import Constrained Locality to the respective neighboring Control Area, to the shift factor of a transfer from Rest of State to the Import Constrained Locality, calculated in accordance with ISO Procedures. Only the AC circuits comprising the respective neighboring Control Area's interface with the NYCA will participate in the shift. The ISO shall post its Locality Exchange Factors on its website prior to the opening of the Summer Capability Period Auction, and notify the New York State Reliability Council.

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, Generators and controllable transmission projects electrically located in the NYCA, and transmission projects with associated incremental transfer capability, must have obtained Capacity Resource Interconnection Service (“CRIS”) pursuant to the applicable provisions of Attachment S to the ISO OATT and have entered service: controllable transmission projects must also have obtained Unforced Capacity Deliverability Rights and transmission projects with associated incremental transfer capability must also have obtained External-to-ROS Deliverability Rights. Even if a Generator has otherwise satisfied the requirements to participate in the ISO’s Installed Capacity market, a Generator in Inactive Reserves, an ICAP Ineligible Forced Outage, a Mothball Outage, or that is Retired is ineligible to participate in the ISO’s Installed Capacity market. A Generator that elects to participate in the ICAP Market, and is within a defined electrical boundary, electrically interconnected with, and routinely serves a Host Load (which Host Load does not consist solely of Station Power) at a single PTID can only participate in the Installed Capacity market as a Behind-the-Meter Net Generation Resource.

In addition, to qualify as an Installed Capacity Supplier in the NYCA, Energy Limited Resources, Generators, Installed Capacity Marketers, Intermittent Power Resources, Behind-the-Meter Net Generation Resources, Limited Control Run-of-River Hydro Resources and System Resources rated 1 MW or greater, other than External System Resources and Control Area System Resources which have agreed to certain Curtailment conditions as set forth in the third to last paragraph of Section 5.12.1 below, Responsible Interface Parties, 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:

- 5.12.1.1 provide information reasonably requested by the ISO including the name and location of Generators, and System Resources;
- 5.12.1.2 in accordance with the ISO Procedures, perform DMNC or DMGC tests and submit the results to the ISO, or provide to the ISO appropriate historical production data;
- 5.12.1.3 abide by the ISO Generator maintenance coordination procedures;
- 5.12.1.4 provide the expected return date from any outages (including partial outages) to the ISO;
- 5.12.1.5 in accordance with the ISO Procedures,
 - 5.12.1.5.1 provide documentation demonstrating that it will not use the same Unforced Capacity for more than one (1) buyer at the same time, and
 - 5.12.1.5.2 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.
- 5.12.1.6 except for Installed Capacity Marketers and Intermittent Power Resources that depend upon wind or solar 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 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;

- 5.12.1.7 provide Operating Data in accordance with Section 5.12.5 of this Tariff;
- 5.12.1.8 provide notice to the ISO of any proposed transfers of deliverability rights to be carried out pursuant to Sections 25.9.4 - 25.9.6 of Attachment S to the ISO OATT, on the Class Year Start Date if a request to transfer CRIS at a different location, and upon the submission of the request if it is a request to transfer CRIS at the same location;
- 5.12.1.9 comply with the ISO Procedures;
- 5.12.1.10 when the ISO issues a Supplemental Resource Evaluation request (an SRE), NYCA Resources must Bid into the in-day market unless (and only to the extent) 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.

If an External Installed Capacity Supplier is a Generator, or if an External Generator is associated with an Unforced Capacity sale using UDRs or EDRs, then except to the extent such a Generator is unable to Bid in response to the SRE request due to an outage as defined in the ISO Procedures, due to physical operating limitations affecting the Generator, or due to other operational issues that are outside the Installed Capacity Supplier's control, as determined by the ISO, it must take all of the following actions for each hour of an SRE request

(a) Bid an Import to the NYCA in a MW quantity equal to the lesser of (i) the ICAP equivalent of the UCAP sold, or (ii) the maximum MW the Generator is able to produce, at the approved Proxy Generator Bus, at the applicable minimum Bid Price, and (b) ensure that the External Generator is operating and is available to provide all of the MW that were Bid to be imported into the NYCA, up to the ICAP equivalent of the UCAP sold, for the entire duration of the SRE request, and (c) obtain all reservations and transmission service necessary to deliver all of the MW that were Bid to be imported into the NYCA or to a Locality from the Generator, up to the ICAP equivalent of the UCAP sold from the External Generator, at the approved Proxy Generator Bus.

If the External Installed Capacity Supplier that is a Generator, or the External Generator associated with an Unforced Capacity sale using UDRs or EDRs, is not able to Import the quantity of Energy equal to the ICAP equivalent of the UCAP sold from the Generator or EDR to the NYCA, or if a UDR to the Locality, for every hour of an SRE request then, except to the extent already addressed by a declared outage, the Generator shall provide to the ISO an explanation of the reasons for its failure or inability to perform, including evidence demonstrating any physical operating limitations or other operational issues that prevented the Generator from Importing the quantity of Energy equal to the ICAP equivalent of the UCAP sold from the Generator to the NYCA. To the extent the ISO determines that the information and supporting evidence provided demonstrates that the failure or inability to deliver occurred for reasons outside the control of the External Installed Capacity Supplier or the External

Generator associated with an Unforced Capacity sale using UDRs or EDRs, then the deficiency charge set forth in Section 5.12.12.2 below that applies solely to violations of this Section 5.12.1.10, shall not be assessed.

If an External Installed Capacity Supplier is a Control Area System Resource then, except to the extent it is unable to Bid in response to the SRE request due to an outage as defined in the ISO Procedures or due to operational issues that are outside the Installed Capacity Supplier's control, it must take all of the following actions for each hour of an SRE request (x) Bid an Import in a MW quantity equal to the ICAP equivalent of the UCAP sold, at the approved Proxy Generator Bus, at the applicable minimum Bid Price, and (y) obtain all reservations and transmission service necessary to deliver the ICAP equivalent of the UCAP sold from the Control Area System Resource to the NYCA at the approved Proxy Generator Bus.

If the External Installed Capacity Supplier that is a Control Area System Resource is not able to Import the quantity of Energy equal to the ICAP equivalent of the UCAP sold from the Control Area System Resource to the NYCA for every hour of an SRE request then, except to the extent already addressed by a declared outage, the External Installed Capacity Supplier shall provide to the ISO an explanation of the reasons for its failure or inability to perform, including evidence demonstrating any operational issues that prevented the External ICAP Supplier from Importing the quantity of Energy equal to the ICAP equivalent of the UCAP sold from the Control Area System Resource to the NYCA. To the extent the ISO determines that the information and supporting

evidence provided demonstrates that the failure or inability to deliver occurred for reasons outside the External Installed Capacity Supplier's control, then the deficiency charge set forth in Section 5.12.12.2 below that applies solely to violations of this Section 5.12.1.10, shall not be assessed. A Control Area System Resource must demonstrate that transmission outage(s) prevented delivery of all available Resources in order for the ISO to determine that the Control Area System Resource's failure to Import the quantity of Energy equal to the ICAP equivalent of the UCAP sold occurred for a reason that was outside the External Installed Capacity Supplier's control.

When an External Installed Capacity Supplier that is responding to an ISO SRE request Bids its Import at a Non-Competitive Proxy Generator Bus, its obligation to Bid an Import at the applicable minimum Bid Price includes the obligation to ensure that neither the External Installed Capacity Supplier nor any of its Affiliates are offering other Imports at an equivalent or greater economic priority at the Non-Competitive Proxy Generator Bus.

5.12.1.11 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 5.12.1.11.1, 5.12.1.11.2 and 5.12.1.11.3 below;

5.12.1.11.1 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;

5.12.1.11.2 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 523 MW of such units; and

5.12.1.11.3 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.

5.12.1.12 A Resource that was determined by the ISO to be qualified as a Behind-the-Meter Net Generation Resource and for which Net Unforced Capacity was calculated by the ISO for a Capability Year can annually, by written notice received by the NYISO prior to August 1, elect not to participate in the ISO Administered Markets as a Behind-the-Meter Net Generation Resource. Such notice shall be in accordance with ISO Procedures. A Resource that makes such an election cannot participate as a Behind-the-Meter Net Generation Resource for

the entire Capability Year for which it made the election, but can, however, prior to August 1 of any subsequent Capability Year, provide all required information in order to seek to re-qualify as a Behind-the-Meter Net Generation Resource.

The ISO shall inform each potential Installed Capacity Supplier that the ISO must receive and approve DMNC or DMGC data, as applicable of its approved DMNC or DMGC 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.

External Installed Capacity not associated with UDRs, including capacity associated with External CRIS Rights, EDRs, Grandfathered External Installed Capacity Agreements listed in Attachment E of the ISO Installed Capacity Manual, 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, Import Rights, and External System Resources, is only qualified to satisfy a NYCA Minimum Unforced Capacity Requirement and is not eligible to satisfy a Locational Minimum Installed Capacity Requirement.

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 Affiliated Entity, as that term is defined in Section 23.2.1 of Attachment H of the Services Tariff, of the Market Party or with which the Market Party is an Affiliated Entity. The names of

entities that are Affiliated Entities 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 23.2.1 of Attachment H of the Services Tariff.

5.12.2 Additional Provisions Applicable to External Installed Capacity Suppliers

Terms in this Section 5.12.2 not defined in the Services Tariff have the meaning set forth in the OATT.

5.12.2.1 Provisions Addressing the Applicable External Control Area

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; 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; in the case of an EDR, to the NYCA interface over which it creates increased transfer capability; and 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, EDRs or UDRs is subject to the same deliverability requirements applied to Internal Installed Capacity Suppliers associated with UDRs.

5.12.2.2 Additional Provisions Addressing Internal Deliverability and Import Rights

In addition to the provisions contained in Section 5.12.2.1 above, External Installed Capacity not associated with UDRs, EDRs, or External CRIS Rights will be subject to the deliverability test in Section 25.7.8 and 25.7.9 of Attachment S to the ISO OATT. The deliverability of External Installed Capacity not associated with UDRs, EDRs, or External CRIS Rights 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 within the Rest of State. Additionally, 1090 MW of imports made over the Quebec (via Chateauguay) Interface will be considered to be deliverable until the end of the 2010 Summer Capability Period.

The import limit set for External Installed Capacity not associated with UDRs, EDRs or External CRIS Rights will be set no higher than the amount of imports deliverable into Rest of State that (i) would not increase the LOLE as determined in the upcoming Capability Year IRM consistent with Section 2.7 of the NYISO Installed Capacity Manual, "Limitations on Unforced Capacity Flow in External Control Areas," (ii) are deliverable within the Rest of State Capacity Region when evaluated with the New York Control Area CRIS resources (including EDRs and

UDRs) and External CRIS Rights 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 25.7.9 of Attachment S to the ISO OATT. Import limits set for External Installed Capacity will reflect the modeling of awarded External CRIS rights, but the awarded External CRIS rights will not be adjusted as part of import limit-setting process. 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 within the Rest of State Capacity Region.

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 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 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.

5.12.2.3 One-Time Conversion of Grandfathered Quebec (via Chateauguay) Interface Rights.

An entity can request to convert a specified number of MW, up to 1090 MW over the Quebec External Interface (via Chateauguay), into External CRIS Rights by making either a Contract Commitment or Non-Contract Commitment that satisfies the requirements of Section 25.7.11.1 of Attachment S to the ISO OATT. The converted number of MW will not be subject to further evaluation for deliverability within a Class Year Deliverability Study under Attachment S to the ISO OATT, as long as the External CRIS Rights are in effect.

5.12.2.3.1 The External CRIS Rights awarded under this conversion process will first become effective for the 2010-2011 Winter Capability Period.

5.12.2.3.2 Requests to convert these grandfathered rights must be received by the NYISO on or before 5:00 pm Eastern Time on February 1, 2010, with the following information: (a) a statement that the entity is electing to convert by satisfying the requirements of a Contract Commitment or a Non-Contract Commitment in accordance with Section 25.7.11.1 of Attachment S to the ISO OATT; (b) the length of the commitment in years; (c) for the Summer Capability Period, the requested number of MW; (d) for the Winter Capability Period, the Specified Winter Months, if any, and the requested number of MW; and (e) a

minimum number of MW the entity will accept if granted (“Specified Minimum”) for the Summer Capability Period and for all Specified Winter Months, if any.

5.12.2.3.3 An entity cannot submit one or more requests to convert in the aggregate more than 1090 MW in any single month.

5.12.2.3.4 If requests to convert that satisfy all other requirements stated herein are equal to or less than the 1090 MW limit, all requesting entities will be awarded the requested number of MW of External CRIS Rights. If conversion requests exceed the 1090 MW limit, the NYISO will prorate the allocation based on the weighted average of the requested MW times the length of the contract/commitment (*i.e.*, number of Summer Capability Periods) in accordance with the following formula:

$$\begin{aligned} & \text{Rights allocated to entity } i \\ &= 1090 \\ & \quad * (MW_i * \text{contract/commitment length}_i) \\ & \quad / \sum_j (MW_j * \text{contract/commitment length}_j) \end{aligned}$$

$j = 1, \dots, \# \text{ entities requesting import rights}$

In the formula, contract/commitment length means the lesser of the requested contract/commitment length and twenty (20) years. The NYISO will perform separate calculations for the Summer and Winter Capability Periods. The NYISO will determine whether the prorated allocated number of MW for any requesting entity is less than the entity’s Specified Minimum. If any allocation is less, the NYISO will remove such request(s) and recalculate the prorated allocations among the remaining requesting entities using the above formula. This process

will continue until the prorated allocation meets or exceeds the specified minimum for all remaining requests.

- 5.12.2.3.5 Any portion of the previously grandfathered 1090 MW not converted through this process will no longer be grandfathered from deliverability. Previously grandfathered rights converted to External CRIS Rights but then terminated will no longer be grandfathered from deliverability.

5.12.2.4 Offer Cap Applicable to Certain External CRIS Rights

Notwithstanding any other capacity mitigation measures or obligations that may apply, the offers of External Installed Capacity submitted pursuant to a Non-Contract Commitment, as described in Section 25.7.11.1.2 of Attachment S of the ISO OATT, will be subject to an offer cap in each month of the Summer Capability Period and for all Specified Winter Months. This offer cap will be determined as the higher of:

- 5.12.2.4.1 1.1 times the price corresponding to all available Unforced Capacity determined from the NYCA ICAP Demand Curve for that Period; and
- 5.12.2.4.2 The most recent auction clearing price (a) in the External market supplying the External Installed Capacity, if any, and if none, then the most recent auction clearing price in an External market to which the capacity may be wheeled, less (b) any transmission reservation costs in the External market associated with providing the Installed Capacity, in accordance with ISO Procedures.

5.12.3 Installed Capacity Supplier Outage Scheduling Requirements

All Installed Capacity Suppliers, except for Control Area System Resources and Responsible Interface Parties, 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 rescheduling of outages. In the case of Generators actually supplying Unforced Capacity to the NYCA, if voluntary rescheduling is ineffective, the ISO will invoke forced rescheduling 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 rescheduling 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 for Installed Capacity

- (a) Each Installed Capacity Supplier must confirm to the ISO, in accordance with ISO Procedures that the Unforced Capacity it has certified has not been sold for use in an External Control Area.
- (b) Each Installed Capacity Supplier holding rights to UDRs or EDRs from an External Control Area must confirm to the ISO, in accordance with ISO Procedures, that it will not use as self-supply or offer, and has not sold, Installed Capacity associated with the quantity of MW for which it has not made its one time capability adjustment year election pursuant to Section 5.11.4 (if applicable.)
- (c) On and after the execution of an RMR Agreement, and for the duration of its term, an RMR Generator shall not enter into any new agreement or extend any other agreement that impairs or otherwise diminishes its ability to comply with its obligation under an RMR Agreement, or that limits its ability to provide Energy, Capacity, or Ancillary Services directly to the ISO Administered Markets. An Interim Service Provider that is required to keep its generating unit(s) in service shall not enter into any new agreement or extend any other agreement that limits its ability to provide Energy, Capacity, or Ancillary Services directly to the ISO Administered Markets or otherwise meet its obligations as an Interim Service Provider.

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 may be subject to the sanctions provided in Section 5.12.12.1 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.

5.12.5.1 Generators, System Resources, Energy Limited Resources, Responsible Interface Parties, 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, Responsible Interface Parties, 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.

5.12.5.2 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.

5.12.5.3 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.

5.12.5.4 Transmission Projects Granted External-to ROS Deliverability Rights

An owner of a transmission project that receives EDRs must, among other obligations, submit outage data or other operational information when determined applicable by the ISO and in accordance with ISO Procedures.

5.12.6 Capacity Calculations, Operating Data Default, Value and Collection

5.12.6.1 ICAP Calculation for Behind-the-Meter Net Generation Resources

The ISO shall calculate the amount of Net-ICAP for each Behind-the-Meter Net Generation Resource as the Adjusted DMGC of the Generator of the Behind-the-Meter Net Generation Resource minus the Resource's Adjusted Host Load in accordance with this Tariff and ISO Procedures.

5.12.6.1.1 Adjusted DMGC

The ISO's calculation of the Adjusted DMGC of a Behind-the-Meter Net Generation Resource shall be the least of: (i) its DMGC for the Capability Period; (ii) its Adjusted Host Load plus its applicable Injection Limit; and (iii) its Adjusted Host Load plus the number of MW of CRIS it has obtained, as determined in accordance with OATT Section 25 (OATT Attachment S) and ISO Procedures.

If the Station Power of a Behind-the-Meter Net Generation Resource is separately metered from all other Load of the Resource, such that the Station Power Load can be independently measured and verified, the Generator of a Behind-the-Meter Net Generation

Resource may elect to perform a DMNC Test instead of a DMGC Test pursuant to ISO Procedures. Such election must be made in writing to the ISO prior to the start of the DMNC Test Period.

If a Behind-the-Meter Net Generation Resource elects to take a DMNC Test, the Station Power measured during such DMNC Test shall not be included in the Resource's Host Load. A Behind-the-Meter Net Generation Resource's DMNC value for the Capability Period shall be used in lieu of a DMGC value in the calculation of the Resource's Adjusted DMGC for the purposes of Sections 5.12.6.1 and 5.12.6.2 of this Services Tariff.

5.12.6.1.2 Adjusted Host Load

A Behind-the-Meter Net Generation Resource's Adjusted Host Load shall be equal to the product of the Average Coincident Host Load multiplied by one plus the Installed Reserve Margin.

The Adjusted Host Load shall be calculated by the ISO on an annual basis prior to the start of the Summer Capability Period and in accordance with ISO Procedures, based upon the Behind-the-Meter Net Generation Resource's Average Coincident Host Load for the prior Summer Capability Period and the Winter Capability Period before that.

5.12.6.1.2.1 Average Coincident Host Load

The ISO must receive the Behind-the-Meter Net Generation Resource's applicable metered Load data required to calculate an Average Coincident Host Load in accordance with ISO Procedures. The ISO shall compute the Average Coincident Host Load for each Capability Year (i) using the metered Host Load data for the applicable NYCA peak Load hours, except as provided below in this Section, and (ii) adjusted for weather normalization and Load growth as

determined by the ISO in relation to developing the NYCA Minimum Installed Capacity Requirement in accordance with ISO Procedures.

For each Capability Year, the NYISO shall use the average of the highest twenty (20) one-hour peak Loads of the Host Load of the Behind-the-Meter Net Generation Resource that occur during the top forty (40) NYCA peak Load hours of the prior Summer Capability Period and the Winter Capability Period before that to calculate the Average Coincident Host Load.

If a facility meets the criteria to be, and has not previously been, a Behind-the-Meter Net Generation Resource, but does not have all of the appropriate meter data, its Average Coincident Host Load shall be a value forecasted by the Behind-the-Meter Net Generation Resource. The Behind-the-Meter Net Generation Resource's forecast shall be based on actual meter data, or if not available, billing data or other business data of the Host Load. An estimated Average Coincident Host Load can only be applicable to a Behind-the-Meter Net Generation Resource until actual data becomes available, but in any event no longer than three (3) consecutive Capability Years beginning with the Capability Year it is first an Installed Capacity Supplier.

5.12.6.1.2.2 Determination of Adjusted Host Load

After the ISO has calculated a Behind-the-Meter Net Generation Resource's Average Coincident Host Load, it shall then apply the NYCA Installed Reserve Margin. The Behind-the-Meter Net Generation Resource's Adjusted Host Load will be established by multiplying the Resource's Average Coincident Host Load for the Capability Year by the quantity of one plus the NYCA Installed Reserve Margin.

5.12.6.2 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, except for the Generator of a Behind-the-Meter Net Generation Resource, 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. Except as provided in Section 5.12.6.2.1 of this Services Tariff, this calculation shall not include hours in any month that the Intermittent Power Resource was in an outage state that started on or after May 1, 2015 and that precluded its eligibility to participate in the Installed Capacity market. 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. Except as provided in Section 5.12.6.2.1 of this Services Tariff, for a Limited Control Run-of-River Hydro Resource in an outage state that started on or after May 1, 2015 and that precluded its eligibility to participate in the Installed Capacity market

during one of the 20 highest NYCA integrated real-time load hours in any one of the five previous Summer or Winter Capability Periods, the ISO shall replace that Winter or Summer Capability Period, as appropriate, with the next most recent Winter or Summer Capability Period such that the rolling average of the hourly net Energy provided by each such Resource shall be calculated from the 20 highest NYCA integrated real-time load hours in the five most recent prior Summer or Winter Capability Periods in which the Resource was not in an outage state that precluded its eligibility to participate in the Installed Capacity market on one of the 20 highest NYCA integrated real-time load hours in that Capability Period.

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; provided, however, except as provided in Section 5.12.6.2.1 of this Services Tariff, for a Generator in an outage state that started on or after May 1, 2015 and that precluded its eligibility to participate in the Installed Capacity market at any time during any month from which GADS or other operating data would otherwise be used to calculate an individual Equivalent Demand Forced Outage Rate, the ISO shall replace such month's GADS or other operating data with GADS or other operating data from the most recent prior month in which the Generator was not in an outage state that precluded its eligibility to participate in the Installed Capacity market.

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.

The amount of Unforced Capacity that each Behind-the-Meter Net Generation Resource is authorized to supply in the NYCA shall be its Net-UCAP. Net-UCAP is the lesser of (i) the ISO's calculation of the Generator of the Behind-the-Meter Net Generation Resource Adjusted DMGC multiplied by one minus its Equivalent Demand Forced Outage Rate, and then decreased by its Adjusted Host Load translated into Unforced Capacity terms consistent with Section 5.11.1 of this Tariff, and (ii) the Resource's Net-ICAP.

5.12.6.2.1 Exceptions

A Generator returning to the Energy market after taking an outage that precluded its participation in the Installed Capacity market and which returns with modifications to its operating characteristics determined by the ISO to be material and which, therefore, requires the submission of a new Interconnection Request will receive, as the initial derating factor for calculation of the Generator's Unforced Capacity upon its return to service, the derating factor it would have received as a newly connecting unit in lieu of a derating factor developed from unit-specific data. A Generator returning to the Energy market after taking an outage that precluded its participation in the Installed Capacity market and which, upon its return, uses as its primary fuel a fuel not previously used at the facility for any purpose other than for ignition purposes will receive, as the initial derating factor for calculation of the Generator's Unforced Capacity upon its return to service, the NERC class average derating factor in lieu of a derating factor developed from unit-specific data even if the modifications to allow use of a new primary fuel are not material and do not require the submission of a new Interconnection Request.

This Section 5.12.6.2.1 shall apply to a Generator returning to the Energy market after taking an outage that started on or after May 1, 2015 and that precluded its participation in the Installed Capacity market.

5.12.6.3 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.

5.12.6.4 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.

5.12.6.5 Unforced Capacity, Outage Data and Operational Information Associated with External-to-ROS Deliverability Rights

The ISO shall calculate the availability of the External interface associated with each project granted EDRs, in accordance with ISO Procedures. The availability factor (percentage) of the interface will be used to reduce the amount of EDRs for which Unforced Capacity may be

offered. This calculation is distinct from and in addition to the calculation the ISO performs for each Installed Capacity Resource qualified for use with EDRs.

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. An RMR Generator can only schedule a Bilateral Transaction to the extent expressly authorized in its RMR Agreement. 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.

External Unforced Capacity (except External Installed Capacity associated with UDRs) may only be offered into Capability Period Auctions or Monthly Auctions for the Rest of State, and ICAP Spot Market Auctions for the NYCA, and may not be offered into a Locality for an ICAP Auction. Bilateral Transactions which certify External Unforced Capacity using Import

Rights, EDRs, or External CRIS Rights may not be used to satisfy a Locational Minimum Unforced Capacity Requirement.

UCAP from an RMR Generator may only be offered into the ICAP Spot Market Auction, except and only to the extent that the RMR Agreement expressly permits the RMR Generator's UCAP to be certified in a Bilateral Transaction.

If an Energy Limited Resource's, Generator's, System Resource's or Control Area System Resource's DMNC rating, or the DMGC rating of a Generator of a Behind-the-Meter Net Generation Resource, if applicable, 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, or the DMGC test of a Generator of a Behind-the-Meter Net Generation Resource, 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 or DMGC rating by performing an additional test during the Summer DMNC Test Period. Any shortfall between the

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, or the DMGC test of a Generator of a Behind-the-Meter Net Generation Resource, 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 or DMGC 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 5.12.12.2 of this Tariff. If an entity other than the owner of an Energy Limited Resource, Generator, System Resource, Behind-the-Meter Net Generation 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 5.12.12.2 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 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.

5.12.11 Responsible Interface Parties, Municipally-Owned Generation, Energy Limited Resources and Intermittent Power Resources

5.12.11.1 Responsible Interface Parties

Responsible Interface Parties 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 their Special Case Resources are available to operate at the direction of the ISO in order to reduce Load from the NYS Transmission System and/or the distribution system for a minimum of four (4) consecutive hours each day, 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. In order for a Responsible Interface Party to enroll an SCR that uses an eligible Local Generator, any amount of generation that can reduce Load from the NYS Transmission System and/or distribution system at the direction of the ISO that was produced by the Local Generator during the hour coincident with the NYCA or Locality peaks, upon which the LSE Unforced Capacity Obligation of the LSE that serves that SCR is based, must be accounted for when the LSE's Unforced Capacity Obligation for the upcoming Capability Year is established. Responsible Interface Parties must provide this generator data in accordance with ISO Procedures so that the ISO can adjust upwards the LSE Unforced Capacity Obligation to prevent double-counting.

Responsible Interface Parties 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 Local Generators that are incapable of starting in two (2) hours from the requirement to operate on two (2) hours notification. Local Generators that can be operated to reduce Load from the NYS Transmission System and/or distribution system at the direction of the ISO 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.

Responsible Interface Parties 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.

Local Generators that can be operated to reduce Load from the NYS Transmission System and/or distribution system at the direction of the ISO 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 become a Responsible Interface Party and comply with the ISO notification requirements for Special Case Resources. LSEs and Installed Capacity Marketers may become Responsible Interface Parties and 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.

Responsible Interface Parties 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 by a Responsible Interface Party 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 Responsible Interface Party, the ISO shall have the right to recover it either by reducing other payments to that Responsible Interface Parties or by resolving the issue pursuant to other provisions of this Services Tariff or other lawful means.

Provided the Responsible Interface Party supplies evidence of such reductions in 75 days, the ISO shall pay the Responsible Interface Party that, through their Special Case Resources, caused 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), of (iii) of this subsection, Suppliers that schedule Responsible Interface Parties shall be paid the zonal Real-Time LBMP for the period of requested performance 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 Responsible Interface Party's Minimum Payment Nomination for a Special Case Resource, 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 ISO 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 enrolled Local 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.

5.12.11.1.1 Special Case Resource Average Coincident Load

The ISO must receive from the Responsible Interface Party that enrolls a Special Case Resource, the applicable metered Load data required to calculate an ACL for that SCR as provided below and in accordance with ISO Procedures. The ACL shall be computed using the metered Load for the applicable Capability Period SCR Load Zone Peak Hours that indicates the Load consumed by each SCR that is supplied by the NYS Transmission System and/or distribution system and is exclusive of any generation produced by a Local Generator, other behind-the-meter generator, or other supply source located behind the SCR's meter, that served some of the SCR's Load.

Beginning with the Winter 2011-2012 Capability Period and thereafter, the ISO shall use the average of the highest twenty (20) one-hour peak Loads of the SCR taken from the Load data reported for the Capability Period SCR Load Zone Peak Hours during the Prior Equivalent Capability Period, and taking into account the resource's reported verified Load reduction in a Transmission Owner's demand response program in hours coincident with any of these hours, to

create a SCR ACL baseline. In addition, beginning with the Summer 2014 Capability Period, the resource's verified Load reduction in either of the ISO's economic demand response programs (the Day Ahead Demand Response Program and the Demand Side Ancillary Services Program) in hours coincident with any of the applicable Capability Period SCR Load Zone Peak Hours will be taken into account when creating the SCR ACL. For the Day Ahead Demand Response Program, the verified Load reduction that occurred in response to a DADRP schedule shall be added to the Capability Period SCR Load Zone Peak Hour for which the reduction in response to a DADRP schedule occurred. For the Demand Side Ancillary Services Program, the Load value to be used in calculating the ACL for each hour during the Capability Period SCR Load Zone Peak Hours in which a non-zero Base Point Signal the ISO provides to the resource, shall be the greater of (a) the DSASP Baseline MW value in the interval immediately preceding the first non-zero Base Point Signal in the Capability Period SCR Load Zone Peak Hour and (b) the metered Load of the resource as reported by the RIP for the Capability Period SCR Load Zone Peak Hour. When the non-zero Base Point Signal dispatch of a DSASP resource begins in one hour and continues into consecutive hours, and the consecutive hour is identified as being a Capability Period SCR Load Zone Peak Hour, the DSASP Baseline MW value in effect at the beginning of the dispatch of the non-zero Base Point Signal shall be the MW value used for purposes of determining the applicable Load value for that Capability Period SCR Load Zone Peak Hour, in accordance with the preceding sentence. The ISO will post to its website the Capability Period SCR Load Zone Peak Hours for each zone ninety (90) days prior to the beginning of the Capability Period for which the ACL will be in effect.

In the SCR enrollment file uploaded by the RIP each month within the Capability Period, among other required information, the RIP shall provide the SCR's metered Load values for the

applicable Capability Period SCR Load Zone Peak Hours necessary to compute the ACL for each SCR.

The exception to this requirement to report the required metered Load data for the ACL, when enrolling a SCR prior to the Summer 2014 Capability Period, is if (i) the SCR has not previously been enrolled with the ISO and (ii) never had interval metering Load data for each month in the Prior Equivalent Capability Period needed to compute the SCR's ACL. Beginning with the Summer 2014 Capability Period, the exception to this requirement to report the required metered Load data for the ACL, is dependent upon one or more of the eligibility conditions for SCR enrollment with a Provisional ACL provided in Section 5.12.11.1.2 of this Services Tariff and ISO Procedures. For SCRs that meet the criteria to enroll with a Provisional ACL, the ISO must receive from the RIP a Provisional ACL as provided in Section 5.12.11.1.2 of this Services Tariff and in accordance with ISO Procedures.

Beginning with the Summer 2014 Capability Period, in addition to the requirement for RIPs to report each SCR's metered Load values that occurred during the Capability Period SCR Load Zone Peak Hours, in accordance with this Services Tariff and ISO Procedures during the enrollment process, any qualifying increase in a SCR's Load that will be supplied by the NYS Transmission System and/or distribution system may be reported as an Incremental ACL, subject to the limitations and verification reporting requirements provided in Section 5.12.11.1.5 of this Services Tariff and in accordance with ISO Procedures. Incremental ACL values must be reported using the required enrollment file that may be uploaded by the RIP during each month's enrollment period. RIPs may not report Incremental ACL values for any SCRs that are enrolled in the Capability Period with a Provisional ACL.

A reduction in a SCR's Load that is supplied by the NYS Transmission System and/or distribution system and meets the criteria for a SCR Change of Status must be reported as a SCR Change of Status as provided by Section 5.12.11.1.3 of this Services Tariff and in accordance with ISO Procedures.

The ACL is the basis for the upper limit of ICAP, except in circumstances when the SCR has reported a SCR Change of Status or reported an Incremental ACL pursuant to Sections 5.12.11.1.3 and 5.12.11.1.5 of this Services Tariff. The basis for the upper limit of ICAP for a SCR that has experienced a SCR Change of Status or reported an Incremental ACL shall be the Net ACL.

5.12.11.1.2 Use of a Provisional Average Coincident Load

Prior to the Summer 2014 Capability Period, as provided in Section 5.12.11.1.1 of this Services Tariff, if a new Special Case Resource has not previously been enrolled with the ISO and never had interval billing meter data from the Prior Equivalent Capability Period, its Installed Capacity value shall be its Provisional Average Coincident Load for the Capability Period for which the new SCR is enrolled. The Provisional ACL may be applicable to a new SCR for a maximum of three (3) consecutive Capability Periods, beginning with the Capability Period in which the SCR is first enrolled.

Beginning with the Summer 2014 Capability Period, a SCR may be enrolled using a Provisional ACL in lieu of an ACL when one of the following conditions has been determined by the ISO to apply: (i) the SCR has not previously been enrolled with the ISO for the seasonal Capability Period for which the SCR enrollment with a Provisional ACL is intended, (ii) the SCR was enrolled with a Provisional ACL in the Prior Equivalent Capability Period and was required to report fewer than twenty (20) hours of metered Load verification data that correspond

with the Capability Period SCR Load Zone Peak Hours based on the meter installation date of the SCR, (iii) the RIP attempting to enroll the SCR with a Provisional ACL is not the same RIP that enrolled the SCR in the Prior Equivalent Capability Period and interval billing meter data for the SCR from the Prior Equivalent Capability Period is not obtainable by the enrolling RIP and not available to be provided to the enrolling RIP by the ISO. The Provisional ACL may be applicable to a SCR for a maximum of three (3) consecutive Capability Periods when enrolled with the same RIP, beginning with the Capability Period in which the SCR is first enrolled by the RIP.

A SCR enrolled in the Capability Period with a Provisional ACL may not be enrolled by another RIP for the remainder of the Capability Period and the Provisional ACL value shall apply to the resource for the entire Capability Period for which the value is established.

The Provisional ACL is the RIP's forecast of the SCR's ACL and shall be the basis for the upper limit of ICAP for which the RIP may enroll the SCR during the Capability Period.

Any SCR enrolled with a Provisional ACL shall be subject to actual in-period verification. A Verified ACL shall be calculated by the ISO using the top twenty (20) one-hour peak Loads reported for the SCR from the Capability Period SCR Load Zone Peak Hours that are applicable to verify the Provisional ACL in accordance with ISO Procedures and taking into account the resource's reported verified Load reductions in a Transmission Owner's demand response program that are coincident with any of the applicable Capability Period SCR Load Zone Peak Hours. In addition, beginning with the Summer 2014 Capability Period, the resource's verified Load reduction in either of the ISO's economic demand response programs (the Day Ahead Demand Response Program and the Demand Side Ancillary Services Program) in hours coincident with any of the applicable Capability Period SCR Load Zone Peak Hours

will be taken into account when creating the SCR Verified ACL. For the Day Ahead Demand Response Program, the verified Load reduction that occurred in response to a DADRP schedule shall be added to the Capability Period SCR Load Zone Peak Hour for which the reduction in response to a DADRP schedule occurred. For the Demand Side Ancillary Services Program, the Load value to be used in calculating the Verified ACL for each hour during the Capability Period SCR Load Zone Peak Hours in which a non-zero Base Point Signal the ISO provides to the resource, shall be the greater of (a) the DSASP Baseline MW value in the interval immediately preceding the first non-zero Base Point Signal in the Capability Period SCR Load Zone Peak Hour and (b) the metered Load of the resource as reported by the RIP for the Capability Period SCR Load Zone Peak Hour. When the non-zero Base Point Signal dispatch of a DSASP resource begins in one hour and continues into consecutive hours, and the consecutive hour is identified as being a Capability Period SCR Load Zone Peak Hour, the DSASP Baseline MW value in effect at the beginning of the dispatch of the non-zero Base Point Signal shall be the MW value used for purposes of determining the applicable Load value for that Capability Period SCR Load Zone Peak Hour, in accordance with the preceding sentence.

Following the Capability Period for which a resource with a Provisional ACL was enrolled, the RIP shall provide to the ISO the metered Load data required to compute the Verified ACL of the resource. The ISO shall compare the Provisional ACL to the Verified ACL to determine, after applying the applicable performance factor, whether the UCAP of the SCR had been oversold and whether a shortfall has occurred as provided under Section 5.14.2 of this Services Tariff. If the RIP fails to provide verification data required to compute the Verified ACL of the resource enrolled with a Provisional ACL by the deadline: (a) the Verified ACL of the resource shall be set to zero for each Capability Period in which the resource with a

Provisional ACL was enrolled and verification data was not reported, and (b) the RIP may be subject to penalties in accordance with this Services Tariff.

5.12.11.1.3 Reporting a SCR Change of Load or SCR Change of Status

5.12.11.1.3.1 SCR Change of Load

The Responsible Interface Party shall report any SCR Change of Load in accordance with ISO Procedures. The RIP is required to document the SCR Change of Load and when the total Load reduction for SCRs that have a SCR Change of Load within the same Load Zone is greater than or equal to 5 MWs, the RIP shall report the SCR Change of Load for each SCR in accordance with ISO Procedures.

5.12.11.1.3.2 SCR Change of Status

The Responsible Interface Party shall report any SCR Change of Status in accordance with ISO Procedures. The ISO shall adjust the reported ACL of the SCR for a reported SCR Change of Status to the Net ACL, for all prospective months to which the SCR Change of Status is applicable. When a SCR Change of Status is reported under clause (i), (ii) or (iii) within the definition of a Qualified Change of Status Condition and the SCR has sold capacity, the SCR shall be evaluated for a potential shortfall under Section 5.14.2 of this Services Tariff. Failure by the RIP to report a SCR Change of Status shall be evaluated as a potential shortfall under Section 5.14.2 of this Service Tariff and evaluated for failure to report under Section 5.12.12.2 of this Services Tariff.

Beginning with the Summer 2014 Capability Period, SCRs that were required to perform in the first performance test in the Capability Period in accordance with ISO Procedures and that subsequently report or change a reported SCR Change of Status value after the first performance test in the Capability Period shall be required to demonstrate the performance of the resource

against the Net ACL value in the second performance test in the Capability Period. The exceptions to this provision occur when a SCR's eligible Installed Capacity is set to zero throughout the period of the SCR Change of Status, when a SCR's eligible Installed Capacity is decreased by at least the same kW value as the reported SCR Change of Status, or if a SCR Change of Status is reported, and prior to the second performance test, the SCR returns to the full applicable ACL enrolled prior to the SCR Change of Status. Performance in both performance tests shall be used in calculation of the resource's performance factors and all associated performance factors, deficiencies and penalties. If the RIP fails to report the performance for a resource that was required to perform in the second performance test in the Capability Period: (a) the resource will be assigned a performance of zero (0) for the test hour, and (b) the RIP shall be evaluated for failure to report under Section 5.12.12.2 of this Services Tariff.

5.12.11.1.4 Average Coincident Load of an SCR Aggregation

The ISO shall compute the Average Coincident Load of an SCR Aggregation each month in accordance with ISO Procedures.

5.12.11.1.5 Use of an Incremental Average Coincident Load

Beginning with the Summer 2014 Capability Period, a Responsible Interface Party may report any qualifying increase to a Special Case Resource's Average Coincident Load as Incremental Average Coincident Load in the RIP enrollment file upload and in accordance with this Services Tariff and ISO Procedures.

For SCRs with a total Load increase equal to or greater than twenty (20) percent and less than thirty (30) percent of the applicable ACL, the RIP may enroll the SCR with an Incremental ACL provided that the eligible Installed Capacity does not increase from the prior enrollment months within the same Capability Period and prior to enrollment with an Incremental ACL. If

the SCR is enrolled with an Incremental ACL and it is the first month of the SCR's enrollment in the applicable Capability Period, the enrolled eligible Installed Capacity value shall not exceed the maximum eligible Installed Capacity of the SCR from the Prior Equivalent Capability Period. When no enrollment exists for the SCR in the Prior Equivalent Capability Period and it is the first month of the SCR's enrollment in the applicable Capability Period, the enrolled eligible Installed Capacity of the SCR shall not exceed the ACL calculated from the Capability Period SCR Load Zone Peak Hours. For SCRs with a total Load increase equal to or greater than thirty (30) percent of the applicable ACL, the RIP may enroll the SCR with an Incremental ACL and an increase to the SCR's eligible Installed Capacity and is required to test as described in this section of the Service Tariff.

The ISO shall adjust the ACL of the SCR for an Incremental ACL for all months for which the Incremental ACL is reported by the RIP. For resources reporting an Incremental ACL, the Net ACL shall equal the enrolled ACL plus the reported Incremental ACL less any applicable SCR Change of Status and shall be the basis for the upper limit of ICAP for which the RIP may enroll the SCR during the Capability Period.

An Incremental ACL is a discrete change to the SCR operations that is expected to result in an increase to the Load that the SCR will consume from the NYS Transmission System and/or distribution system. It is not available to account for random fluctuations in Load, such as those caused by weather or other seasonal Load variations. Therefore, the ACL of a SCR may only be increased once per Capability Period and the amount of the increase enrolled must remain the same for all months for which the Incremental ACL is reported. A SCR enrolled in the Capability Period with an Incremental ACL may not be enrolled by another RIP for the

remainder of the Capability Period. A SCR enrolled in the Capability Period with a Provisional ACL is not eligible to enroll with an Incremental ACL.

Following the Capability Period for which a SCR has been enrolled with an Incremental ACL, the RIP shall provide the hourly metered Load verification data that corresponds to the Monthly SCR Load Zone Peak Hours identified by the ISO for all months in which an Incremental ACL value was reported for the SCR. For each month for which verification data was required to be reported, the ISO shall calculate a Monthly ACL that will be used in the calculation of a Verified ACL. The Monthly ACL shall equal the average of the SCR's top twenty (20) one-hour metered Load values that correspond with the applicable Monthly SCR Load Zone Peak Hours, and taking into account (i) the resource's reported verified Load reduction in a Transmission Owner's demand response program in hours coincident with any of these hours and (ii) the resource's verified Load reduction in either of the ISO's economic demand response programs (the Day Ahead Demand Response Program and the Demand Side Ancillary Services Program) in hours coincident with any of these hours. For the Day Ahead Demand Response Program, the verified Load reduction that occurred in response to a DADRP schedule shall be added to the Monthly SCR Load Zone Peak Hour for which the reduction in response to a DADRP schedule occurred. For the Demand Side Ancillary Services Program, the Load value to be used in calculating the Monthly ACL for each hour during the Monthly SCR Load Zone Peak Hours in which a non-zero Base Point Signal the ISO provides to the resource, shall be the greater of (a) the DSASP Baseline MW value in the interval immediately preceding the first non-zero Base Point Signal in the Monthly SCR Load Zone Peak Hour and (b) the metered Load of the resource as reported by the RIP for the Monthly SCR Load Zone Peak Hour. When the non-zero Base Point Signal dispatch of a DSASP resource begins in one hour and

continues into consecutive hours, and the consecutive hour is identified as being a Monthly SCR Load Zone Peak Hour, the DSASP Baseline MW value in effect at the beginning of the dispatch of the non-zero Base Point Signal shall be the MW value used for purposes of determining the applicable Load value for that Monthly SCR Load Zone Peak Hour, in accordance with the preceding sentence. The Verified ACL shall be the average of the two (2) highest Monthly ACLs during the Capability Period in which the SCR was enrolled with an Incremental ACL within the same Capability Period.

For any month in which verification data for the Incremental ACL is required but not timely submitted to the ISO in accordance with ISO procedures, the ISO shall set the metered Load values to zero. When a Monthly ACL is set to zero, the Verified ACL will be calculated as the average of: a) the two (2) highest Monthly ACLs during the Capability Period in which the SCR was enrolled with an Incremental ACL within the same Capability Period; plus b) the Monthly ACLs for all months in which the SCR was enrolled within the same Capability Period with an Incremental ACL in the Capability Period in which the RIP failed to provide the minimum verification data required. In addition, a RIP may be subject to a penalty for each month for which verification data was required and not reported in accordance with this Services Tariff.

For each SCR that is enrolled with an Incremental ACL, the ISO shall compare the Net ACL calculated from the resource enrollment (ACL plus Incremental ACL less any applicable SCR Change of Status) to the Verified ACL calculated for the SCR to determine if the RIP's use of an Incremental ACL may have resulted in a shortfall pursuant to Section 5.14.2.

A Special Case Resource that was required to perform in the first performance test in the Capability Period in accordance with ISO Procedures and was subsequently enrolled using an

Incremental ACL and an increase in the amount of Installed Capacity that the SCR is eligible to sell, shall be required to demonstrate performance against the maximum amount of eligible Installed Capacity reported for the SCR in the second performance test in the Capability Period. Performance in this test shall be measured from the Net ACL. Performance in both performance tests shall be used in calculation of the resource's performance factor and all associated performance factors, deficiencies and penalties. If the RIP fails to report the performance for a resource that was required to perform in the second performance test in the Capability Period: (a) the resource will be assigned a performance of zero (0) for the test hour, and (b) the RIP shall be evaluated for failure to report under Section 5.12.12.2 of this Services Tariff.

5.12.11.2 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.

5.12.11.3 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.

5.12.11.4 Intermittent Power Resources

Intermittent Power Resources that depend upon wind or solar 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.

5.12.12.1 Sanctions for Failing to Provide Required Information

If (i) an Installed Capacity Supplier fails to provide the information required by Sections 5.12.1.1, 5.12.1.2, 5.12.1.3, 5.12.1.4, 5.12.1.7 or 5.12.1.8 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 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 5.12.1.5 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.

5.12.12.2 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 Sections 5.12.1.6 or 5.12.1.10, 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 corresponding to where the Installed Capacity Supplier's capacity cleared, and for each month in which the Installed Capacity Supplier is determined not to have complied with the foregoing requirements.

In addition, if any Installed Capacity Supplier fails to comply with the scheduling, bidding, or notification requirements of Sections 5.12.1.6 or 5.12.1.10, or with Section 5.12.7 of this Tariff, or if an Installed Capacity Supplier of Unforced Capacity from External Control Area 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 Exports associated with NYCA Installed Capacity Suppliers consistent with Section 5.12.10 of this Tariff and with ISO Procedures, then 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.

To the extent an Installed Capacity Supplier of Unforced Capacity from an External

Control Area or an External Generator associated with an Unforced Capacity sale using UDRs or EDRs fails to comply with Section 5.12.1.10 of this Tariff, the Installed Capacity Supplier or External Generator associated with an Unforced Capacity sale using UDRs or EDRs shall be subject to a deficiency charge calculated in accordance with the formula set forth below for each Obligation Procurement Period:

$$Deficiency\ charge = 1.5 * PRICE * \left(\frac{1000kW}{1MW} \right) * \left(\frac{\sum_{n=1}^N (\max(ICAP_n^{MWh} - SRE_n^{MWh}, 0))}{N} \right)$$

Where:

N = total number of hours of SRE calls during the relevant Obligation Procurement Period

PRICE = ICAP Spot Market Auction clearing price for the relevant Obligation Procurement Period

$ICAP_n^{MWh}$ = for each hour n of SRE calls during the relevant Obligation Procurement Period, the ICAP equivalent of the UCAP sold from the External Installed Capacity Supplier that is a Generator, or the External Generator associated with an Unforced Capacity sale using UDRs or EDRs, or the Control Area System Resource in MWh, minus (x) any MWh that are unavailable due to an outage as defined in the ISO Procedures, or due to physical operating limitations affecting the External Installed Capacity Supplier that is a Generator, or the External Generator associated with an Unforced Capacity sale using UDRs or EDRs, or due to other operational issues that the ISO determines to be outside the Installed Capacity Supplier's control, and (y) any MWh that were Bid as Imports to the NYCA at the appropriate Proxy

Generator Bus at a price that was designed to ensure the Import was scheduled to the greatest extent possible, but that were not scheduled by the ISO

SRE_n^{MWh} = MWh provided to the NYCA at the appropriate Proxy Generator Bus from the External Installed Capacity Supplier that is a Generator, or the External Generator associated with an Unforced Capacity sale using UDRs or EDRs, or the Control Area System Resource, during each hour n of SRE calls during the relevant Obligation Procurement Period.

If an Installed Capacity Supplier's failure to fully comply with this Tariff would, in addition to being assessed a deficiency charge calculated in accordance with the formula set forth above, also permit the ISO to impose a different deficiency charge or a financial sanction under this Section 5.12.12.2, or to impose a deficiency charge for a shortfall under Section 5.14.2.2 of this Tariff, then the ISO shall only impose the penalty for failure to comply with Section 5.12.1.10 of this Tariff on the Installed Capacity Supplier for the hour(s) in which the Installed Capacity Supplier failed to meet its obligations under Section 5.12.1.10 of this Tariff.

If the Installed Capacity Supplier is a Responsible Interface Party that enrolled a SCR with an Incremental ACL in accordance with this Services Tariff, and also reported an increase to the Installed Capacity the SCR has eligible to sell after the first performance test in the Capability Period, the ISO may impose an additional financial sanction due to the failure of the RIP to report the required performance of the SCR against the Net ACL value in the second performance test in the Capability Period. This sanction shall be the value of the reported increase in the eligible Installed Capacity associated with the SCR that was sold by the RIP in each month of the Capability Period, during which the reported increase was in effect, multiplied

by up to one and one-half times the applicable Market-Clearing Price of Unforced Capacity determined in the ICAP Spot Market Auction for each such month.

If the Installed Capacity Supplier is a Responsible Interface Party, and the Average Coincident Load of the Special Case Resource has been decreased after the first performance test in the Capability Period, due to a SCR Change of Status in accordance with this Services Tariff and ISO Procedures, the ISO may impose an additional financial sanction resulting from the failure of the RIP to report the required performance of the SCR against the Net ACL value of the SCR when the SCR was required to perform in the second performance test in the Capability Period in accordance with Section 5.12.11.1.3.2 of this Services Tariff. This sanction shall be the value of the Unforced Capacity equivalent of the SCR Change of Status MW reported for the SCR during the months for which the SCR was enrolled with a SCR Change of Status and was required to demonstrate in the second performance test as specified in Section 5.12.11.1.3.2 of this Services Tariff, multiplied by up to one and one-half times the applicable Market-Clearing Price of Unforced Capacity determined in the ICAP Spot Market Auction for each such month.

If a RIP fails to provide the information required by Section 5.12.11.1.3 of this Services Tariff in accordance with the ISO Procedures for reporting a Qualified Change of Status Condition, and the ISO determines that a SCR Change of Status occurred within a Capability Period, the ISO may impose a financial sanction equal to the difference, if positive, between the enrolled ACL and the maximum one hour metered Load for the month multiplied by up to 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 in addition to the corresponding shortfall penalty as provided in Section 5.14.2.

For each month in which a RIP fails to report required verification data and the applicable ACL value is set to zero in accordance with Section 5.12.11 of this Services Tariff, the ISO shall have the right to recover any energy payments made to the RIP for performance of the SCR by reducing other payments or other lawful means.

5.14 Installed Capacity Spot Market Auction and Installed Capacity Supplier Deficiencies

5.14.1 LSE Participation in the ICAP Spot Market Auction

5.14.1.1 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 Unforced Capacity Requirement or Locational Minimum Unforced 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. Interim Service Providers that are required to keep their generating unit(s) in service must offer at \$0.00/kW-month all of their Unforced Capacity into each ICAP Spot Market Auction conducted for each Obligation Procurement Period associate with a month in which it is to receive compensation under Rate Schedule 8 of the Services Tariff. If an Interim Service Provider that is required to keep its generating unit(s) in service is expressly precluded from offering all or a portion of its UCAP into an ICAP Spot Market Auction because it is obligated to provide capacity pursuant to a bilateral contract that is effective at the time of the ICAP Spot Market Auction, and was executed and effective before the NYISO received a Generator Deactivation Notice the Interim Service Provider (such contract a “Preexisting Capacity Bilateral”), then the Interim Service Provider shall only be required to offer the amount of its Unforced Capacity into that ICAP Spot Market Auction that it is not expressly required to provide pursuant to the terms of the such Preexisting Capacity Bilateral. The quantity of Unforced Capacity an Interim Service Provider that is required to keep its generating unit(s) in service is required to offer in accordance with this paragraph is the “ISP UCAP MW”. The ISO shall also receive offers of

Unforced Capacity from any LSE for any amount of Unforced Capacity that the 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.

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 each Installed Capacity Supplier that is selected to provide

Unforced Capacity the Market-Clearing Price determined in the ICAP Spot Market Auction using the ICAP Demand Curve applicable to its offer.

5.14.1.2 Demand Curve and Adjustments

ICAP Demand Curves will be established to determine (a) the locational component of LSE Unforced Capacity Obligations for each Locality (b) the locational component of LSE Unforced Capacity Obligations for any New Capacity Zone, and (c) the total LSE Unforced Capacity Obligations for all LSEs. The ICAP Demand Curves for the 2016/2017 and 2017/2018 Capability Years shall be established at the following points (in accordance with Section 5.14.1.2.2, the ICAP Demand Curve values for the 2018/2019 through 2020/2021 Capability Years will be determined pursuant to the respective annual updates for each such Capability Year):

Capability Year	5/1/2016 to 4/30/2017	5/1/2017 to 4/30/2018	5/1/2018 to 4/30/2019	5/1/2019 to 4/30/2020	5/1/2020 to 4/30/2021
NYCA	Max @ \$14.10 \$9.23 @ 100% \$0.00 @ 112%	Max @ \$15.85 \$9.08 @ 100% \$0.00 @ 112%	To be posted on the ISO website on or before November 30, 2017	To be posted on the ISO website on or before November 30, 2018	To be posted on the ISO website on or before November 30, 2019
NYC	Max @ \$27.31 \$19.37 @ 100% \$0.00 @ 118%	Max @ \$26.14 \$18.61 @ 100% \$0.00 @ 118%	To be posted on the ISO website on or before November 30, 2017	To be posted on the ISO website on or before November 30, 2018	To be posted on the ISO website on or before November 30, 2019
LI	Max @ \$21.81 \$8.30 @ 100% \$0.00 @ 118%	Max @ \$24.37 \$12.72 @ 100% \$0.00 @ 118%	To be posted on the ISO website on or before November 30, 2017	To be posted on the ISO website on or before November 30, 2018	To be posted on the ISO website on or before November 30, 2019
G-J	Max @ \$19.64 \$12.68 @ 100% \$0.00 @ 115%	Max @ \$21.85 \$14.84 @ 100% \$0.00 @ 115%	To be posted on the ISO website on or before November 30, 2017	To be posted on the ISO website on or before November 30, 2018	To be posted on the ISO website on or before November 30, 2019

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 Minimum Installed Capacity Requirement (“reference point”) 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 by the ICAP Demand Curves to the NYCA Minimum Installed Capacity Requirement, the Locational Minimum Installed Capacity Requirement, and any Indicative NCZ Minimum Installed Capacity Requirement, will be defined by the results of the independent review conducted pursuant to this section. The ICAP Demand Curves will be translated into Unforced Capacity terms in accordance with the ISO Procedures.

5.14.1.2.1 Periodic Reviews of ICAP Demand Curves Applicable Prior to the 2017/2018 Capability Year

For ICAP Demand Curves applicable prior to the 2017/2018 Capability Year, 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 plant in each NYCA Locality, the Rest of State, and any New Capacity Zone, to meet minimum capacity requirements, and (ii) the likely projected annual Energy and Ancillary Services revenues of the peaking plant over the period covered by the adjusted ICAP Demand Curves, net of the costs of producing such Energy and Ancillary Services. The cost and revenues of the peaking plant used to set the reference point and maximum value for each ICAP Demand Curve shall be determined under conditions in which the available capacity is equal to the sum of (a) the minimum Installed Capacity requirement and (b) the peaking plant’s capacity equal to the number of MW specified in the periodic review and used to determine all costs and revenues. The minimum Installed Capacity requirement for each Locality shall be equal to the Locational Minimum Installed Capacity Requirement in effect for the year in which the

independent consultant's final report (referenced below in Section 5.14.1.2.1.6) is issued; for the NYCA, equal to the NYCA Minimum Installed Capacity Requirement based on the Installed Reserve Margin accepted by the Commission and applicable to the Capability Year which begins in the Capability Year in which the independent consultant's final report is issued; and for any New Capacity Zone, equal to the Indicative NCZ Locational Minimum Installed Capacity Requirement determined by the ISO in accordance with Section 5.16.3. The periodic review shall also assess (i) 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; (ii) the appropriate translation of the annual net revenue requirement of the peaking plant 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; and (iii) the escalation factor and inflation component of the escalation factor applied to the ICAP Demand Curves. For purposes of this periodic 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, and a peaking plant is defined as the number of units (whether one or more) that constitute the scale identified in the periodic review.

The periodic review shall be conducted in accordance with the schedule and procedures 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 Section 5.14.1.2.1.11.

The schedule and procedures shall provide for:

- 5.14.1.2.1.1 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;

5.14.1.2.1.2 Selection of an independent consultant in accordance with the request for proposals;

5.14.1.2.1.3 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;

5.14.1.2.1.4 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;

5.14.1.2.1.5 An opportunity for the Market Monitoring Unit to review and comment on the draft request for proposals, the independent consultant's report, and 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 30.4.6.3.1 of Attachment O);

5.14.1.2.1.6 Issuance by the independent consultant of a final report;

5.14.1.2.1.7 Issuance of a draft of the ISO's recommended adjustments to the ICAP Demand Curves for stakeholder review and comment;

5.14.1.2.1.8 Issuance of the ISO's proposed ICAP Demand Curves, taking into account the report of the independent consultant, the recommendations of the Market Monitoring Unit, and the views of the stakeholders together with the rationale for accepting or rejecting any such inputs;

- 5.14.1.2.1.9 Submission of stakeholder requests for the ISO Board of Directors to review and adjust the ISO's proposed ICAP Demand Curves;
- 5.14.1.2.1.10 Presentations to the ISO Board of Directors of stakeholder views on the ISO's proposed ICAP Demand Curves; and
- 5.14.1.2.1.11 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 and the inflation rate component of the escalation factor applied to the ICAP Demand Curves.

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.

5.14.1.2.2 Periodic Reviews of ICAP Demand Curves Applicable Beginning with the 2017/2018 Capability Year

Beginning with the ICAP Demand Curves applicable for the 2017/2018 Capability Year, a periodic review of the ICAP Demand Curves shall be performed every four (4) years in accordance with the ISO Procedures to: (i) identify the methodologies and inputs used for determining the ICAP Demand Curves for the four Capability Years covered by the periodic review; and (ii) establish the ICAP Demand Curves for the first Capability Year covered by the periodic review.

The periodic review shall assess: (i) the current localized levelized embedded cost of a peaking plant in each NYCA Locality, the Rest of State, and any New Capacity Zone, to meet minimum capacity requirements (for purposes of this Section 5.14.1.2.2 hereinafter referred to as the “peaking plant gross cost”); and (ii) the likely projected annual Energy and Ancillary Services revenues of the peaking plant for the first Capability Year covered by the periodic review, net of the costs of producing such Energy and Ancillary Services (for purposes of this Section 5.14.1.2.2 hereinafter referred to as the “net Energy and Ancillary Services revenue offset”), including the methodology and inputs for determining such projections for the four Capability Years covered by the periodic review. The cost and revenues of the peaking plant used to set the reference point and maximum value for each ICAP Demand Curve shall be determined under conditions in which the available capacity is equal to the sum of (a) the minimum Installed Capacity requirement and (b) the peaking plant’s capacity equal to the number of MW specified in the periodic review and used to determine all costs and revenues (for purposes of this Section 5.14.1.2.2 hereinafter referred to as the “prescribed level of excess”).

The minimum Installed Capacity requirement for each Locality shall be equal to the Locational Minimum Installed Capacity Requirement in effect for the year in which the independent consultant’s final report (referenced below in Section 5.14.1.2.2.4.6) is issued; for the NYCA, equal to the NYCA Minimum Installed Capacity Requirement based on the Installed Reserve Margin accepted by the Commission and applicable to the Capability Year which begins in the Capability Year in which the independent consultant’s final report is issued; and for any New Capacity Zone, equal to the Indicative NCZ Locational Minimum Installed Capacity Requirement determined by the NYISO in accordance with Section 5.16.3. The periodic review shall also assess (i) 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;

(ii) the appropriate translation of the annual net revenue requirement of the peaking plant 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 in accordance with the methodology set forth in Section 5.14.1.2.2.3; and (iii) the escalation factor and inflation component of the escalation factor applied to the peaking plant gross cost, including the methodology and inputs for determining such values. For purposes of this periodic 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, and a peaking plant is defined as the number of units (whether one or more) that constitute the scale identified in the periodic review.

In the filing referenced in Section 5.14.1.2.2.4.11 below, the ISO will: (i) identify the methodologies and inputs used for determining the ICAP Demand Curves for the four Capability Years covered by the periodic review; and (ii) propose the ICAP Demand Curves for the first Capability Year covered by the periodic review. For the subsequent three Capability Years covered by the periodic review, the ISO will establish the ICAP Demand Curves for each such Capability Year by updating the following factors in advance of each such subsequent Capability Year: (i) the peaking plant gross cost in accordance with Section 5.14.1.2.2.1; (ii) the net Energy and Ancillary Services revenue offset in accordance with Section 5.14.1.2.2.2; and (iii) the winter-to-summer ratio, as such term is defined in Section 5.14.1.2.2.3, in accordance with Section 5.14.1.2.2.3. The ISO will post the updated ICAP Demand Curves for each subsequent Capability Year covered by the periodic review on or before November 30th of the calendar year

immediately preceding the calendar year that includes the start of the Capability Year for which the updated ICAP Demand Curves will apply.

5.14.1.2.2.1 Annual Updates for Peaking Plant Gross Cost

For purposes of the annual updates to the ICAP Demand Curves, the ISO shall determine updated values for the peaking plant gross cost for each peaking plant. Updated values for the peaking plant gross cost shall be determined by application of an escalation factor to the peaking plant gross cost values underlying the then currently effective ICAP Demand Curves. The escalation factor shall consist of the following four components: (i) changes in construction material costs (“materials component”); (ii) changes in turbine generator costs (“turbine component”); (iii) changes in labor costs (“labor component”); and (iv) changes in the general cost of goods and services (“general component”). The escalation factor shall be equal to the sum of the: (i) the twelve month percentage change in the applicable index for the materials component, multiplied by the applicable weighting factor for such component; (ii) the twelve month percentage change in the applicable index for the turbine component, multiplied by the applicable weighting factor for such component; (iii) the twelve month percentage change in the applicable index for the labor component, multiplied by the applicable weighting factor for such component; and (iv) the twelve month percentage change in the applicable index for the general component, multiplied by the applicable weighting factor for such component. For purposes of determining the twelve month percentage change for each component, the values utilized from each applicable index shall be as follows: (i) for indices that publish annual values, the most recently available annual value and the annual value for the calendar year immediately preceding thereto; (ii) for indices that publish monthly values, the average value of the three most recently available monthly values and the average value of values for the same three months from the

calendar year immediately preceding thereto; and (iii) for indices that publish quarterly values, the value of the most recently available calendar quarter and the value for the same calendar quarter from the calendar year immediately preceding thereto. The applicable values to be used by the ISO shall be the available finalized values established by the publisher for each index as of October 1st of the same calendar year as the applicable November 30th deadline for posting the updated ICAP Demand Curves. The ISO shall not use any preliminary values published by an index in determining the applicable twelve month percentage change for any component of the escalation factor. The weighting factors applied to each component shall be determined as part of the periodic review, identified in the filing required by Section 5.14.1.2.2.4.11 and remain fixed for the entire period covered by the periodic review. The specified index for each component shall likewise be determined as part of the periodic review, identified in the filing required by Section 5.14.1.2.2.4.11 and remain fixed for the entire period covered by the periodic review, unless an index is eliminated, replaced or otherwise terminated by the publisher thereof during the period covered by the periodic review. In such circumstance, the ISO shall utilize the replacement or successor index established by the publisher, if any, or, in the absence of a replacement or successor index, shall select as a replacement a substantially similar index.

5.14.1.2.2.2 Annual Updates for Net Energy and Ancillary Revenue Offset

For purposes of the annual updates to the ICAP Demand Curves, the ISO shall also determine updated values for the net Energy and Ancillary Services revenue offset associated with each peaking plant. Updated values for the net Energy and Ancillary Services revenue offset shall, in part, be determined using a net revenue model that will be developed as part of the periodic review and made available to stakeholders. The model will, at a minimum, determine whether each peaking plant could earn positive net revenue by producing Energy in each hour

based on historical prices and the variable costs for each peaking plant over the prior 36 month period ending August 31st of the same calendar year as the applicable November 30th deadline for posting the updated ICAP Demand Curves, as well as the physical operating characteristics of each peaking plant and any operating hours constraints necessary to address any applicable environmental requirements and/or fuel availability. The commitment and dispatch logic and data sources and/or inputs used by the model, as well as the manner in which the model accounts for net Ancillary Services revenues earned by each peaking plant, the physical operating characteristics of each peaking plant and any operating hours constraints applicable to each peaking plant that are necessary to address any applicable environmental requirements and/or fuel availability, will be determined as part of the periodic review, identified in the filing required by Section 5.14.1.2.2.4.11 and remain fixed for the entire period covered by the periodic review, subject to annual updating of certain data inputs used by the model as described herein.

The model will determine whether each peaking plant could earn positive net revenue by producing Energy in each hour of the period encompassed by the model in a manner consistent with the following equation:

$$Net\ Energy\ revenue_{z,t} = \max([Output_{z,t} * (LOE_{z,t} * LBMP_{z,t})] - MC_{z,t}), 0)$$

where:

$Output_{z,t}$ = the quantity of Energy produced by the peaking plant for Load Zone z in hour t ;

$LOE_{z,t}$ = the applicable adjustment factor for Load Zone z and hour t used to adjust for the prescribed level of excess. The adjustment factors shall be determined as part of the periodic review, identified in the filing required by Section 5.14.1.2.2.4.11 and remain fixed for the entire period covered by the periodic review;

LBMP_{z,t} = the Day-Ahead zonal LBMP or time-weighted/integrated zonal RTD LBMP, as applicable, for Load Zone z and hour t ;

MC_{z,t} = variable (or short-run marginal) cost of the peaking plant for Load Zone z to produce Energy in hour t , calculated as follows:

$$MC_{z,t} = [(HR_{z,t} * Fuel_{z,t}) + VOM_{z,t} + ASC_{z,t} + EC_{z,t} + RSI_{z,t}] * Output_{z,t}$$

where:

HR_{z,t} = the heat rate of the peaking plant for Load Zone z and hour t . The heat rate for the peaking plant shall be determined as part of the periodic review, identified in the filing required by Section 5.14.1.2.2.4.11 and remain fixed for the entire period covered by the periodic review;

Fuel_{z,t} = the applicable fuel cost for the peaking plant for Load Zone z and hour t , which shall be the lesser of the primary fuel cost and the backup fuel cost, if any, for the peaking plant for Load Zone z . The primary fuel and any backup fuel for the peaking plant for Load Zone z shall be determined as part of the periodic review, identified in the filing required by Section

5.14.1.2.2.4.11 and remain fixed for the entire period covered by the periodic review. The applicable fuel cost will be based on the applicable daily spot price for Load Zone z published in the specified data source determined as part of the periodic review (unless such data source is revised for the reasons described below), plus an adder to account for any applicable

transportation and delivery costs and any applicable fuel taxes, which adder shall be determined as part of the periodic review, identified in the filing required by Section 5.14.1.2.2.4.11 and

remain fixed for the entire period covered by the periodic review. For real-time evaluations only, the otherwise applicable fuel cost shall be increased by the applicable real-time fuel

premium adder for Load Zone z and hour t , which adder shall be determined as part of the

periodic review, identified in the filing required by Section 5.14.1.2.2.4.11 and remain fixed for

the entire period covered by the periodic review. The data sources used for determining the applicable daily spot fuel prices shall be determined as part of the periodic review, identified in the filing required by Section 5.14.1.2.2.4.11 and remain fixed for the entire period covered by the periodic review, unless the specified data source is eliminated, replaced or otherwise terminated by the publisher thereof during the period covered by the periodic review. In such circumstance, the ISO shall utilize the replacement or successor data source established by the publisher, if any, or, in the absence of a replacement or successor data source, shall select as a replacement a substantially similar data source;

$VOM_{z,t}$ = variable operating and maintenance cost of the peaking plant for Load Zone z and hour t , which cost shall be determined as part of the periodic review, identified in the filing required by Section 5.14.1.2.2.4.11 and remain fixed for the entire period covered by the periodic review;

$ASC_{z,t}$ = amortized start-up cost for the peaking plant for Load Zone z and hour t . The model will ensure that the total value of this cost is recovered over the number of consecutive hours for which the model determines that the peaking plant should be committed or dispatched to produce Energy following each start of the peaking plant in the same market (Day-Ahead or real-time); provided, however, that in real-time, start-up costs must be recovered over a period of no more than two consecutive hours following the time at which the model determines that the peaking plant should be dispatched to produce Energy;

$EC_{z,t}$ = the sum of CO_2 , NO_x and SO_2 emissions allowance costs for the peaking plant for Load Zone z and hour t , which shall be calculated as follows:

$$EC_{z,t} = (CO_2 \text{ emissions rate}_{z,t} * CO_2 \text{ allowance price}_{z,t}) + (NO_x \text{ emissions rate}_{z,t} * NO_x \text{ allowance price}_{z,t}) + (SO_2 \text{ emissions rate}_{z,t} * SO_2 \text{ allowance price}_{z,t})$$

where:

The applicable emissions rates for the peaking plant for Load Zone z and hour t shall be determined as part of the periodic review, identified in the filing required by Section 5.14.1.2.2.4.11 and remain fixed for the entire period covered by the periodic review. The applicable allowance price for each emissions type shall be the price reported by the specified data source for each emissions type determined as part of the periodic review (unless such data source is revised for the reasons described below). The data sources for allowance prices shall be determined as part of the periodic review, identified in the filing required by Section 5.14.1.2.2.4.11 and remain fixed for the entire period covered by the periodic review, unless a specified data source is eliminated, replaced or otherwise terminated by the publisher thereof during the period covered by the periodic review. In such circumstance, the ISO shall utilize the replacement or successor data source established by the publisher, if any, or, in the absence of a replacement or successor data source, shall select as a replacement a substantially similar data source; and

$RS1_{z,t}$ = the applicable charges for the ISO annual budget and the annual FERC fee assessed to Injection Billing Units for Load Zone z and hour t in accordance with Rate Schedule 1 of the ISO OATT.

The results of the model will be used to determine an average annual net revenue value earned by each peaking plant over the period encompassed by the model. Such value will be increased by an adder to account for the estimated annual value of any applicable net Ancillary Services revenue for each peaking plant that is not determined by the model, which adder shall be determined as part of the periodic review, identified in the filing required by Section 5.14.1.2.2.4.11 and remain fixed for the entire period covered by the periodic review. The resulting value for each peaking plant shall be the updated net Energy and Ancillary Services

revenue offset value to be used in establishing the ICAP Demand Curves for the applicable Capability Year.

5.14.1.2.2.3 Annual Updates for ICAP Demand Curve Parameters

The ISO shall use the updated peaking plant gross cost and the updated net Energy and Ancillary Services revenue offset values in determining the parameters of the ICAP Demand Curves for the applicable Capability Year. The maximum value for each ICAP Demand Curve shall be established at 1.5 times the monthly value of the applicable updated peaking plant gross cost. The reference point for each ICAP Demand Curve shall be determined in accordance with ISO Procedures; provided, however, that the ratio of the amount of capacity available in the ICAP Spot Market Auctions in the Winter Capability Period to the amount of capacity available in the ICAP Spot Market Auctions in the Summer Capability Period used in calculating the reference point (the “winter-to-summer ratio”) shall be updated annually based on the average amount of capacity available in the ICAP Spot Market Auctions for the Summer Capability Period months and Winter Capability Period months in each 12-month period (measured from September through the following August) encompassed by the same historical period utilized by the net revenue model. The values used in determining the amount of capacity available in the ICAP Spot Market Auctions shall be the available Unforced Capacity values reported by the ISO and posted on its website for the relevant months, translated to Installed Capacity values based on the applicable translation factors reported by the ISO and posted on its website for each such month. For Resources other than Special Case Resources, the values posted by the ISO shall include the following adjustments to account for ICAP market entry and exit under certain circumstances: (i) if within any of the three 12-month periods (*i.e.*, September through the following August) encompassed by the data used in calculating an updated winter-to-summer

ratio value, a Resource (other than a Resource returning to participate in the ICAP market from an Inactive Reserves state) begins to qualify as eligible to participate in the ICAP market in any month encompassed by such 12-month period and remains eligible to participate in the ICAP market for the subsequent months encompassed by that period, the ISO shall adjust the values for all months of that 12-month period to include the Resource's applicable available capacity; and (ii) if within any of the three 12-month periods (*i.e.*, September through the following August) encompassed by the data used in calculating an updated winter-to-summer ratio value, a Resource is Retired or enters a Mothball Outage or ICAP Ineligible Forced Outage state during any month encompassed by such 12-month period and remains ineligible to participate in the ICAP market for the subsequent months encompassed by that period, the ISO shall adjust the values for all months of that 12-month period to exclude the Resource's applicable available capacity. The applicable capacity ratings for each peaking plant utilized in calculating the reference point and the point on each ICAP Demand Curve at which the price of ICAP declines to zero shall be determined as part of the periodic review and shall remain fixed for the entire period covered by the periodic review.

Notwithstanding anything to the contrary herein, for purposes of the annual updates for the 2018/2019, 2019/2020 and 2020/2021 Capability Years, the reference point for each ICAP Demand Curve shall not be permitted to increase by an amount greater than twelve percent (12%) or decrease by an amount greater than eight percent (8%) from one Capability Year to the next, compared to the then currently effective reference point for the relevant ICAP Demand Curve. If the reference point value for an ICAP Demand Curve, as calculated by the ISO pursuant to the annual update procedures, for one of the affected Capability Years exceeds the maximum allowable percentage increase or decrease, the reference point established by the ISO

for that ICAP Demand Curve for the relevant Capability Year shall be an amount equal to the price that represents the applicable maximum allowable percentage increase or decrease. If an adjusted reference point value is applied to an ICAP Demand Curve for a Capability Year, the maximum allowable percentage increase or decrease for the next Capability Year shall be determined using the adjusted reference point value. As part of the required posting to establish the updated ICAP Demand Curves for each of the affected Capability Years, the ISO will provide the reference point values calculated by the ISO pursuant to the annual update procedures, as well the adjusted reference point values, if any, that result from the application of the limitation described herein. The limitation described above regarding the allowable annual change to the reference point values calculated by the ISO pursuant to the annual update procedures shall not be applied to the reference point values for any ICAP Demand Curve after the 2020/2021 Capability Year.

The peaking plant gross cost and net Energy and Ancillary Services revenue offset values utilized in determining the parameters of the ICAP Demand Curves for the 2017/2018 Capability Year are as follows:

	Peaking Plant Gross Cost (\$ per kW-year)	Net Energy and Ancillary Services Revenue Offset (\$ per kW-year)
NYCA	\$126.79	\$35.70
G-J	\$174.79	\$40.39
NYC	\$209.11	\$55.26
LI	\$194.96	\$104.20

5.14.1.2.2.4 Periodic Review Procedures

The periodic review shall be conducted in accordance with the schedule and procedures specified in the ISO Procedures. A proposed schedule will be reviewed with the stakeholders not

later than May 30th of the year prior to the year of the filing specified in Section 5.14.1.2(b).11.

The schedule and procedures shall provide for:

5.14.1.2.2.4.1 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 and inputs for such determination;

5.14.1.2.2.4.2 Selection of an independent consultant in accordance with the request for proposals;

5.14.1.2.2.4.3 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, including, as applicable, the methodologies and inputs for determining such values;

5.14.1.2.2.4.4 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;

5.14.1.2.2.4.5 An opportunity for the Market Monitoring Unit to review and comment on the draft request for proposals, the independent consultant's report, and the ISO's proposed: (i) methodologies and inputs used for determining the ICAP Demand Curves for the four Capability Years covered by the periodic review; and (ii) ICAP Demand Curves for the first Capability Year covered by the periodic review. The responsibilities of the Market Monitoring Unit that are addressed in this section of the Services Tariff are also addressed in Section 30.4.6.3.1 of Attachment O;

- 5.14.1.2.2.4.6 Issuance by the independent consultant of a final report;
- 5.14.1.2.2.4.7 Issuance of a draft of the ISO's recommended: (i) methodologies and inputs used for determining the ICAP Demand Curves for the four Capability Years covered by the periodic review; and (ii) ICAP Demand Curves for the first Capability Year covered by the periodic review, for stakeholder review and comment;
- 5.14.1.2.2.4.8 Issuance of the ISO's proposed: (i) methodologies and inputs used for determining the ICAP Demand Curves for the four Capability Years covered by the periodic review; and (ii) ICAP Demand Curves for the first Capability Year covered by the periodic review, taking into account the report of the independent consultant, the recommendations of the Market Monitoring Unit, and the views of the stakeholders together with the rationale for accepting or rejecting any such inputs;
- 5.14.1.2.2.4.9 Submission of stakeholder requests for the ISO Board of Directors to review and adjust the ISO's proposed: (i) methodologies and inputs used for determining the ICAP Demand Curves for the four Capability Years covered by the periodic review; and (ii) ICAP Demand Curves for the first Capability Year covered by the periodic review;
- 5.14.1.2.2.4.10 Presentations to the ISO Board of Directors of stakeholder views on the ISO's proposed: (i) methodologies and inputs used for determining the ICAP Demand Curves for the four Capability Years covered by the periodic review; and (ii) ICAP Demand Curves for the first Capability Year covered by the periodic review; and

5.14.1.2.2.4.11 Filing with the Commission of: (i) a description of the methodologies and inputs used for determining the ICAP Demand Curves for the four Capability Years covered by the periodic review; and (ii) the ICAP Demand Curves for the first Capability Year covered by the periodic review, as approved by the ISO Board of Directors incorporating the results of the periodic review. Such filing will be made not later than November 30th of the year prior to the year that includes the beginning of the first Capability Year covered by the periodic review. The filing will also specify the inflation rate that would have been used to calculate the general component of the escalation factor as if the escalation factor were applicable to the first Capability Year covered by the periodic review. Such inflation rate shall be equal to the twelve month percentage change in the applicable index for the general component, as determined in accordance with Section 5.14.1.2.2.1 utilizing the applicable values of the index as of October 1st in the same calendar year as the November 30th filing deadline specified above. For each of the subsequent three Capability Years encompassed by the periodic review, the value of this inflation rate shall be the twelve month percentage change in the applicable index for the general component of the escalation factor for the applicable Capability Year, as determined pursuant to Section 5.14.1.2.2.1.

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.

5.14.1.3 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 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 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 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.

5.14.2 Installed Capacity Supplier Shortfalls and Deficiency Charges

5.14.2.1 General Provisions

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, to the extent the ISO is aware of the shortfall, 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.

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 the Installed Capacity Supplier 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, and the Installed Capacity Supplier is deemed to have a shortfall, the Installed Capacity Supplier shall be assessed the applicable deficiency charge equal to the applicable Market-Clearing Price of Unforced Capacity determined using the applicable ICAP Demand Curve for that 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 using the applicable ICAP Demand Curve for that ICAP Spot Market Auction times the amount of its shortfall for each month the Installed Capacity Supplier is deemed to have a shortfall. If the Installed Capacity Supplier is a RIP, it may experience a shortfall when, among other reasons, it

sells ineligible or unavailable capacity MW associated with a properly or improperly enrolled SCR.

The ISO, when evaluating whether an Installed Capacity Supplier has a shortfall, may use either Unforced Capacity data or Installed Capacity data; provided, however, that the ISO shall convert any shortfall MWs based on Installed Capacity data to its Unforced Capacity equivalent prior to calculating the amount of any deficiency charge. All shortfalls shall be measured in MWs in increments of 0.1 MW.

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.

5.14.2.2 Additional Provisions Applicable to External Installed Capacity Suppliers

In addition to the general provisions set forth in Section 5.14.2.1 above that are applicable to External Installed Capacity Suppliers as Installed Capacity Suppliers, the following provisions shall also apply to External Installed Capacity Suppliers.

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., $((\text{deficiency charge} \div 12 \text{ months}) \div \text{total number of hours in month when shortfall occurred}) * \text{number of hours the shortfall lasted}) * \text{number of MWs of shortfall}$).

5.14.2.3 Additional Provisions Applicable to RIPS

In addition to the general provisions set forth in Section 5.14.2.1 above that are applicable to RIPS as Installed Capacity Suppliers, this Section 5.14.2.3 establishes the following four specific shortfalls applicable to RIPS: 1. shortfall for Provisional ACL; 2. shortfall for Incremental ACL; 3. shortfall for SCR Change of Status; and 4. shortfall for RIP portfolio performance. The deficiency charge for any such shortfall shall be equal to the Unforced Capacity equivalent of the shortfall multiplied by one and one-half times the applicable Market-Clearing Price of Unforced Capacity determined using the applicable ICAP Demand Curve for the ICAP Spot Market Auction for each month the RIP is deemed to have a shortfall.

There are three distinct measures of shortfall that are applicable to a RIP, described in this Section 5.14.2.3, where individual SCRs that have been enrolled with a Provisional ACL or an Incremental ACL, or that experience a SCR Change of Status may result in a shortfall. When a RIP is subject to multiple deficiency charges for the same SCR for the same Capability Period, the ISO shall assess to the RIP only the greatest deficiency charge related to such SCR. In addition, if the shortfall results in a reduction in the performance of a SCR, the ISO may recover from the RIP any energy payments for which the SCR was ineligible to receive.

5.14.2.3.1 Shortfall for Provisional ACL

Prior to the Summer 2014 Capability Period if the Installed Capacity Supplier is a Responsible Interface Party, after each Special Case Resource with a Provisional Average Coincident Load has its Average Coincident Load determined for the Capability Period in which it had a Provisional Average Coincident Load (such determination in accordance with ISO Procedures and without regard to whether the resource was registered to the same Responsible Interface Party at the time of the ACL determination), the ISO shall determine if there is a shortfall due to the Provisional Average Coincident Load being higher than the Average Coincident Load. This shortfall will be equal to the value, if positive, of (x) the sum of (i) the amount of UCAP a Responsible Interface Party sold in an Monthly or an ICAP Spot Market Auction or certified Bilateral Transactions for a Special Case Resource and (ii) the Special Case Resource's actual metered demand for the month in accordance with ISO Procedures, minus (y) the Special Case Resource's Average Coincident Load. If the ISO does not receive data to determine the Average Coincident Load in accordance with ISO Procedures, for each Capability Period a Special Case Resource had a Provisional Average Coincident Load, for purposes of determining the shortfall, the Average Coincident Load shall equal zero.

Beginning with the Summer of 2014 Capability Period if the Installed Capacity Supplier is a Responsible Interface Party, after each SCR with a Provisional ACL has its Verified ACL determined for the Capability Period in which it had a Provisional ACL (such determination in accordance with Section 5.12.11.1 and ISO Procedures) the ISO shall determine if there is a shortfall due to the Provisional ACL being greater than the Verified ACL. This shortfall shall be equal to the value, if positive, of (x) the Provisional ACL of the SCR, minus (y) the Verified ACL of the SCR. The shortfall calculated for the SCR for a month shall not exceed the amount of Installed Capacity associated with the SCR that was sold for that month. If the ISO does not

receive data to determine the SCR's Verified ACL for the Capability Period for which the SCR was enrolled with a Provisional ACL the Verified ACL shall equal zero.

5.14.2.3.2 Shortfall for Incremental ACL

If the Installed Capacity Supplier is a RIP that reported an Incremental ACL, the ISO shall determine there is a shortfall when the Net ACL is greater than the Verified ACL. This shortfall shall be equal to the value, if positive, of (x) the enrolled Net ACL of the SCR, minus (y) the Verified ACL of the SCR for each month in which the RIP sold the SCR's Installed Capacity. The shortfall calculated for the SCR for a month shall not exceed the amount of Installed Capacity associated with the SCR that was sold for that month. If the ISO does not receive data to determine the Verified ACL for each month within the Capability Period that the SCR was enrolled with an Incremental ACL, the Monthly ACL for each unreported month shall equal zero (0) and be used in the calculation of the Verified ACL in accordance with Section 5.12.11.1.5.

5.14.2.3.3 Shortfall for SCR Change of Status

If the Installed Capacity Supplier is a RIP, and a SCR Change of Status occurs, the ISO shall determine if a shortfall exists, based on the RIP's reporting of the SCR Change of Status.

When a SCR Change of Status is reported by the RIP in advance and no Installed Capacity associated with the SCR has been sold, a shortfall has not occurred. If the SCR Change of Status is reported by the RIP, but the Installed Capacity associated with the SCR has already been sold for one or more months a shortfall exists for these months, the shortfall shall be equal to the reduction to the ACL reported in the SCR Change of Status, but shall not exceed the amount of Installed Capacity sold for each month.

When the RIP fails to report the SCR Change of Status during the Capability Period, for each month in which the SCR's Installed Capacity was sold and the SCR Change of Status was in effect, the ISO shall determine the shortfall MW using the maximum one hour metered Load for the month. The shortfall amount for each month in which the SCR Change of Status was in effect shall equal the value of SCR ACL minus the maximum one hour metered Load for the month, but shall not exceed the SCR's Installed Capacity sold for the month.

5.14.2.3.4 Shortfall for RIP Portfolio Performance

In addition to the shortfall evaluations based on individual SCRs, a RIP is subject to a shortfall evaluation, by Load Zone, for its entire SCR portfolio. In this evaluation the shortfall shall be determined for each Load Zone separately. A shortfall will occur if the total of the amount of UCAP sold by the RIP for a month in a Capability Period Auction or a Monthly Auction and certified prior to that month's ICAP Spot Market Auction, the UCAP sold in that month's ICAP Spot Market Auction, and the UCAP sold as a Bilateral Transaction and certified prior to that month's ICAP Spot Market Auction is greater than the greatest quantity MW reduction achieved during a single hour in a test or event called by the ISO in the Capability Period as confirmed by data by the ISO in accordance with ISO Procedures (or the value of zero if data is not received by the ISO in accordance with such procedures).

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.

5.14.3.1 General Application of Deficiency Charges

Except as provided in Section 5.14.3.2, remaining monies will be applied to reduce the Rate Schedule 1 charge in the following month.

5.14.3.2 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) G-J

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 G-J 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.

(iv) 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 Localities 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.

5.18 Generator Outages and Generator Obligations While in These Outages

This Section 5.18 shall apply to a Generator in any outage state that started on or after May 1, 2015.

A Market Participant with a Generator in the NYCA that is in any outage state shall report this status to the ISO pursuant to ISO Procedures.

Except when a Generator is not subject to the requirements of this Section 5.18 because it is only participating in the ISO Markets as part of an Aggregation, if the Market Participant that administers a Generator's participation in the ISO Administered Markets is a different entity than the entity that possesses the ultimate decision-making authority concerning the deactivation, outage or repair of the Generator, then the entity with ultimate decision-making authority regarding the deactivation, outage or repair of the Generator must agree, as part of the registration of the Generator with the ISO for participation in the ISO Administered Markets, that it will be subject to and comply with the outage state rules set forth in this Section 5.18 of the ISO Services Tariff. Except when a Generator is not subject to the requirements of this Section 5.18 because it is only participating in the ISO Markets as part of an Aggregation, the entity with ultimate decision-making authority regarding the deactivation, retirement and/or repair of the Generator shall, along with the Market Participant, be subject to all of the requirements of Section 5.18 of the ISO Services Tariff that apply to a Market Participant.

5.18.1 Forced Outages and Commenced Repair Determinations

5.18.1.1 A Market Participant with a Generator in a Forced Outage shall keep the ISO informed as to progress of its Generator's repairs pursuant to ISO Procedures. A Market Participant may keep its Generator in a Forced Outage beyond the last day of the month which contains the 180th day of its Forced

Outage only if it has Commenced Repair of its Generator. A Market Participant that anticipates its Generator will not be able to return to the Energy market before the last day of the month which contains the 180th day of its Forced Outage and which desires to remain eligible to be in the Installed Capacity market beyond the 180th day shall provide a Repair Plan to the ISO by the 120th day of the Forced Outage.

5.18.1.2 A Repair Plan shall include a work plan, with milestones, or set of necessary actions, and shall provide the time it is expected to take to complete each task and describe the repair of the Generator's equipment related to electric production, fuel or station power supply or transmission interconnection, as appropriate, that was either affected by the Forced Outage or otherwise makes the unit available for the Energy market. The Repair Plan's milestones shall include, in appropriate circumstances: damage assessments, engineering assessments, initial cost estimates, purchase orders, inspection reports, initial safety assessments, hazardous material abatement plans, and labor mobilization plans. The Repair Plan shall include the date the Market Participant expects the Generator to be repaired and available for the Energy market (return date) which return date: i) shall be reasonable, ii) may be provided as a good faith estimate, and iii) shall be updated to the extent new information becomes available. The return date or good faith estimate of a return date that a Market Participant provides for its Generator shall be reasonable if it is comparable to the return date that would be included in a Credible Repair Plan pursuant to Section 5.18.1.5 of this Services Tariff.

5.18.1.3 Market Participants requesting that the NYISO determine, pursuant to Services Tariff Section 23.4.5.6.2, that their Generator has experienced a Catastrophic Failure, or that Exceptional Circumstances will delay the submission of data necessary for the ISO to perform an audit and review pursuant to Section 23.4.5.6.2, shall submit their requests, with necessary supporting data, to the NYISO by the 120th day of the Forced Outage if they desire the determination to be issued by the 160th day of the Forced Outage of their Generator.

5.18.1.4 A Market Participant has Commenced Repair of its Generator if it: i) has decided to pursue the repair of its Generator, and based on the ISO's technical/engineering evaluation, ii) has a Repair Plan for the Generator that is consistent with a Credible Repair Plan, and iii) has made appropriate progress in pursuing the repair of its Generator when measured against the milestones of a Credible Repair Plan.

5.18.1.5 For purposes of the determinations required by Section 5.18.1.3(ii) and (iii), and 5.18.1.6 of this Services Tariff, a Credible Repair Plan is the Repair Plan that would be expected from a supplier: i) with a generating facility that is reasonably the same as or similar to the type and vintage of the Generator; ii) intending to return its generating facility to service. A Credible Repair Plan for a Generator that suffered a Forced Outage is a Repair Plan that would also be expected from a supplier with a generating facility that suffered a forced outage that was reasonably the same as or comparable to the Forced Outage suffered by the Generator and which forced outage occurred under the same, or reasonably similar, circumstances as the Generator's. A Credible Repair Plan for a Generator

in a Mothball Outage is a Repair Plan that would also be expected from a supplier pursuing a repair to its generating facility which repair is reasonably the same as or comparable to the repair being pursued by the Generator.

5.18.1.6 The determination that a Market Participant has Commenced Repair of its Generator in a Forced Outage shall be made by the ISO by the 160th day of the Forced Outage. If the Market Participant provides updated information after the 120th day of the Forced Outage and before the 180th day of its Generator's Forced Outage, the ISO will, as applicable, take such information into consideration to make its determination or it will update its previously issued determination to the extent practicable.

The determination that a Market Participant has Commenced Repair of its Generator in an ICAP Ineligible Forced Outage, which Market Participant has been determined by the ISO to have one or more Exceptional Circumstances that delay the acquisition of necessary data for an audit and review for economic justification pursuant to Section 23.4.5.6.2 of this Services Tariff, shall be made by the ISO as soon as practicable following receipt of necessary data.

The determination that a Market Participant has Commenced Repair of its Generator in an ICAP Ineligible Forced Outage or Mothball Outage, which Market Participant is seeking to toll expiration of its outage and CRIS rights pursuant to Sections 5.18.2.3.2 or 5.18.3.3.2 of this Services Tariff, will be made by the ISO as soon as practicable following receipt of the necessary data.

5.18.1.7 If a Market Participant has not Commenced Repair of its Generator by the last day of the month which contains the 180th day of the Forced Outage, the

Generator's Forced Outage shall expire on the last day of the month which contains the 180th day of the Forced Outage. The Forced Outage of a Generator that Commenced Repair but ceased or unreasonably delayed the Generator's repair shall terminate on the last day of the month containing the date that the Market Participant ceased or unreasonably delayed the repair. The ISO will determine a Market Participant has unreasonably delayed the repair of its Generator if such delay would not have been included in a Credible Repair Plan from a supplier experiencing the situation which caused the Market Participant to delay the repair of its Generator.

- 5.18.1.8 Upon the expiration or termination of a Generator's Forced Outage, the Generator shall be in an ICAP Ineligible Forced Outage unless the Generator has been Retired by the Market Participant.

5.18.2 ICAP Ineligible Forced Outage

- 5.18.2.1 A Market Participant may voluntarily reclassify its Generator from a Forced Outage to an ICAP Ineligible Forced Outage only if the Generator has been in a Forced Outage for at least sixty (60) days. A Generator that has been voluntarily reclassified from a Forced Outage to an ICAP Ineligible Forced Outage shall begin its ICAP Ineligible Forced Outage on the first day of the month following the month in which it was voluntarily reclassified to an ICAP Ineligible Forced Outage.

A Generator in an ICAP Ineligible Forced Outage as a result of the expiration or termination of its Forced Outage pursuant to Section 5.18.1.6 of this Services Tariff, shall begin its ICAP Ineligible Forced Outage on the day

following the day the Generator's Forced Outage expired or terminated.

A Generator in an ICAP Ineligible Forced Outage as a result of substantial actions that have been taken, such as dismantling or disabling essential equipment, which actions are inconsistent with an intention to operate the Generator in the Energy market shall begin its ICAP Ineligible Forced Outage on the day following the day such actions began.

5.18.2.2 A Generator in an ICAP Ineligible Forced Outage is not eligible to participate in the Installed Capacity market and shall automatically cease to qualify to participate in the Installed Capacity market beginning with the first day of its ICAP Ineligible Forced Outage. The Generator shall no longer be ineligible to participate in the Installed Capacity market, by virtue of its ICAP Ineligible Forced Outage, as of the first day the Generator returns to operation and offers its Energy into the Day-Ahead Market without declaring an outage. The month for which the Generator will first be eligible to participate in the Installed Capacity market will be based on the date the Generator returns to operation and offers its Energy into the Day-Ahead Market without declaring an outage and ISO Procedures.

5.18.2.3 ICAP Ineligible Force Outage Expiration

5.18.2.3.1 Except as provided in Section 5.18.2.3.2, a Generator's ICAP Ineligible Forced Outage shall expire if: i) its CRIS rights have expired; or ii) it did not have CRIS rights and has been in the ICAP Ineligible Forced Outage for 36 consecutive months. A Generator shall be Retired if its ICAP Ineligible Forced Outage expires.

5.18.2.3.2 If a Market Participant with a Generator in an ICAP Ineligible Forced

Outage has Commenced Repair prior to when the ICAP Ineligible Forced Outage would expire pursuant to Section 5.18.2.3.1 and has provided a reasonable return date as that term is described in Section 5.18.1.2 of this Services Tariff that occurs after such expiration date, then the outage and the Generator's CRIS rights will be tolled until, and the ICAP Ineligible Forced Outage will expire on, the earlier of:

i) 120 days from when the outage would have expired under Section 5.18.2.3.1; or

ii) an ISO determination that the Market Participant has ceased or unreasonably

delayed the repair of its Generator. The ISO will determine if a Market

Participant has unreasonably delayed the repair of its Generator if such delay

would not have been included in a Credible Repair Plan from a supplier

experiencing the situation which caused the Market Participant to delay the repair

of its Generator. The tolling of CRIS rights occurs under this Section 5.18.2.3.2

notwithstanding the three year period in which CRIS-inactive facilities may

maintain CRIS rights pursuant to Section 25.9.3.1 of Attachment S to the OATT;

provided, however, the expiration period for transfers of CRIS rights provided in

Section 25.9.3.1 of Attachment S to the OATT shall not be tolled. A Market

Participant seeking to toll its outage and CRIS rights pursuant to this Section

5.18.2.3.2 must submit a Repair Plan no later than 60 days prior to when the

ICAP Ineligible Forced Outage would expire under Section 5.18.2.3.1.

5.18.2.4 A Market Participant with a Generator in an ICAP Ineligible Forced

Outage that is notified by a Transmission Owner or the ISO that the return to

service of its Generator could address a reliability issue shall provide an updated

good faith estimate of the Generator's return date. A Market Participant with a Generator in an ICAP Ineligible Forced Outage shall make a timely return to service to resolve a reliability issue, in accordance with Section 5.18.4, as the term "timely return" is described in Section 5.18.4.2 of this Services Tariff. A Market Participant with a Generator in an ICAP Ineligible Forced Outage shall provide temporary use of its Generator's interconnection point in accordance with Section 5.18.5 of this Services Tariff when a transmission solution using the Generator's interconnection point has been selected as the Short-Term Reliability Process Solution, the Gap Solution, or to resolve a reliability issue arising on a non-New York State Bulk Power Transmission Facility during its outage. The Transmission Owner shall provide that power to the station remains available notwithstanding its temporary use of the Generator's interconnection point.

5.18.3 Mothball Outage

5.18.3.1 Prior to entering a Mothball Outage, the Generator must satisfy the prior notice requirement contained in Section 38.3.1 of Attachment FF to the ISO OATT, among other applicable requirements. A Generator in a Mothball Outage is not eligible to participate in the Installed Capacity market and shall automatically cease to qualify to participate in the Installed Capacity market beginning with the date the Generator begins its Mothball Outage. The Generator shall no longer be ineligible to participate in the Installed Capacity market, by virtue of its Mothball Outage, as of the first day the Generator returns to operation and offers its Energy into the Day-Ahead Market without declaring an outage. The month for which the Generator will first be eligible to participate in the

Installed Capacity market will be based on the date the Generator returns to operation and offers its Energy into the Day-Ahead Market without declaring an outage and ISO Procedures.

5.18.3.2 As part of the Generator Deactivation Notice required prior to entering a Mothball Outage pursuant to Section 38.3.1 of Attachment FF to the ISO OATT, a Market Participant shall notify the ISO whether its Generator will be physically able to return within 180 days to resolve a reliability issue or it has good cause for an alternate period of time, stated in days, to return its Generator to service to resolve a reliability issue. The Market Participant shall establish good cause, to the satisfaction of the ISO, by providing empirical evidence demonstrating the need for the alternate period of time to return its Generator to service to resolve a reliability issue. The number of days within which a Generator in a Mothball Outage can be returned to service to resolve a reliability issue will be shared with the applicable Transmission Owner(s).

5.18.3.3 Mothball Outage Expiration

5.18.3.3.1 Except as provided in Section 5.18.3.3.2, a Generator's Mothball Outage shall expire if: i) its CRIS rights have expired; or ii) it did not have CRIS rights and has been in the Mothball Outage for 36 consecutive months. A Generator shall be Retired if its Mothball Outage expires.

5.18.3.3.2 If a Market Participant with a Generator in a Mothball Outage has Commenced Repair prior to when the Mothball Outage would expire pursuant to Section 5.18.3.3.1 and has provided a reasonable return date as that term is described in Section 5.18.1.2 of this Services Tariff that occurs after such

expiration date, then the outage and the Generator's CRIS rights will be tolled until, and the Mothball Outage will expire on, the earlier of: i) 120 days from when the outage would have expired under Section 5.18.3.3.1; or ii) an ISO determination that the Market Participant has ceased or unreasonably delayed the repair of its Generator. The ISO will determine if a Market Participant has unreasonably delayed the repair of its Generator if such delay would not have been included in a Credible Repair Plan from a supplier experiencing the situation which caused the Market Participant to delay the repair of its Generator. The tolling of CRIS rights occurs under this Section 5.18.3.3.2 notwithstanding the three year period in which CRIS-inactive facilities may maintain CRIS rights pursuant to Section 25.9.3.1 of Attachment S to the OATT; provided, however, the expiration period for transfers of CRIS rights provided in Section 25.9.3.1 of Attachment S to the OATT shall not be tolled. A Market Participant seeking to toll its outage and CRIS rights pursuant to this Section 5.18.3.3.2 must submit a Repair Plan no later than 60 days prior to when the Mothball Outage would expire under Section 5.18.3.3.1.

5.18.3.4 A Market Participant with a Generator in a Mothball Outage shall timely return the Generator to service to resolve a reliability issue, in accordance with Section 5.18.4, as the term 'timely return' is described in Section 5.18.4.2 of this Services Tariff. A Market Participant with a Generator in a Mothball Outage shall provide temporary use of its Generator's interconnection point, in accordance with Section 5.18.5 of this Services Tariff, when a transmission solution using the Generator's interconnection point has been selected as the

Short-Term Reliability Process Solution, the Gap Solution, or to resolve a reliability issue on a non-New York State Bulk Power Transmission Facility arising during the Generator's outage. The Transmission Owner shall provide that power to the station remains available notwithstanding its temporary use of the Generator's interconnection point.

5.18.4 Return to Service of Generators in a Mothball Outage or an ICAP Ineligible Forced Outage to Resolve a Reliability Issue

5.18.4.1 Following: i) notification to a Market Participant that the return to service of its Generator in a Mothball Outage or an ICAP Ineligible Forced Outage for a specified minimum time period has been identified as a Short-Term Reliability Process Solution, a Gap Solution, or to resolve a reliability issue on a non-New York State Bulk Power Transmission Facility arising during the Generator's outage; and ii) an order establishing compensation for such return from the Federal Energy Regulatory Commission ("Compensation Order"), the Market Participant shall timely return the Generator to service, as the term "timely return" is defined in Section 5.18.4.2 of this Services Tariff.

5.18.4.1.1 Except for Generators selected through the Short-Term Reliability Process, within 30 days of a determination by the ISO and the Market Participant that negotiations on compensation for the return to service of the Market Participant's Generator are at an impasse, the Market Participant may submit a filing to the Federal Energy Regulatory Commission under Section 205 of the Federal Power Act for compensation. No later than ten days after such filing is made, the ISO shall file with the Federal Energy Regulatory Commission an unexecuted compensation agreement that includes the non-rate terms and conditions for the

return to service of the Market Participant's Generator.

5.18.4.2 A Market Participant's return to service of its Generator in a Mothball Outage to resolve a reliability issue shall be deemed to be a timely return if such return to service was i) within 180 days from the date of the Compensation Order, ii) within the alternate period of time following the date of the Compensation Order pursuant to Section 5.18.3.2, or iii) by such other date agreed to by the parties.

A Market Participant's return to service of its Generator in an ICAP Ineligible Forced Outage to resolve a reliability issue shall be deemed to be a timely return if it is returned to service according to the date established by the Compensation Order; *provided, however*, the Market Participant will not be required to return the Generator to service before its estimated return date unless otherwise agreed.

5.18.4.2.1 A Generator's return to service shall not be untimely if the Generator provided the Transmission Owner with access to its interconnection point and is available for a timely return, and the Transmission Owner is unable to reconnect the Generator within the timeframes provided for a timely return to service, pursuant to Section 5.18.4.2 of this Services Tariff.

5.18.5 Temporary Use of Interconnection Point to Resolve a Reliability Issue

5.18.5.1 A Market Participant shall provide a Transmission Owner with temporary use of the interconnection point of its Generator in a Mothball Outage or ICAP Ineligible Forced Outage when a transmission solution using the Generator's interconnection point has been selected as the Short-Term Reliability Process

Solution, Gap Solution, or to resolve a reliability issue arising on a non-New York State Bulk Power Transmission Facility during its outage.

5.18.5.2 A Market Participant that provided temporary use of the interconnection point of its Generator in a Mothball Outage or ICAP Ineligible Forced Outage pursuant to Section 5.18.5.1 of this Services Tariff shall be permitted to reconnect its Generator to the transmission system by submitting to the ISO a Notice of Intent to Return that provides the date it intends to return to service which submission shall be provided no later than six months before the expiration of its outage, unless otherwise agreed. A Market Participant that submitted a Notice of Intent to Return and that was not requested to return its Generator to service to resolve a reliability issue pursuant to Section 5.18.4.1 of this Services Tariff during its immediately previous Mothball Outage or ICAP Ineligible Forced Outage, shall be permitted to reconnect at no cost.

The Transmission Owner shall reconnect the Generator on or before the indicated return date using efforts that are timely, consistent with Good Utility Practice and that are otherwise substantially equivalent to those the Transmission Owner would use for its own purposes. The Transmission Owner shall report periodically to the ISO and the Generator on the progress of reconnecting such Generator and shall advise the ISO and the Generator promptly if it expects it will not be able to complete the reconnection of the Generator before its indicated return date.

If the Generator returning to service pursuant to this Section 5.18.5.2 of the Services Tariff is available to return but the Transmission Owner is unable to

reconnect the Generator before its outage expires, the outage expiration, and expiration of its CRIS rights, where applicable, will be tolled until the date the Transmission Owner reconnects the Generator notwithstanding the three year period in which CRIS-inactive facilities may maintain CRIS rights pursuant to Section 25.9.3.1 of Attachment S to the OATT; provided, however, the expiration period for transfers of CRIS rights provided in Section 25.9.3.1 of Attachment S to the OATT shall not be tolled.

5.18.6 Retired and Termination of Existing Interconnection Agreements

The classification of a Generator with an interconnection agreement other than a Small Generator Interconnection Agreement (SGIA) or Standard Large Generator Interconnection Agreement (LGIA) as Retired may be grounds for the termination of the interconnection agreement depending on the terms and conditions of the applicable agreement. Any termination of such an interconnection agreement will be effective on the filing with the Federal Energy Regulatory Commission of a notice of termination, which notice and proposed effective date have been accepted by the Federal Energy Regulatory Commission. Either party to the interconnection agreement may file the notice of termination, as appropriate. If and when termination of the interconnection agreement is effective, access to the Point of Interconnection of the Generator will be available on a non-discriminatory basis pursuant to the NYISO's applicable interconnection and transmission expansion processes and procedures. If the existing interconnection agreement is not terminated, the Retired Generator would retain its right to the specific point of interconnection as provided for in the interconnection agreement and access to this point would not be available for new projects.

The impact on a Generator with a LGIA or SGIA that has been classified as Retired is

described in OATT Sections 30 and 32 respectively.

15.2 Rate Schedule 2 - Payments for Supplying Voltage Support Service

This Rate Schedule applies to payments to Suppliers who provide Voltage Support Service to the ISO. Transmission Customers and Customers will purchase Voltage Support Service from the ISO under the ISO OATT.

Suppliers provide Voltage Support Service from eligible providers which are Generators with an Automatic Voltage Regulator (“Generators,” for the purpose of this Rate Schedule 2), synchronous condensers, and Qualified Non-Generator Voltage Support Resources. Qualified Suppliers of Voltage Support Service shall be referred to as such or as Voltage Support Resources in this Rate Schedule. An RMR Generator operating under an RMR Agreement that provided Voltage Support Service at any time during the most recent twelve (12) months that it participated in the ISO Administered Markets must provide Voltage Support Service during the term of its RMR Agreement, unless it demonstrates to the ISO’s satisfaction that it is no longer capable of providing the service. An Interim Service Provider that is required to keep its generating units in service and that provided Voltage Support Service during the most recent twelve (12) months that it participated in the ISO Administered Markets must continue to provide Voltage Support Service, unless it demonstrates to the ISO’s satisfaction that it is no longer capable of providing the service. The rate provided in this Rate Schedule shall be used to calculate payments to eligible Suppliers providing Voltage Support Service as applied on a technology-specific basis. The ISO shall calculate payments on an annual basis, and make payments monthly.

15.2.1 Responsibilities

The ISO shall coordinate the Voltage Support Service provided by Suppliers that qualify to provide such services as described in Section 15.2.1.1 of this Rate Schedule 2. The ISO shall also establish methods and procedures for Reactive Power (MVar) capability testing.

15.2.1.1 Suppliers

To qualify for payments, Suppliers of Voltage Support Service shall provide a Generator that has an AVR, or a Qualified Non-Generator Voltage Support Resource with, other than the Cross Sound Scheduled Line, an AVR, or a synchronous condenser, each of which must be electrically located within the NYCA. All Suppliers of Voltage Support Service must successfully perform Reactive Power (MVar) capability testing in accordance with the ISO Procedures and prevailing industry standards. The ISO may direct Qualified Suppliers of Voltage Support Service to operate their Voltage Support resources within these demonstrated reactive capability limits. Qualified Suppliers of Voltage Support Service will test their Voltage Support Resources and provide these services in accordance with ISO Procedures.

Voltage Support Service includes the ability to produce or absorb Reactive Power within the Voltage Support Resource's tested reactive capability, and the ability to maintain a specific voltage level under both steady-state and post-contingency operating conditions subject to the limitations of the Voltage Support Resource's stated reactive capability. The requirement for a Voltage Support Resource to absorb Reactive Power may be set aside by the ISO with input from the Transmission Owner in whose Transmission District the Voltage Support Resource is located, which input may include, at the Transmission Owner's option, an executive level review. To grant an exemption from the requirement that the Voltage Support Resource be able to absorb Reactive Power, the ISO shall have determined that: 1) the Voltage Support Resource

is unable, due to transmission system configuration, to absorb Reactive Power; 2) the ability of the Voltage Support Resource to produce Reactive Power is needed for system reliability; and 3) for purposes of system reliability the Voltage Support Resource does not need to have the ability to absorb Reactive Power.

An RMR Generator that is required to provide Voltage Support Service must timely perform the annual testing applicable to all Suppliers of Voltage Support Service described in this Section 15.2.1 and in ISO Procedures so that it remains continuously eligible to provide Voltage Support Service during the term of its RMR Agreement. If such an RMR Generator did not timely perform all of the annual testing required for it to provide Voltage Support Service prior to the start of the term of its RMR Agreement, then the ISO shall permit the RMR Generator to perform Reactive Power (MVar) capability testing in accordance with the ISO Procedures upon entering the RMR Agreement and shall permit the RMR Generator to be a Qualified Supplier of Voltage Support Service. An Interim Service Provider that is required to keep its generating units in service must timely perform the annual testing applicable to all Suppliers of Voltage Support Service described in this Section 15.2.1 and in ISO Procedures so that it remains continuously eligible to provide Voltage Support Service. If such an Interim Service Provider did not timely perform all of the annual testing required for it to provide Voltage Support Service, then the ISO shall permit the Interim Service Provider to perform Reactive Power (MVar) capability testing in accordance with the ISO Procedures promptly upon becoming an Interim Service Provider and shall permit the Interim Service Provider to be a Qualified Supplier of Voltage Support Service.

15.2.2 Payments

Each month, Suppliers whose Generator(s) meet the requirements to supply Installed Capacity, as described in Article 5 of the ISO Services Tariff, and are under contract to supply Installed Capacity, shall receive one-twelfth (1/12th) of the annual payment calculated under Section 15.2.2.1 of this Rate Schedule for Voltage Support Service.

Each month, Suppliers whose Generators are not under contract to supply Installed Capacity, Suppliers with synchronous condensers, and, except as noted in the following paragraph, Qualified Non-Generator Voltage Support Resources shall receive one-twelfth (1/12th) of the annual payment calculated under Section 15.2.2.1 of this Rate Schedule, pro-rated by the number of hours that the Generator, synchronous condenser, or Qualified Non-Generator Voltage Support Resource operated in that month, as recorded by the ISO.

Each month, the Cross-Sound Scheduled Line shall receive one-twelfth (1/12th) of the annual payment calculated under Section 15.2.2.1 of this Rate Schedule, pro-rated by the number of hours that it is energized in that month, as recorded by the ISO.

15.2.2.1 Annual Payment for Voltage Support Service

For purposes of the calculation set forth in Section 15.2.2 of this Rate Schedule, the annual payment to Suppliers qualified and eligible to provide Voltage Support Service shall equal the product of the VSS Compensation Rate and the sum of the lagging and the absolute value of the leading MVar capacity of the resource, as evidenced by tests conducted pursuant to ISO Procedures. The VSS Compensation Rate of \$2,592/MVar, as determined in 2014, shall be adjusted annually by the annual average Consumer Price Index of the previous year.

15.2.2.2 Lost Opportunity Costs

A Supplier of Voltage Support Service from a Generator that is being dispatched by the ISO shall also receive a payment for Lost Opportunity Costs (“LOC”) when the ISO directs the Generator to reduce its real power (MW) output below its Economic Operating Point in order to allow the Generator to produce or absorb more Reactive Power (MVar), unless the Supplier is already receiving a Day-Ahead Margin Assurance Payment for that reduction under Attachment J to this ISO Services Tariff. The Lost Opportunity Cost payment shall be calculated as the maximum of zero or the difference between: (i) the product of: (a) the appropriate MW of output reduction and (b) the Real-Time LBMP at the Generator bus; and (ii) the Generator’s Energy Bid for the reduced output of the Generator multiplied by the time duration of reduction in hours or fractions thereof.

The formula below describes the calculation of LOC as applied to each Generator supplying Voltage Support Service.

$$LOC_i = \max \left(\left(LBMP_{RT,i} * (EOP_i - \max(AEI_i, RTS_i, DAS_i)) - \int_{\max(AEI_i, RTS_i, DAS_i)}^{EOP_i} Bid \right), 0 \right) * \frac{S_i}{3600}$$

Where:

LOC_i = Lost Opportunity Cost for interval i

$LBMP_{RT,i}$ = Real-time LBMP for interval i

EOP_i = The Generator’s Economic Operating Point for interval i

AEI_i = The Generator’s Actual Energy Injection for the interval i

RTS_i = The Generator’s Real-Time Energy Schedule for interval i

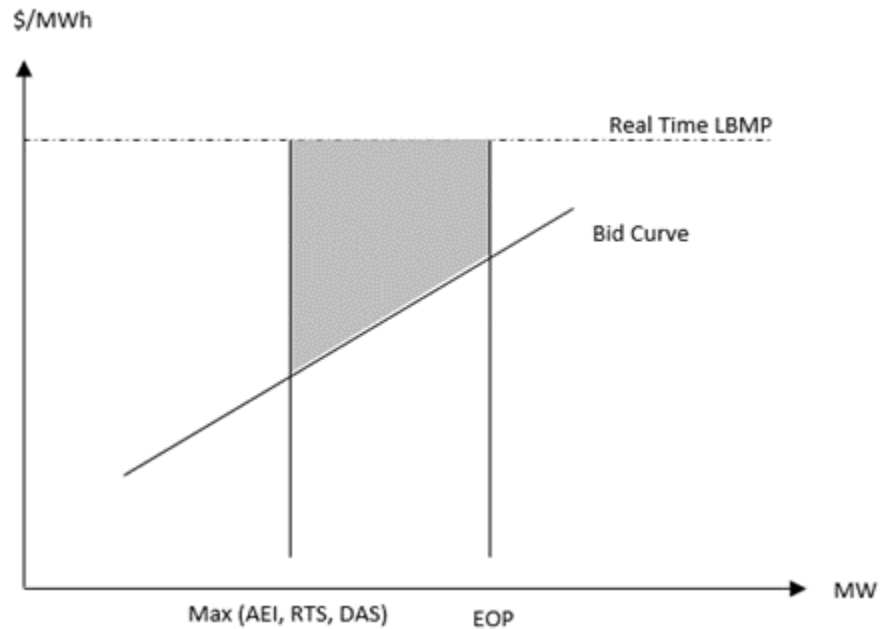
DAS_i = The Generator’s Day-Ahead Schedule for the hour containing i

Bid_i = Generator's Bid curve in effect for interval i

$S_i/3600$ = The length of interval i , containing $S_i^{seconds}$ in units of hours

Figure 2.0(b) below graphically portrays the calculation of the LOC for a Generator which reduced its MW output to allow it to produce or absorb more Reactive Power (MVar).

Figure 2.0(b) - Incremental Bid Curve Used to Calculate LOC



15.2.2.3 Other Payments to Synchronous Condensers and Qualified Non-Generator Voltage Support Resources

If a synchronous condenser or Qualified Non-Generator Voltage Support Resource energizes in order to provide Voltage Support Service in response to a request from the ISO, the ISO shall compensate the facility for the cost of Energy it consumes to energize converters and other equipment necessary to provide that Voltage Support Service.

15.2.3 Failure to Perform by Suppliers

A Generator, synchronous condenser, or a Qualified Non-Generator Voltage Support Resource will have failed to provide voltage support if it:

- 15.2.3.1 when operating at real-power levels consistent with test conditions, fails within ten minutes to be within 5% (+/-) of the requested Reactive Power (MVAR) level of production or absorption as requested by the ISO or applicable Transmission Owner unless it was prevented from doing so by transmission system conditions and except when the Voltage Support Resource is requested not to produce or absorb Reactive Power in which case that Voltage Support Resource fails to provide Voltage Support if the absolute value of its level of Reactive Power production or absorption within ten minutes is greater than 5% multiplied by the sum of the absolute values of (a) that Voltage Support Resource's maximum reactive power production level under test conditions and (b) that Voltage Support Resource's maximum reactive power absorption level under test conditions;
- 15.2.3.2 when operating at real-power levels consistent with test conditions, fails within ten minutes to be at 95% or greater of the Voltage Support Resource's demonstrated Reactive Power capability (tested pursuant to ISO Procedures) in the appropriate lead or lag direction when requested to go to maximum lead or lag reactive capability by the ISO or applicable Transmission Owner unless it was prevented from doing so by transmission system conditions;
- 15.2.3.3 fails to provide Voltage Support Service in a Contingency, as defined by ISO Procedures;
- 15.2.3.4 fails to maintain its automatic voltage regulator (as appropriate) in service and in automatic voltage control mode, or fails to commence timely repairs to the automatic voltage regulator.

Suppliers of Voltage Support Service that fail to comply with the ISO Procedures will be assessed charges by the ISO in the manner described in Sections 15.2.4, 15.2.5, and 15.2.6 below.

15.2.4 Failure to Respond to ISO's Request for Steady-State Voltage Control

Failure: If a Voltage Support Resource fails to comply with the ISO's request for steady-state voltage control, the ISO shall withhold Voltage Support Service payments from the non-complying Supplier equivalent to the VSS Failure to Perform Penalty for that specific Generator, synchronous condenser, or Qualified Non-Generator Voltage Support Resource for that month. The Supplier shall also be liable for any additional cost in procuring replacement Voltage Support Service including LOC incurred by the ISO as a direct result of the Supplier's non-performance.

The formula below describes the monthly VSS Failure to Perform Penalty (VFP)

$$VFP = (VSS \text{ payment for the month}) * (F/R)$$

Where:

F = number of failures in the month

R = number of times the Voltage Support Resource was called upon for Voltage Support in the month

Repeated Failures: In addition to the charges for failure, the non-complying Supplier will also be subject to the charges described in this paragraph. If a Supplier's Voltage Support Resource fails to comply with fifty percent (50%) or more of the ISO's requests for two consecutive months, then the non-complying Supplier will no longer be eligible for Voltage Support Service payments for service provided by that Voltage Support Resource. The ISO may

reinstate payments once the Supplier complies with the following conditions to the ISO's satisfaction:

15.2.4.1 the Supplier's Voltage Support Resource must successfully perform a Reactive Power (MVar) capability test, and

15.2.4.2 the Supplier's Voltage Support Resource must provide Voltage Support Service for thirty (30) consecutive days without any compliance failures. No payments for Voltage Support Service or LOC will be made to the Supplier on account of Voltage Support Service from such Voltage Support Resource during this period.

15.2.5 Failure to Provide Voltage Support Service When a Contingency Occurs on the NYS Power System

If a Supplier's Voltage Support Resource fails to respond to a contingency, based on ISO review and analysis, the ISO shall withhold Voltage Support Service payments from the non-complying Supplier as follows:

Initial Failure: The ISO will withhold from the Supplier one-twelfth (1/12th) of the annual payment for the specific Voltage Support Resource (or an amount equal to the last month's voltage support payment made to it, if it is not an Installed Capacity provider).

Second Failure within the same thirty (30) day period: The ISO shall withhold from the Supplier one-fourth (1/4th) of the annual payment for the specific Voltage Support Resource (or an amount equal to the last three (3) months' voltage support payments made to it, if it is not an Installed Capacity provider). In addition, the Supplier that is in violation shall be prohibited from receiving Voltage Support Service payments for the non-complying Voltage Support Resource until the Supplier complies with the following conditions to the ISO's satisfaction:

15.2.5.1 the Supplier's Voltage Support Resource shall successfully perform a Reactive Power (MVar) capability test, and

15.2.5.2 the Supplier's Generator, synchronous condenser, or Qualified Non-Generator Voltage Support Resource shall provide Voltage Support Service for thirty (30) consecutive days without any compliance failures. No payments for Voltage Support Service, or LOC shall be made to the Supplier on account of Voltage Support Service from such Generator, synchronous condenser, or Qualified Non-Generator Voltage Support Resource during this period.

15.2.6 Failure to Maintain an Automatic Voltage Regulator or Commence Timely Repairs

If a Supplier's Voltage Support Resource, other than the Cross Sound Scheduled Line, fails to maintain its automatic voltage regulator and fails to notify the ISO, in accordance with ISO procedures, of an outage lasting more than thirty (30) days the Voltage Support Resource will be disqualified as a supplier of Voltage Support Service.

The Supplier will not receive Voltage Support Service payments for the disqualified Voltage Support Resource until the Supplier complies with the following conditions:

- (1) the Supplier provides documentation to the NYISO of the completion of the repairs;
- (2) the Supplier's Voltage Support Resource successfully performs a Reactive Power (MVar) capability test, and;
- (3) the Supplier's Voltage Support Resource provides Voltage Support Service for thirty (30) consecutive days without any compliance failures. No payments for Voltage Support Service or LOC on account of Voltage Support Service from

such Generator or Qualified Non-Generator Voltage Support Resource shall be made to the Supplier during this period.

If, in accordance with ISO procedures, a Qualified Supplier of Voltage Support Service notifies the ISO within thirty days of an automatic voltage regulator outage that lasts longer than thirty days, but the Supplier fails to commence timely and appropriate repairs, the Voltage Support Resource will remain in the VSS program and will receive one half its full monthly VSS payment. The Voltage Support Resource will begin receiving full monthly VSS payment when its AVR returns to full functionality. The Voltage Support Resource will not be eligible for VSS payment in the next compensation year if it fails to repair its AVR and perform an acceptable test in accordance with ISO procedures.

15.2.7 Consistence with Cross-Sound Scheduled Line Protocols

Nothing in this Rate Schedule shall be construed to change existing protocols between the ISO and ISO New England, Inc. regarding the operation of the Cross-Sound Scheduled Line.

15.8 Rate Schedule 8 – Payments to RMR Generators

15.8.1 Payment to an RMR Generator Providing Service Pursuant to an RMR Agreement with an Availability and Performance Rate

The ISO shall make a payment each Billing Period to each RMR Generator providing service pursuant to an RMR Agreement with an Availability and Performance Rate that has been accepted for filing by the Commission, or the ISO may pay subject to refund pending Commission action. The payment shall equal:

$$\sum_{d \in P} (RMRAvoidCost_{g,d} + VarCost_{g,d})$$

Where:

d = the relevant market day;

P = the relevant Billing Period;

g = the relevant RMR Generator that is providing service under an Availability and Performance Rate established pursuant to the ISO Tariffs and an RMR Agreement between the ISO and the RMR Generator;

$RMRAvoidCost_{g,d}$ = RMR Avoidable Cost amount for RMR Generator g for day d that has been accepted for filing by the Commission, or as calculated by the ISO in accordance with Sections 38.8 and 38.17 of the OATT pending Commission action, shaped on a Capability Period basis, and Additional Costs in accordance with Section 38.16 of the OATT;

$$VarCost_{g,d} = Energy_{g,d} + AncServices_{g,d} + VSS_{g,d} + RS_{g,d}$$

Where:

$Energy_{g,d}$ = the energy cost of RMR Generator g for day d . The cost of all energy MWhs that are scheduled and produced in real-time by RMR Generator g that do not exceed RMR Generator g 's Day-Ahead schedule shall be equal to the lesser of RMR Generator g 's Day-Ahead reference levels and RMR Generator g 's Day-Ahead Bids. The cost of all energy MWhs that are scheduled and produced in real-time (including Compensable Overgeneration, if any) that exceed RMR Generator g 's Day-Ahead schedule (if any) shall be equal to the lesser of RMR Generator g 's real-time reference levels and RMR Generator g 's real-time Bids;

$AncServices_{g,d}$ = the cost of Operating Reserves and Regulation Service for RMR Generator g for day d . The cost of all MWhs of Operating Reserves that are scheduled and of Regulation Service that are scheduled and provided in real-time by RMR

Generator g that do not exceed RMR Generator g 's Day-Ahead schedule shall be equal to the lesser of RMR Generator g 's Day-Ahead reference levels and RMR Generator g 's Day-Ahead Bids. The cost of all MWhs of Operating Reserves and Regulation Service that are scheduled and provided in real-time by RMR Generator g that exceed RMR Generator g 's Day-Ahead schedule (if any) shall be equal to the lesser of RMR Generator g 's real-time reference levels and RMR Generator g 's real-time Bids;

$VSS_{g,d}$ = the Voltage Support Service payment for RMR Generator g for day d pursuant to Rate Schedule 2 of the ISO Services Tariff;

$RS_{g,d}$ = the Restoration Services payment for RMR Generator g for day d pursuant to Rate Schedule 5 of the ISO Services Tariff.

15.8.2 Performance Incentive Payment

The ISO will pay on a monthly basis an RMR Generator that is providing service pursuant to an RMR Agreement with an Availability and Performance Rate any Performance Incentive payment owed to that RMR Generator for its performance in that month in accordance with the following formulae.

PI_m = the amount of the Performance Incentive payment, calculated for each month m , and is a dollar value calculated as:

$$PI_m = \frac{1}{12} PI_{max} * \begin{cases} 50\%, & \text{for } LB_{PI} \leq PF_m < UB_{PI} \\ 80\%, & \text{for } UB_{PI} \leq PF_m < TL_{PI} \\ 100\%, & \text{for } TL_{PI} \leq PF_m \end{cases}$$

Where:

PI_{max} = the maximum annual Performance Incentive payment, calculated as 5% of the RMR Generator's *Non-CapEx Avoidable Costs*;

Non-CapEx Avoidable Costs = the RMR Avoidable Costs the RMR Generator is authorized to recover annually, pursuant to an Availability and Performance Rate that has been accepted for filing by the Commission, or that the RMR Generator is recovering subject to refund pending Commission action, less the Capital Expenditures included in such RMR Avoidable Costs;

LB_{PI} = the Bandwidth Lower Bound, a percentage defined as:

$$LB_{PI} = \begin{cases} 0.9 * BL_{PI}, & \text{if } BL_{PI} < 50\% \\ BL_{PI} - 5\%, & \text{if } BL_{PI} \geq 50\% \end{cases}$$

UB_{PI} = the Bandwidth Upper Bound, a percentage defined as:

$$UB_{PI} = BL_{PI} + \min \left\{ \frac{1}{3}(100\% - BL_{PI}), \max \left\{ 5\%, \frac{1}{10}(100\% - BL_{PI}) \right\} \right\}$$

TL_{PI} = the Target Limit, a percentage defined as:

$$TL_{PI} = BL_{PI} + \min \left\{ \frac{2}{3}(100\% - BL_{PI}), \max \left\{ 10\%, \frac{1}{5}(100\% - BL_{PI}) \right\} \right\}$$

Where:

BL_{PI} = the Baseline percentage determined for the RMR Generator's performance, as set forth in the RMR Generator's RMR Agreement.

PF_m = the RMR Performance Factor for month m , a percentage defined as:

$$PF_m = 100\% - \frac{\sum_{t=t_0}^T (\max\{PLU_t - Pr_t, 0\})}{\sum_{t=t_0}^T PLU_t}$$

Where:

t_0 = the first RTD interval of month m ;

T = the last RTD interval of month m ;

Pr_t = the Real-Time output of the RMR Generator over RTD interval t , in MW; and

PLU_t = the Penalty Limit for Under-Generation of the RMR Generator over RTD interval t , expressed in MW, calculated in accordance with the ISO's Billing and Accounting Manual.

15.8.3 Availability Incentive Payment

The ISO will pay on a Capability Period basis an RMR Generator that is providing service pursuant to an RMR Agreement with an Availability and Performance Rate for any Availability Incentive payment owed to that RMR Generator. The ISO will make the Availability Incentive payment in the Billing Period following the first month of the Capability Period for a payment earned for the previous Capability Period in accordance with the following

formulae.

AI_{cp} = the amount of the Availability Incentive, calculated for each Capability Period cp , and is a dollar value calculated as:

$$AI_{cp} = \frac{1}{2} AI_{max} * \begin{cases} 50\%, & \text{for } LB_{AI,cp} \leq EAF_{cp} < UB_{AI,cp} \\ 80\%, & \text{for } UB_{AI,cp} \leq EAF_{cp} < TL_{AI,cp} \\ 100\%, & \text{for } TL_{AI,cp} \leq EAF_{cp} \end{cases}$$

Where:

AI_{max} = the maximum Availability Incentive payment, calculated as 20% of the RMR Generators *Non-CapEx Avoidable Costs*;

Non-CapEx Avoidable Costs = the RMR Avoidable Costs the RMR Generator is authorized to recover annually, pursuant to an Availability and Performance Rate that has been accepted for filing by the Commission, or that the RMR Generator is recovering subject to refund pending Commission action, less the Capital Expenditures included in such RMR Avoidable Costs;

$LB_{AI,cp}$ = the Bandwidth Lower Bound, a percentage defined as:

$$LB_{AI,cp} = \begin{cases} 0.9 * BL_{AI,cp}, & \text{if } BL_{AI,cp} < 50\% \\ BL_{AI,cp} - 5\%, & \text{if } BL_{AI,cp} \geq 50\% \end{cases}$$

$UB_{AI,cp}$ = the Bandwidth Upper Bound, a percentage defined as:

$$UB_{AI,cp} = BL_{AI,cp} + \min \left\{ \frac{1}{3}(100\% - BL_{AI,cp}), \max \left\{ 5\%, \frac{1}{10}(100\% - BL_{AI,cp}) \right\} \right\}$$

$TL_{AI,cp}$ = the Target Limit, a percentage defined as:

$$TL_{AI,cp} = BL_{AI,cp} + \min \left\{ \frac{2}{3}(100\% - BL_{AI,cp}), \max \left\{ 10\%, \frac{1}{5}(100\% - BL_{AI,cp}) \right\} \right\}$$

Where:

$BL_{AI,cp}$ = the Baseline percentage for Capability Period cp determined for the RMR Generator's availability, as set forth in the RMR Generator's RMR Agreement;

EAF_{cp} = the RMR Generator's equivalent availability factor for Capability Period cp , a percentage defined as:

$$EAF_{cp} = 100\% * \left(\frac{(AH - (DH_{EU} + DH_{EP} + DH_{ESE}))}{PH} \right)$$

Where:

AH = the RMR generator's available hours, calculated for Capability Period cp in accordance with ISO procedures;

PH = the RMR Generator's period hours, calculated for Capability Period cp in accordance with ISO procedures, as the number of hours that the RMR Generator was in an active state;

DH_{EU} = the RMR Generator's unplanned derated hours, calculated for Capability Period cp in accordance with ISO procedures, as the product of unplanned derated hours and size of reduction, divided by net maximum capacity;

DH_{EP} = the RMR Generator's planned derated hours, calculated for Capability Period cp in accordance with ISO procedures, as the product of planned derated hours and size of reduction, divided by net maximum capacity; and

DH_{ESE} = the RMR Generator's net maximum capacity, determined in accordance with ISO procedures, less net dependable capacity, determined in accordance with ISO procedures, multiplied by available hours in accordance with ISO procedures, and divided by net maximum capacity.

GADS Data used to calculate Availability Incentive payments, as it may be modified by the ISO, shall be subject to review, challenge, and correction in accordance with Section 7.4 of the ISO Services Tariff.

15.8.4 Limitation on Total Penalties, Sanctions and Deficiency Charges Assessed to RMR Generators Providing Service Pursuant to an RMR Agreement with an Availability and Performance Rate

An RMR Generator that is providing service pursuant to an RMR Agreement with an Availability and Performance Rate is subject to all of the penalties, sanctions, deficiency charges and any similar charges, except for under-generation penalties (collectively, for purposes of this paragraph, "penalties"), that may apply to Generators under the ISO Tariffs. *Provided, however,* that the total amount of penalties that can be assessed to an RMR Generator that is providing service pursuant to an RMR Agreement with an Availability and Performance Rate shall be capped at the total, cumulative amount of Performance Incentive payments and Availability

Incentive payments computed by the ISO to be due to that RMR Generator through the end of the month in which the penalty or penalties are charged. The ISO shall charge any penalties to the RMR Generator and remit the revenues from each penalty, or any reduced amount, in accordance with the applicable provisions of the ISO Services Tariff.

15.8.5 Payment to an RMR Generator Providing Service Pursuant to an RMR Agreement with a Rate Other Than an Availability and Performance Rate

The ISO shall make a payment each Billing Period to each RMR Generator providing service pursuant to an RMR Agreement with a rate other than an Availability and Performance Rate that has been accepted for filing by the Commission, or the ISO may pay subject to refund pending Commission action. The payment shall equal:

$$\sum_{d \in P} (RMRCost_{g,d} + VarCost_{g,d})$$

Where:

g = the relevant RMR Generator that is providing service under a rate other than an Availability and Performance Rate;

$RMRCost_{g,d}$ = the costs RMR Generator g is authorized to recover for day d pursuant to a rate for RMR Generator g that has been accepted for filing by the Commission, or that RMR Generator g is recovering subject to refund pending Commission action, shaped on a Capability Period basis, and Additional Costs in accordance with Section 38.16 of the OATT.

The definitions of the remaining variables in this equation are identical to the definitions for such variables set forth in Section 15.8.1 above.

15.8.6 Payment to an Interim Service Provider

Generator retained as Interim Service Provider—consistent with the rules set forth in Section 38.13 of the OATT and Sections 23.6 and 5.14.1.1 of the Services Tariff, commencing on the latest of (a) the 181st day after the ISO posts its determination that a Generator Deactivation Notice is complete, or (b) ten days after the ISO posts a STAR that assessed the

Generator's deactivation, or (c) the Generator's requested deactivation date, the ISO shall make a payment each Billing Period to each Generator that remains in service as an Interim Service Provider. Generators that are in an ICAP Ineligible Forced Outage shall not be compensated as Interim Service Providers.

Only system protection facilities retained as Interim Service Provider—consistent with the rules set forth in Section 38.13 of the OATT, for a Generator that submitted a Generator Deactivation Notice to be Retired, commencing on the latest of (a) the 181st day after the ISO posts its determination that the Generator Deactivation Notice is complete, or (b) ten days after the ISO posts a STAR that assessed the Generator's deactivation, or (c) the Generator's requested deactivation date, or (d) the day after the generating unit(s) are deactivated, the ISO shall make a payment each Billing Period to each Generator as an Interim Service Provider that maintains in-service the step-up transformer(s) and/or other system protection facilities that the ISO designates. Generators that are in a Mothball Outage or an ICAP Ineligible Forced Outage shall not be compensated as Interim Service Providers for maintaining in-service their step-up transformer(s) or other system protection facilities.

The payment to an Interim Service Provider shall equal:

$$\sum_{d \in P} (RMRAvoidCost_{g,d} + VarCost_{g,d})$$

Where:

d = the relevant market day;

P = the relevant Billing Period;

g = the relevant Generator that satisfies the conditions set forth in Section 38.13 of the OATT, and Sections 23.6, 5.14.1.1 and 15.8.6 of the Services Tariff;

$RMRAvoidCost_{g,d}$ = the Avoidable Cost amount for Generator g for day d calculated by the ISO in accordance with Sections 38.8, 38.16 and 38.17 of the OATT, shaped on a Capability Period basis. The NYISO will incorporate Preexisting Capacity Bilaterals into

its calculation of $RMRAvoidCost_{g,d}$ for Interim Service Providers consistent with the rules set forth below;

$$VarCost_{g,d} = Energy_{g,d} + AncServices_{g,d} + VSS_{g,d} + RS_{g,d}$$

Where:

$Energy_{g,d}$ = the energy cost of Generator g for day d . The cost of all energy MWhs that are scheduled and produced in real-time by Generator g that do not exceed Generator g 's Day-Ahead schedule shall be equal to the lesser of Generator g 's Day-Ahead reference levels and Generator g 's Day-Ahead Bids. The cost of all energy MWhs that are scheduled and produced in real-time (including Compensable Overgeneration, if any) that exceed Generator g 's Day-Ahead schedule (if any) shall be equal to the lesser of Generator g 's real-time reference levels and Generator g 's real-time Bids;

$AncServices_{g,d}$ = the cost of Operating Reserves and Regulation Service for Generator g for day d . The cost of all MWhs of Operating Reserves that are scheduled and of Regulation Service that are scheduled and provided in real-time by Generator g that do not exceed Generator g 's Day-Ahead schedule shall be equal to the lesser of Generator g 's Day-Ahead reference levels and Generator g 's Day-Ahead Bids. The cost of all MWhs of Operating Reserves and Regulation Service that are scheduled and provided in real-time by Generator g that exceed Generator g 's Day-Ahead schedule (if any) shall be equal to the lesser of Generator g 's real-time reference levels and Generator g 's real-time Bids;

$VSS_{g,d}$ = the Voltage Support Service payment for Generator g for day d pursuant to Rate Schedule 2 of the ISO Services Tariff;

$RS_{g,d}$ = the Restoration Services payment for Generator g for day d pursuant to Rate Schedule 5 of the ISO Services Tariff.

If an Interim Service Provider has a Preexisting Capacity Bilateral, as such term is defined in Section 5.14.1.1 of the Services Tariff, then the ISO will reduce the $RMRAvoidCost$ it calculates for the Interim Service Provider to reflect up to the revenues the ISO determines the Interim Service Provider is expected to receive under the Preexisting Capacity Bilateral.

If the Interim Service Provider's Preexisting Capacity Bilateral is with an Affiliate, or was entered into less than one year before the ISO received the Interim Service Providers Generator Deactivation Notice, then the $RMRAvoidCost$ the ISO calculates for the Interim Service Provider shall be reduced by up to the revenues that the ISO determines the Interim Service Provider would reasonably be expected to receive if offered its Unforced Capacity at

\$0.00/kW-month into the ICAP Spot Market Auction conducted for the relevant Obligation Procurement Period based on the ISO's forecast of the Market-Clearing Price for the applicable ICAP Spot Market Auction.

Payments pursuant to this Section 15.8.6 shall cease 365 days after the Short-Term Assessment of Reliability Start Date defined in Section 38.1 of the OATT.

15.8.7 Recovery of Capital Expenditures or Above Market Rates from Former RMR Generators, Former Interim Service Providers and Generators Returning from ICAP Ineligible Forced Outages

If, pursuant to the terms of an RMR Agreement, the ISO reimbursed all or a portion of the cost of a Capital Expenditure that was necessary to permit a Generator to provide service during the term of an RMR Agreement; or if the ISO reimbursed all or a portion of the cost of a Capital Expenditure that was necessary to permit a Generator to provide service as an Interim Service Provider; or if the NYISO compensated an RMR Generator pursuant to this Rate Schedule 8 amounts that exceeded the Generator's going-forward costs whilst providing RMR service; or if the ISO reimbursed all or a portion of the cost of a Generator in an ICAP Ineligible Forced Outage incurred to repair or replace its step-up transformer(s) and/or other system protection facilities; then in order for such a former RMR Generator or former Interim Service Provider or Generator that was in an ICAP Ineligible Forced Outage to be permitted to return to participating in the ISO Administered Markets while it is eligible to receive market-based rates, the Generator will be required to repay to the ISO the higher of the repayment obligation determined in accordance with Section 15.8.7.1 below, or the repayment obligation determined in accordance with Section 15.8.7.2 below. The higher of the two repayment obligations, divided by the applicable number of repayment periods, is the "Monthly Repayment Obligation."

A Generator is "participating in the ISO Administered Markets while it is eligible to

receive market-based rates” if the Generator (a) is not in a Mothball Outage or an ICAP Ineligible Forced Outage, and is not Retired, and (b) is not an RMR Generator or an Interim Service Provider.

The ISO shall apply the Monthly Repayment Obligation to the physical Generator that is a former RMR Generator or a former Interim Service Provider or that returns from an ICAP Ineligible Forced Outage, without regard to any changes in ownership or control of that Generator. The Monthly Repayment Obligation shall be applied whenever the former RMR Generator or former Interim Service Provider or Generator that returns from an ICAP Ineligible Forced Outage is participating in the ISO Administered Markets while it is eligible to receive market-based rates, until the applicable repayment obligation has been fully repaid. The Monthly Repayment Obligation shall not be imposed while a former RMR Generator or former Interim Service Provider or Generator that returns from an ICAP Ineligible Forced Outage is in a Mothball Outage or an ICAP Ineligible Forced Outage, or is Retired. If a Generator that is subject to a Monthly Repayment Obligation returns from being Retired, or from being in a Mothball Outage, or from an ICAP Ineligible Forced Outage, to participate in the ISO Administered Markets while it is eligible to receive market-based rates, then the ISO shall recalculate and reinstate an updated Monthly Repayment Obligation.

15.8.7.1 Recovery of Capital Expenditures from Former RMR Generators, Former Interim Service Providers and Generators Returning from ICAP Ineligible Forced Outages

If, pursuant to the terms of an RMR Agreement, the ISO reimbursed all or a portion of the cost of a Capital Expenditure that was incurred to permit an RMR Generator to provide service during the term of the RMR Agreement, or if the ISO reimbursed all or a portion of the cost of a Capital Expenditure that was incurred to permit a Generator to provide service as an

Interim Service Provider, and the Generator is no longer an Interim Service Provider or the subject of any RMR Agreement, or if the ISO reimbursed all or a portion of the cost of a Generator in an ICAP Ineligible Forced Outage incurred to repair or replace its step-up transformer(s) and/or other system protection facilities, then in order for the ISO to permit the Generator to be offered into or be scheduled in any ISO Administered Markets while it is eligible to receive market-based rates, the cost of Capital Expenditures (if any) that the ISO paid to enable the former RMR Generator to provide service under an RMR Agreement or to enable a former Interim Service Provider to provide service, or for a Generator in an ICAP Ineligible Forced Outage to repair or replace its step-up transformer(s) and/or other system protection facilities, less depreciation, plus interest, must be repaid to the ISO on a monthly basis over the period specified in the definition of “*mCapEx*” below. Depreciation will be calculated for each Capital Expenditure at the time the former RMR Generator or former Interim Service Provider or Generator returning from an ICAP Ineligible Forced Outage proposes to re-enter the ISO Administered Markets.

A Generator that was an RMR Generator or an Interim Service Provider that deactivated or a Generator in an ICAP Ineligible Forced Outage that the ISO reimbursed for repairing or replace its step-up transformer(s) and/or other system protection facilities, and that wants to return to participating in any of the ISO Administered Markets while it is eligible to receive market-based rates must give the ISO at least 60 days advance notice of its desire to return to the ISO Administered Markets in order to permit the ISO to determine its Monthly Repayment Obligation (if any) and any associated credit requirement.

The following formula shall be used to determine the repayment obligation:

$$RMRCapExRecovery\ repayment\ obligation = \sum_{i \in I} \left(\sum_{j \in M} A_{ij} - \sum_{k \in Y} P_{ik} \right)$$

Where:

i = a Capital Expenditure in I , the set of all Capital Expenditures for the former RMR Generator or former Interim Service Provider or Generator returning from an ICAP Ineligible Forced Outage;

j = a month in M , the set of all months that the former RMR Generator or former Interim Service Provider or Generator returning from an ICAP Ineligible Forced Outage received payment for Capital Expenditure i ;

k = a year in Y , the set of all years beginning with the year Capital Expenditure i entered service or was otherwise integrated into the RMR Generator or Interim Service Provider or Generator returning from an ICAP Ineligible Forced Outage, or the year the NYISO terminated the RMR Agreement if Capital Expenditure i was not completed or did not enter service while the Generator was operating under an RMR Agreement, and continuing to the present year;

A_{ij} = the payment made to the former RMR Generator or former Interim Service Provider or Generator returning from an ICAP Ineligible Forced Outage in month j , for Capital Expenditure i ;

P_{ik} = the annual depreciation expense, determined by the ISO, for Capital Expenditure i in year k ; and

For the component of a former RMR Generator's or former Interim Service Provider's or Generator returning from an ICAP Ineligible Forced Outage's Above Market Revenues that is Capital Expenditures, the value derived in the calculation above shall be divided by " $mCapEx$ " months;

$mCapEx$ = For a former RMR Generator, the shorter of 36 months or twice the duration of the applicable RMR Agreement in months. For a former Interim Service Provider or for a Generator returning from an ICAP Ineligible Forced Outage, twelve months. Alternatively, if the former RMR Generator or former Interim Service Provider or Generator returning from an ICAP Ineligible Forced Outage elects to repay its entire obligation before it begins participating in the ISO Administered Markets at market-based rates, then $mCapEx$ shall be one month.

Accumulated interest will be computed on a quarterly basis and assessed based on the dates the ISO paid the former RMR Generator or former Interim Service Provider or Generator returning from an ICAP Ineligible Forced Outage for each Capital Expenditure. Following the

date a former RMR Generator or former Interim Service Provider or Generator returning from an ICAP Ineligible Forced Outage returns to participating in the ISO Administered Markets while it is eligible to receive market-based rates, a fixed interest rate will be used to determine the Monthly Repayment Obligation.

The repayment obligation specified in this Section 15.8.7.1 shall remain in effect until all Capital Expenditures that are due (as determined in accordance with the formula set forth above) have been repaid. As explained in Section 15.8.7 of this Rate Schedule 8, the repayment obligation shall take effect, be reinstated, or remain in effect (as appropriate) (i) if a former RMR Generator does not deactivate at the conclusion of its RMR Agreement, or (ii) if a former Interim Service Provider does not deactivate at the conclusion of the 365 Day Notice Period, or (iii) if a former RMR Generator that entered a Mothball Outage, an ICAP Ineligible Forced Outage or Inactive Reserves returns to service from such state, or (iv) if a former Interim Service Provider that entered a Mothball Outage or an ICAP Ineligible Forced Outage returns to service from such state, or (v) if a former RMR Generator or former Interim Service Provider becomes Retired and subsequently returns to service as a new Generator, and/or (vi) if a former RMR Generator or former Interim Service Provider is sold, leased or otherwise transferred to a new owner or owners and remains in service or returns to service. If the ISO reimbursed all or a portion of the cost of a Generator in an ICAP Ineligible Forced Outage incurred to repair or replace its step-up transformer(s) and/or other system protection facilities, the repayment obligation shall take effect, be reinstated, or remain in effect (as appropriate) (i) if the Generator returns to service from its ICAP Ineligible Forced Outage, or (ii) if the Generator entered a Mothball Outage, an ICAP Ineligible Forced Outage or Inactive Reserves and returns to service from such state, or (iii) if the Generator becomes Retired and subsequently returns to service as a new Generator,

and/or (iv) if the Generator is sold, leased or otherwise transferred to a new owner or owners and remains in service or returns to service.

15.8.7.2 Recovery of Above Market Revenues from Former RMR Generators

If the ISO made payments to a Generator under Section 15.8.5 of this Rate Schedule 8 to permit the Generator to provide service during the applicable term of an RMR Agreement, and the former RMR Generator is no longer the subject of any RMR Agreement, and the former RMR Generator continues participating in, or returns to, the ISO Administered Markets while it is eligible to receive market-based rates; then the cost of the Above Market Revenues (including but not limited to the ISO's reimbursement of the cost of Capital Expenditures), that the ISO paid to compensate the Generator for providing RMR service, less depreciation where applicable, plus interest, must be repaid to the ISO on a monthly basis. The period over which Above Market Revenues must be repaid is specified in the definition of "*mAMR*" below.

The following formula shall be used to determine the Above Market Revenue repayment obligation:

$$\text{Above RMRAvoidCost Revenue}_g = \max\{0, \sum_{d \in ToS} (RMRCost_{g,d} - RMRAvoidCost_{g,d})\}$$

Where:

Above RMRAvoidCost Revenue_g = the difference between (x) the total revenues Generator *g* would have been eligible to receive in reimbursement of its RMR Avoidable Costs during the term of the RMR Agreement if it had been compensated at a rate developed in accordance with Section 15.8.1 of this Rate Schedule 8 (excluding any payments that Generator *g* would have been eligible to receive as Performance Incentives or Availability Incentives), and (y) the total revenues Generator *g* received in accordance with its accepted RMR Agreement to reimburse RMR Costs during the term of that RMR Agreement, paid in accordance with Section 15.8.5 of this Rate Schedule 8;

ToS = the duration of the applicable RMR Agreement;

RMRAvoidCost_{g,d} = The revenue Generator *g* would have received for day *d* if it had been compensated for its RMR Avoidable Costs at a rate developed by the ISO in accordance with Section 15.8.1 of this Rate Schedule 8 (without Performance Incentives or

Availability Incentives), using the market participation, commitment, scheduling and dispatch that occurred on day d ; and

$RMRCost_{g,d}$ = the payment RMR Generator g received for day d in accordance with Section 15.8.5 of this Rate Schedule 8, excluding payment for Variable Costs.

The *Above RMRAvoidCost Revenue* shall be divided by “ $mAMR$ ” to determine the Monthly Repayment Obligation.

$mAMR$ = the shorter of 36 months or twice the duration of the applicable RMR Agreement in months. Alternatively, if the former RMR Generator elects to repay its entire obligation before it begins participating in the ISO Administered Markets at market-based rates, then $mAMR$ shall be one month.

Accumulated interest will be computed and assessed quarterly, on a *pro rata* basis, based on the date of payment to the Generator for each relevant Billing Period P (as defined in Section 15.8.1 of this Rate Schedule 8). Following the date a former RMR Generator returns to participating in the ISO Administered Markets while it is eligible to receive market-based rates, a fixed interest rate will be used to determine the Monthly Repayment Obligation.

The definitions of the remaining variables in this equation are identical to the definitions for such variables set forth in Sections 15.8.1 and 15.8.7.1 above.

The reimbursement obligation specified in this Section 15.8.7.2 shall remain in effect until the entire amount, including interest has been reimbursed. As explained in Section 15.8.7 of this Rate Schedule 8, the reimbursement obligation shall take effect, be reinstated, or remain in effect (as appropriate) whenever a former RMR Generator continues participating in, or returns to, the ISO Administered Markets while it is eligible to receive market-based rates. The reimbursement obligation shall continue to apply or shall be reinstated, as appropriate, when (i) a former RMR Generator that entered a Mothball Outage, an ICAP Ineligible Forced Outage or Inactive Reserves returns to service from such state, or (ii) a former RMR Generator becomes Retired and subsequently returns to service as a new Generator, and/or (iii) a former RMR Generator is sold, leased or otherwise transferred to a new owner or owners and remains in

service or returns to service.

23.4.5.6 Audit, Review, and Penalties for Physical Withholding to Increase Market-Clearing Prices; Alignment with Short-Term Reliability Process

23.4.5.6.1 Audit and Review of Proposals or Decisions to Remove or Derate Installed Capacity from a Mitigated Capacity Zone

Any proposal or decision by a Market Participant to retire or otherwise remove an Installed Capacity Supplier from a Mitigated Capacity Zone Unforced Capacity market, or to de-rate the amount of Installed Capacity available from such supplier, may be subject to audit and review by the ISO if the ISO determines that such action could reasonably be expected to affect Market-Clearing Prices in one or more ICAP Spot Market Auctions for a Mitigated Capacity Zone in which the Resource(s) that is the subject of the proposal or decision is located, subsequent to such action; provided, however, no audit and review shall be necessary if the Installed Capacity Supplier is a Generator that is being retired or removed from a Mitigated Capacity Zone as the result of a Forced Outage that began on or after May 1, 2015 that was determined by the ISO to be a Catastrophic Failure.

The ISO's audit or review of any proposal or decision by a Market Participant to retire or otherwise remove an Installed Capacity Supplier from a Mitigated Capacity Zone Unforced Capacity market, or to de-rate the amount of Installed Capacity available from such supplier, (including a review the ISO conducts at the request of a Market Participant before it submits a proposal or makes a decision or a review the NYISO conducts in conjunction with the Short-Term Reliability Process) will consider the rationale offered by the Market Participant to support its proposal or decision. Such an audit or review shall assess whether the Market Participant's proposal or decision has a legitimate economic justification, which may include the economics of complying with regulatory requirements, or is based on an effort to withhold Installed Capacity physically in order to affect prices. The ISO's audit or review is conducted based on the

expectation that a Market Participant's decision to retire or otherwise remove an Installed Capacity Supplier from a Mitigated Capacity Zone, or to de-rate the amount of Installed Capacity available from such supplier, accounts for the information available to that Market Participant at (or before) the time its decision is made on the "decision date" (*see, e.g.*, Sections 23.4.5.6.4.2.1 and 23.4.5.6.4.2.2.1 below) specified by the Market Participant. A Market Participant may offer publicly available information and other information available to the Market Participant to support its proposal or decision.

The ISO shall provide the preliminary results of its audit or review to the Market Monitoring Unit for its review and comment. The responsibilities of the Market Monitoring Unit that are addressed in this section of the Mitigation Measures are also addressed in Section 30.4.6.2.10 of Attachment O to this Services Tariff.

23.4.5.6.2 Audit and Review of the Reclassification of a Generator in a Mitigated Capacity Zone From a Forced Outage to an ICAP Ineligible Forced Outage

This Section 23.4.5.6.2 shall apply to a Market Participant whose Installed Capacity Supplier is a Generator that began a Forced Outage on or after May 1, 2015.

23.4.5.6.2.1 Any reclassification of an Installed Capacity Supplier that is a Generator in a Mitigated Capacity Zone from a Forced Outage to an ICAP Ineligible Forced Outage by a Market Participant or otherwise, pursuant to the terms of Section 5.18.2.1 of this Services Tariff, may be subject to audit and review by the ISO if the ISO determines that such reclassification could reasonably be expected to affect the Market-Clearing Price in one or more ICAP Spot Market Auctions for a Mitigated Capacity Zone in which the Generator(s) that is the subject of the reclassification is located, subsequent to such action; provided, however, if the Market Participant's Generator experienced the Forced Outage as a result of a

Catastrophic Failure, the reclassification of a Generator in a Mitigated Capacity Zone from a Forced Outage to an ICAP Ineligible Forced Outage shall not be subject to audit and review pursuant to this Section 23.4.5.6.2.

The audit and review pursuant to the above paragraph shall assess whether the reclassification of the Generator in a Mitigated Capacity Zone from a Forced Outage to an ICAP Ineligible Forced Outage had a legitimate economic justification or is based on an effort to withhold Installed Capacity physically in order to affect prices. A Market Participant may offer publicly available information and other information available to the Market Participant to justify the reclassification.

The ISO shall provide the preliminary results of its audit or review to the Market Monitoring Unit for its review and comment. The responsibilities of the Market Monitoring Unit that are addressed in this section of the Mitigation Measures are also addressed in Section 30.4.6.2.10 of Attachment O to this Services Tariff.

23.4.5.6.2.2 The audit and review pursuant to Section 23.4.5.6.2.1 shall be deferred by the ISO beyond the time period established in ISO Procedures for the audit and review of a reclassification of a Generator from a Forced Outage to an ICAP Ineligible Forced Outage if the Generator was in a Forced Outage for at least 180 days before the reclassification and one or more Exceptional Circumstances delayed the acquisition of data necessary for the ISO's audit and review.

The ISO shall conduct the audit and review after its receipt of data that it determines is necessary for the audit and review; provided, however, if, at the

time the ISO acquires the necessary data, the Market Participant has Commenced Repair of the Generator, or the Generator is determined by the ISO to have had a Catastrophic Failure, the Market Participant shall not be subject to an audit and review pursuant to Section 23.4.5.6.2.1 of this Services Tariff. A Generator that Commenced Repair while in an ICAP Ineligible Forced Outage but that ceased or unreasonably delayed that repair shall be subject to audit and review by the ISO pursuant to Section 23.4.5.6.2.1 of this Services Tariff.

The ISO shall provide the preliminary results of its audit or review to the Market Monitoring Unit for its review and comment. The responsibilities of the Market Monitoring Unit that are addressed in this section of the Mitigation Measures are also addressed in Section 30.4.6.2.10 of Attachment O to this Service Tariff.

23.4.5.6.2.3 The audit and review of the removal of a Generator from a Forced Outage to an ICAP Ineligible Forced Outage, and the determinations of Catastrophic Failure and Exceptional Circumstances, will be pursuant to specific timelines established in ISO Procedures.

23.4.5.6.2.4 The audit and review pursuant to Sections 23.4.5.6.2.1, and 23.4.5.6.2.2 shall be conducted to determine whether the decision not to repair a Generator had a legitimate economic justification, consistent with competitive behavior; that is, whether the cost of repair, including the risk-adjusted cost of capital, could not reasonably be expected to be recouped over the reasonably anticipated remaining life of the Generator. The elements of such audit and review may include, as appropriate, the historical revenue and maintenance cost data for the purpose of

the baseline, the duration of the repair, the costs including, but not limited to, capital expenditures necessary to comply with federal or state environmental, safety or reliability requirements that must be met in order to operate the Generator, the anticipated capacity, energy and ancillary services revenues following the repair, the projected costs of operating the Generator following the repair, any benefits that would be foregone from using the site for a purpose other than as the existing Generator (e.g., repowering), and other relevant data.

The criteria for the audit and review provided in this Services Tariff Section 23.4.5.6.2.4 may be incorporated, as appropriate, in an audit and review required to be conducted pursuant to other provisions in this Services Tariff Section 23.4.

23.4.5.6.2.5 For a requesting Market Participant, a determination that the Market Participant has experienced Exceptional Circumstances shall be made by the ISO by the 160th day of the Generator's Forced Outage. The ISO shall use reasonable efforts to issue a determination that a Market Participant has experienced Exceptional Circumstances after it has Commenced Repair and requests reclassification to an ICAP Ineligible Force Outage by the 40th day after the ISO's receipt of data necessary to conduct the analysis.

For a requesting Market Participant, a determination that a Generator has experienced a Catastrophic Failure shall be made by the ISO by the 160th day of the Forced Outage. If the ISO has determined that Exceptional Circumstances will delay the submission of data necessary for the ISO to perform an audit and review pursuant to Section 23.4.5.6.2.1 or 23.4.5.6.2, the ISO shall use reasonable

efforts to issue a determination that the Generator has experienced a Catastrophic Failure by the 40th day after receipt of data necessary to conduct the analysis.

23.4.5.6.3 Penalties for Withholding Installed Capacity Physically In Order To Affect Prices

If the ISO determines that either: i) pursuant to Section 23.4.5.6.1, the proposal or decision by a Market Participant to retire or otherwise remove an Installed Capacity Supplier from a Mitigated Capacity Zone, or to de-rate the amount of Installed Capacity available from such supplier, or ii) pursuant to Section 23.4.5.6.2, the ISO determines that the reclassification of an Installed Capacity Supplier that is a Generator from a Forced Outage to an ICAP Ineligible Forced Outage constitutes physical withholding, and would increase the Market-Clearing Price in one or more ICAP Spot Market Auctions for a Mitigated Capacity Zone by five percent or more, provided such increase is at least \$.50/kilowatt-month, for each such violation of the above requirements the Market Participant shall be assessed an amount equal to the product of (A) 1.5 times the difference between the Market Clearing Price for the Mitigated Capacity Zone in the ICAP Spot Market Auctions with and without the inclusion of the withheld UCAP in those auctions, and (B) the total of (1) the number of megawatts withheld in the month and (2) all other megawatts of Installed Capacity in the Mitigated Capacity Zone under common Control with such withheld megawatts in the month. The requirement to pay such amounts shall continue until the Market Participant demonstrates that the removal from service, retirement, or de-rate, as described in Section 23.4.5.6.1, or reclassification as described in Section 23.4.5.6.2 is justified by economic considerations other than the effect of such action on Market-Clearing Prices in the ICAP Spot Market Auctions for the Mitigated Capacity Zone. The ISO will distribute any amount recovered in accordance with the foregoing provisions among the LSEs serving Loads in

the Mitigated Capacity Zone(s) wherein the Market-Clearing Price was affected for the month corresponding to the penalty accordance with ISO Procedures.

23.4.5.6.4 Aligning Physical Withholding Audits and Reviews with the Short-Term Reliability Process

The rules in this Section 23.4.5.6.4 apply to Market Participants that initiate the Short-Term Reliability Process that is set forth in Attachment FF to the ISO OATT by submitting a Generator Deactivation Notice for a Generator. They provide an opportunity for such a Market Participant to receive a final physical withholding determination from the ISO before the Market Participant deactivates the Generator. Nothing in Attachment FF to the OATT or in this Section 23.4.5.6.4 of the ISO Services Tariff should be read as limiting the ISO's authority to impose a physical withholding penalty on a Generator that deactivates. Capitalized terms that appear in this Section 23.4.5.6.4 that are not defined in Article 2 to the ISO Services Tariff are defined in Section 38.1 of Attachment FF to the ISO OATT.

23.4.5.6.4.1 If the ISO has issued notice to the Market Participant or Generator Owner (as that term is defined in Section 38.1 of the ISO OATT) in accordance with Section 38.7.4 of Attachment FF to the ISO OATT that it has received all of the data and information it requires to perform its duties under both the Short-Term Reliability Process that is set forth in Attachment FF to the ISO OATT and Section 23 of the ISO Services Tariff, then the ISO shall complete a physical withholding review of the proposed deactivation, if needed, in accordance with Section 23.4.5.6 of the ISO Services Tariff and issue a final physical withholding determination to the Market Participant in accordance with the process set forth in Sections 23.4.5.6.4.2.1 or 23.4.5.6.4.2.2 of the ISO Services Tariff.

If the ISO has not issued a notice to the Market Participant or Generator Owner in accordance with Section 38.7.4 of Attachment FF to the ISO OATT that it has received all of the data and information it requires to perform its duties under both Attachment FF to the ISO OATT and Section 23 of the ISO Services Tariff, then the ISO is ***not*** required to issue a final physical withholding determination to the Market Participant for the Generator prior to the Generator's deactivation.

23.4.5.6.4.2 Aligning Issuance of Final Physical Withholding Determination with the Short-Term Reliability Process

23.4.5.6.4.2.1 Based on deactivation date. At least ninety days before the date the Generator determines it will timely (consistent with Section 38.14.1 of Attachment FF to the ISO OATT) deactivate, the Market Participant (which is also a Market Party) may notify the ISO in writing of the updated deactivation date and request that the ISO issue a final physical withholding determination to the Market Participant, which shall be conducted by the ISO in accordance with Section 23.4.5.6.1 above. The ISO shall issue its final determination at least 60 days before the updated deactivation date specified in the Market Participant's written notice. For purposes of the ISO's audit or review to issue a final physical withholding determination, conducted in accordance with Section 23.4.5.6.1 above, the date on which the Generator is deactivated is the "decision date," so long as it falls within the 16 day window specified below.

Exception: The earliest date the ISO shall be required to issue a final physical withholding determination is 90 days after the Short-Term Assessment of Reliability Start Date.

The ISO's final physical withholding determination shall only be valid if the Generator becomes Retired or enters into a Mothball Outage within a window that starts five days before the date specified in the Market Participant's notice to the ISO and concludes ten days after the date specified in the Market Participant's notice to the ISO.

23.4.5.6.4.2.2 Based on date of irrevocable action or inaction. If the Market

Participant identifies and the ISO, in consultation with the Market Monitoring Unit, agrees that there is a point in the process of deactivating a Generator after which the deactivation process will become, essentially and practicably, irreversible, then the ISO shall inform the Market Participant in writing of the first such act, decision not to act, or event that the ISO agrees will have irreversible consequences.

The responsibilities of the Market Monitoring Unit that are addressed in this section of the Mitigation Measures are also addressed in Section 30.4.6.2.12 of Attachment O to this Services Tariff.

23.4.5.6.4.2.2.1 At least ninety days before the date the irreversible action, inaction or event specified by the ISO in its notice to the Market Participant will be taken, occur or come to pass (the "trigger date"), the Market Participant may notify the ISO in writing of the trigger date and request that the ISO issue a final physical withholding determination to the Market Participant. The Market Participant's notice must explain why the date it selected is the appropriate trigger date. If the ISO determines that the trigger date specified by the Market Participant is reasonable, then the ISO shall issue its final physical withholding determination at

least 60 days before the trigger date specified in the Market Participant's notice.

For purposes of the ISO's audit or review under this subsection conducted in accordance with Section 23.4.5.6.1 above, the trigger date is the "decision date."

Exception: The earliest date the ISO shall be required to issue a final physical withholding determination is 90 days after the Short-Term Assessment of Reliability Start Date.

23.4.5.6.4.2.2.2 If the ISO determines that the trigger date the Market Participant specified is not reasonable, then the ISO shall promptly notify the Market Participant of its determination and the reasons therefor in writing. The ISO is not required to issue a final physical withholding determination unless the Market Party provides additional information within two business days of the issuance of the ISO's written determination that causes the ISO to change its decision.

23.4.5.6.4.2.2.3 The ISO's final physical withholding determination shall only be valid if (a) the specified irreversible action, inaction or event is taken or occurs within a window that starts five days before the trigger date specified in the Market Participant's notice to the ISO and concludes ten days after the trigger date specified in the Market Participant's notice to the ISO, and (b) the Generator timely (consistent with Section 38.14.1 of Attachment FF to the ISO OATT) enters into a Mothball Outage or becomes Retired. Except where the ISO possesses contrary information, the ISO shall accept the Market Participant's reasonable assessment of the date by which an irrevocable failure to act occurs.

23.4.5.6.4.3 The Market Participant shall promptly send a written notice to the ISO rescinding a written notice that it previously submitted under Sections

23.4.5.6.4.2.1 or 23.4.5.6.4.2.2.1 of the ISO Services Tariff if it determines that the deactivation date or trigger date it specified in its written notice to the ISO is no longer accurate.

23.4.5.7 Buyer-Side Market Power Mitigation Measures for Installed Capacity

Unless exempt as specified below, offers to supply Unforced Capacity from a Mitigated Capacity Zone Installed Capacity Supplier: (i) shall equal or exceed the applicable Offer Floor; and (ii) can only be offered in the ICAP Spot Market Auctions. Except for Offer Floors applied pursuant to Section 23.4.5.7.9.5.2 (*i.e.*, after the revocation of a Competitive Entry Exemption,) Section 23.4.5.7.13.3 (*i.e.*, after the revocation of a Renewable Exemption) or Section 23.4.5.7.14.5 (*i.e.*, after the revocation of Self Supply Exemption), the ISP UCAP MW, or when the Installed Capacity Supplier is an RMR Generator, the Offer Floor shall apply to offers for Unforced Capacity from the Installed Capacity Supplier, if it is not a Special Case Resource, starting with the Capability Period for which the Installed Capacity Supplier first offers to supply UCAP. Offer Floors applied pursuant to Section 23.4.5.7.9.5.2 shall apply to offers for Unforced Capacity from an Installed Capacity Supplier starting with all ICAP auction activity subsequent to the date of the revocation. The same exemption determination or Offer Floor shall apply to the 2 MW or less that an existing facility with CRIS requests and receives under Section 30.3.2.6 (Attachment X) or Section 32.4.11.1 (Attachment Z) of the ISO OATT. Offer Floors shall cease to apply:

- (A) to that portion of a resource's UCAP (rounded down to the nearest tenth of a MW) that has cleared for any twelve, not-necessarily-consecutive, months (such cleared amount, "Cleared UCAP") in which the resource's MW were not ISP UCAP MW or MW of an RMR Generator: and
- (B) for the period an Installed Capacity Supplier is an Interim Service Provider if its generating unit(s) are required to remain in-service but only in the amount of its ISP UCAP MW, or an RMR Generator in which case the Installed Capacity

Supplier's offers of UCAP shall be as set forth in Section 23.4.5.7.12. Offer Floors shall be adjusted annually using the most recent inflation rate that is the twelve month percentage change in the index for the general component of the escalation factor ("Inflation Rate") that is the most recent of (a) the Inflation Rate identified in the index accepted by the Commission after a periodic review in an ICAP Demand Curve Reset Filing Year, as of October 1 of the ICAP Demand Curve Reset Filing Year, and (b) the Inflation Rate in the Annual Update of the relevant effective ICAP Demand Curves published under Section 5.14.1.2.2.

23.4.5.7.12 An Interim Service Provider that is required to keep its generating unit(s) in-service and that has UCAP subject to an Offer Floor shall offer all ISP UCAP MW in each ICAP Spot Market Auction at \$0.00/kW-month. For an RMR Generator that has UCAP subject to an Offer Floor, the UCAP subject to the Offer Floor shall be offered at \$0.00/kW-month.

23.4.5.7.15 Forecasts Under the Buyer Side Market Power Mitigation Measures

The rules set forth in this Section 23.4.5.7.15 apply to (i) the ISO's determinations pursuant to Section 23.4.5.7, *et seq.* of ICAP Spot Market Auction forecast prices ("BSM ICAP Forecast") and (ii) Energy and Ancillary Services revenues when determining Unit Net CONE under Sections 23.4.5.7, *et seq.* (collectively for purposes of this Section, a "BSM Forecast"). The ISO shall post on its website the BSM Forecast inputs determined in accordance with this Section 23.4.5.7.15, subject to any restrictions on the disclosure of Confidential Information or Critical Energy Infrastructure Information, on or before the commencement of the Initial Decision Periods for the Class Year Study, Additional SDU Study and the Expedited Deliverability Study. This posting will include sources of or references for publicly available information "demonstrating with reasonable certainty," as defined in Section 23.4.5.7.15.2, used to develop the BSM Forecast.

23.4.5.7.15.1 For the purposes of Section 23.4.5.7.15, a "positive indicator" that a Generator or UDR project will repair and return to service includes indications that a return to service is, in the ISO's judgment, likely and imminent, such as visible site activity, executed labor or fuel supply arrangements, or unit testing.

23.4.5.7.15.2 For the purposes of Section 23.4.5.7.15, publicly available information "demonstrating with reasonable certainty" shall be limited to information that has been released, authorized, capitulated, or endorsed by an individual or entity having the authority or right to take specific, definitive, actions; and – if such information is contested, to take unilateral actions regarding the operational status of the facility.

23.4.5.7.15.3 When establishing a BSM Forecast, the ISO shall incorporate the parameters and inputs identified in the following subsections. The ISO shall make assumptions necessary to account for any other value or input not expressly addressed in the following subsections in accordance with ISO Procedures.

23.4.5.7.15.3.1 When establishing a BSM Forecast, the ISO shall include Existing Units and Additional Units, as defined in Sections 23.4.5.7.15.4 and .5, less Excluded Units, as defined in Section 23.4.5.7.15.6.

23.4.5.7.15.3.2 When establishing a BSM Forecast, the ISO shall utilize the Load forecast as set forth in the most recently published Load and Capacity Data (Gold Book), or as most recently posted to the ISO's public website and in accordance with ISO Procedures.

23.4.5.7.15.3.3 When determining a BSM ICAP Forecast, the ISO shall reflect Special Case Resource enrollment at a level consistent with average enrollment over the 3 prior Capability Years.

23.4.5.7.15.3.4 When determining a BSM ICAP Forecast, the ISO shall identify the projected ICAP Demand Curve by applying the "inflation index" as defined in Section 23.4.5.7.4. When determining a BSM ICAP Forecast for an Indicative Buyer-Side Mitigation Exemption Determination under Sections 23.4.5.7.2.2 and 23.4.5.7.2.4 when the Commission has not yet accepted the first ICAP Demand Curve to apply specifically to the Mitigated Capacity Zone in which the NCZ Examined Project is located, such inflation rate shall be applied to the ICAP Demand Curve the ISO filed pursuant to Services Tariff Section 5.14.1.2.2.4.11.

23.4.5.7.15.4 Existing Units

Except for the Generators and UDR projects that are excluded without limitation under an exception set forth in Section 23.4.5.7.15.7, the ISO shall identify “Existing Units” as the set of Generators and UDR projects identified in the ISO’s most-recently published Gold Book that have CRIS, and are operating at the time that the ISO determines the forecast; including but not limited to Generators in Forced Outage or Inactive Reserve status.

23.4.5.7.15.5 Additional Units

Subject to the exceptions set forth in Section 23.4.5.7.15.7, the ISO shall identify “Additional Units” as each Generator and UDR project that: (i) has previously offered to supply UCAP, (ii) has CRIS, (iii) is not in Existing Units, and (iv) if a Generator, is in an ICAP Ineligible Forced Outage, Mothball Outage, or Retired; if either: (a) the ISO concludes in its sole judgment that there are sufficient positive indicators that the Generator or UDR project will repair and return to service, or (b) the ISO determines that a return to service of the Generator or UDR project would have a positive Net Present Value as set forth in Section 23.4.5.7.15.8.

23.4.5.7.15.5.1 When establishing a BSM Forecast, the inclusion of Generators and UDR projects identified pursuant to Section 23.4.5.7.15.5 (b) as Additional Units shall reflect the persistence of their operation as being contingent on the projected recovery of their forecasted Going Forward Costs.

23.4.5.7.15.6 Excluded Units

Subject to the exceptions set forth in Section 23.4.5.7.15.7, the ISO shall identify “Excluded Units” as the set of Generators and UDR projects that meet the criteria in the following subsections.

23.4.5.7.15.6.1 Generators and UDR projects (i) that have transferred CRIS; (ii) for which the CRIS has expired; (iii) that have CRIS for which a request has been received by the ISO for an evaluation of a CRIS transfer from another location in the Class Year Facilities Study commencing in a calendar year in or preceding the Mitigation Study Period; or (iv) that are an expected transferor of transferred CRIS at the same location. For any CRIS transfer described in (iii) or (iv) of this Section, the transferor or the transferee must have notified the ISO of the transfer pursuant to OATT Attachment S Section 25.9.4 and the transfer must be reasonably expected to be effective on a date within the Mitigation Study Period.

23.4.5.7.15.6.2 Generators in ICAP Ineligible Forced Outages (even if resulting from Catastrophic Failures), Mothball Outages, or that are Retired; provided they are not identified under Section 23.4.5.7.15.5 as an Additional Unit or an exception under Section 23.4.5.7.15.7.

23.4.5.7.15.6.3 Generators that have submitted a Generation Deactivation Notice, beginning with the proposed deactivation date identified in such notice, provided that: (i) the ISO does not identify sufficient positive indicators that the Generator will repair and return to service and (ii) the ISO determines that a return to service or continued operation of the Generator does not have a positive Net Present Value as set forth in Section 23.4.5.7.15.8.

23.4.5.7.15.7 Exceptions

The rules set forth in the following subsections take precedence over the rules described elsewhere in Section 23.4.5.7.15 under the facts and circumstances defined therein.

23.4.5.7.15.7.1 Generators that have submitted a Generation Deactivation Notice, for which the ISO has not yet completed its Short-Term Assessment of Reliability or Generation Deactivation Assessment, shall not be identified by the ISO as Excluded Units, unless there is publicly available information demonstrating with reasonable certainty that the Generator or UDR project will indefinitely cease operation.

23.4.5.7.15.7.2 Initiating Generators with an associated Generator Deactivation Reliability Need for which a Short-Term Reliability Process Solution has not yet been identified, RMR Generators, and Interim Service Providers that are required to keep their generating unit(s) in-service, shall be included in Existing Units for the expected duration of such Generator Deactivation Reliability Need with which they are associated. Such Generators shall also be included in Existing Units beyond the expected duration of the Generator Deactivation Reliability Need if either: (a) the ISO determines, in its sole judgment, that a return to service or continued operation of the Generator has a positive Net Present Value as set forth in Section 23.4.5.7.15.8, or (b) there is publicly available information demonstrating with reasonable certainty that the Generator will continue operation.

23.4.5.7.15.7.3 Except for those included in Existing Units pursuant to Section 23.4.5.7.15.7.2, Generators and UDR projects for which there is publicly available information demonstrating with reasonable certainty that they will indefinitely cease operation, shall be identified as Excluded Capacity beginning

with the date determined by the ISO to be consistent with the expected cessation of operations.

23.4.5.7.15.7.4 Generators and UDR projects for which there is publicly available information demonstrating with reasonable certainty that (a) they will return to service shall be included in Additional Units beginning with the date determined by the ISO to be consistent with its expected return to service, or (b) they will continue operations shall be included in Additional Units until the date determined by the ISO to be consistent with its expected continuation of operations.

23.4.5.7.15.7.5 Where determined by the ISO in its sole judgment to be reasonable, the additional capability associated with the repair of a Generator or UDR project that has been operating under a long term partial derate (such as due to the delay or deferral of repairs) may be treated as if it were in and of itself a separate Generator or UDR project in an ICAP Ineligible Forced Outage for the purposes of Section 23.4.5.7.15. In such instances, the net present value of the investment required to for the Generator or UDR facility to return to its original capability or capability prior to the long term partial derate shall be evaluated in place of the cost of returning to service.

23.4.5.7.15.7.6 The ISO shall not be required pursuant to Section 23.4.5.7.15 to determine whether a return to service or continued operation would have a positive Net Present Value as set forth in Section 23.4.5.7.15.8 for: (i) Generators in ICAP Ineligible Forced Outages that the ISO determined to have resulted from a Catastrophic Failure; and (ii) Generators that are Retired, provided that in the

case of (ii), in the ISO's sole judgment, (a) the Generator was subject to actions that rendered it permanently inoperable, (b) the reversal of such actions would be a nontrivial undertaking, and (c) the ISO has received confirmation from it that it has permanently ceased operations.

23.4.5.7.15.7.7 The production and sale of energy from Generators and UDR projects that only have ERIS and no CRIS, or that will have ERIS only after a transfer of CRIS, for which the ISO has received notice or made a determination in the Class Year as described in the next sentence, shall be modeled in the BSM Forecasts, but such units shall be excluded from the BSM ICAP Forecast. In accordance with Attachment S of the OATT, the ISO must have received notice that the transaction is final if a transfer of CRIS at the same location, or have determined the facility receiving the transfer is deliverable and such transferee is either in the Class Year being examined, or remained in a prior Class Year at the time of its completion, if a transfer of CRIS from a different location.

23.4.5.7.15.8 Net Present Value Analysis

Where required by Section 23.4.5.7.15, the ISO shall determine if a Generator or UDR project that potentially could return to service or continue in operation would have a positive net present value under ISO-predicted market conditions and recognizing the entry of projects in the current Class Year and those that remained in prior Class Years at the time of their completion, in accordance with ISO Procedures. If the ISO-estimated net present value is greater than zero, then the criterion of this Section will be considered to have been met.

23.4.5.7.15.8.1 The ISO's net present value analysis shall consider, at a minimum:

(a) the ISO-estimated costs and opportunity costs associated with returning a

Generator or UDR project to service if the unit is not currently operating, and of continued operation through the end of the Mitigation Study Period, or the end of the investment horizon as reasonably determined by the ISO, whichever is of greater length (including, if applicable, the expected lost revenues of the rest of the portfolio of the Installed Capacity Supplier attributable to reductions in ICAP Spot Market Auction prices caused by the Generator or UDR project's return to service); (b) the ISO-estimated revenues, over the same time period, from the production and sale of Energy, Ancillary Services, and capacity, and (c) the effect that additional risk associated with the age, condition, and location of the Generator or UDR project may have on the required return on investment.

23.4.5.7.15.8.2 The ISO's net present value analysis shall be for a period beginning after the reasonably anticipated commencement of the Initial Decision Period but before the starting Capability Period of the Mitigation Study Period, through the end of Mitigation Study Period, or until the investment horizon as reasonably assumed by the ISO, whichever is of greater length.

23.4.5.7.15.8.3 The ISO shall consider data received from the Generator and UDR project for which it is performing a net present value analysis pursuant to this Section 23.4.5.7.15.8, and information received pursuant to Section 30.25 of the OATT, along with any new, updated, or relevant information that the ISO, in its sole judgment and in accordance with ISO Procedures, has verified is reasonable and accurate. If the ISO has not timely received sufficient information from the owner or representative of a Generator or UDR project, or if the ISO has received information but determined it is not suitable or reliable to be used for the purposes

of a net present value analysis pursuant to Section 23.4.5.7.8, the ISO can substitute suitable estimated data, or identify the Generator or UDR project as Excluded Units.

23.6 RMR Generator and Interim Service Provider Energy and Ancillary Service Market Participation Rules

The rules in this Section 23.6 that address Interim Service Providers apply to Interim Service Providers that are required to keep generating unit(s) in service.

Interim Service Providers that are only required to keep their step-up transformer(s) and/or other system protection equipment in service are not subject to the bidding, reference level development, or mitigation provisions of this Section 23.6, but may be evaluated by the ISO for possible physical withholding and may be assessed a financial penalty for physical withholding in accordance with these Market Mitigation Measures if the Market Party fails to keep the step-up transformer(s) and/or other system protection equipment that the ISO designates in service.

23.6.1 Submission of Bids for RMR Generators and Interim Service Providers

23.6.1.1 A Market Party shall Bid into the Day-Ahead and Real-Time Markets all of the Energy, Operating Reserves and Regulation each RMR Generator or Interim Service Provider is capable of providing by submitting ISO-committed flexible Bids at or below (equally restrictive to or less restrictive than for non-dollar parameters) the Generator's reference levels.

23.6.1.1.1 The ISO develops reference levels for Bids and Bid parameters, including Bid parameters that are not denominated in dollars. *See, e.g.,* Sections 23.3.1.2 and 23.3.1.2.3.3 of these Mitigation Measures. A Market Party must submit Bids for RMR Generators and Interim Service Providers that are consistent with *all* reference levels determined by the ISO, including all non-dollar Bid parameters that have been set as reference levels by the ISO.

23.6.1.1.2 If an RMR Generator or Interim Service Provider is not able to operate to a reference level that has been set by the ISO, the Market Party must timely contact the ISO in accordance with ISO Procedures to request a change and explain the need there for.

23.6.1.1.3 If an RMR Generator is not capable of providing all or a portion of its capability flexibly, the ISO and Generator Owner (as defined in Section 38.1 of the OATT) shall specify the restriction in the RMR Agreement. If a new operating constraint arises during the term of an RMR Agreement that prevents the Market Party from offering all or a portion of a RMR Generator's capability via an ISO-committed flexible Bid, then the Market Party must obtain written permission from the ISO to change how it offers the RMR Generator into the ISO Administered Markets. If a new operating constraint arises while a Generator is an Interim Service Provider that prevents the Market Party from offering all or a portion of the Generator's capability via an ISO-committed flexible Bid, the Market Party shall promptly inform the ISO of the change, shall provide all documentation requested by the ISO or by the Market Monitoring Unit, and shall permit the ISO and/or the Market Monitoring Unit to inspect the affected Generator (including all requested plant records) on five days prior notice.

23.6.1.1.4 Market Parties are not required to submit hourly Bids in the Real-Time Market for an RMR Generator or Interim Service Provider that is not capable of being committed by RTC if the RMR Generator or Interim Service Provider was not committed Day-Ahead. If such an RMR Generator or Interim Service Provider was committed Day-Ahead, then the Generator shall be Bid in real-time

for the hours of its Day-Ahead schedule and for additional real-time hours consistent with the Generator's operating capabilities.

23.6.1.1.5 Market Parties shall timely respond to a Supplemental Resource Evaluation ("SRE") or an Out-of-Merit ("OOM") commitment request issued by the ISO or by a Transmission Owner for an RMR Generator or Interim Service Provider.

23.6.1.1.6 If and to the extent a RMR Generator or Interim Service Provider is not available, or is not fully available, the Market Party shall timely notify the ISO of the outage or derate in accordance with ISO Procedures and accurately reflect each RMR Generator's or Interim Service Provider's availability in its Bids.

23.6.1.1.7 The ISO shall monitor Bids that are submitted at prices below an RMR Generator's or Interim Service Provider's reference levels for possible uneconomic overproduction. *See* Section 23.3.1.3. RMR Generators and Interim Service Providers are compensated at the lesser of their Bid or the appropriate Reference Level in accordance with Rate Schedule 8 to the Services Tariff.

23.6.1.2 RMR Generators and Interim Service Providers that are not Installed Capacity Suppliers, or that have not sold all of their Unforced Capacity, are still required to offer all of the Energy, Operating Reserves and Regulation each Generator is capable of providing into each Day-Ahead Market.

23.6.1.3 RMR Generators that provide Voltage Support Services or Restoration Services shall do so in compliance with the relevant provisions of the ISO Tariffs and their RMR Agreement. Interim Service Providers shall provide Voltage Support Services and/or Restoration Services if they provided the service at any

point during the 365 days prior to submitting a Generator Deactivation Notice and are physically capable of providing the service.

23.6.1.4 Market Parties shall not schedule Bilateral Transactions for an RMR Generator's output, unless the Bilateral Transaction is expressly permitted under the relevant RMR Agreement. Market Parties shall not schedule Bilateral Transactions for an Interim Service Provider's output unless they were under an ongoing contractual obligation to do so at the time the Generator Deactivation Notice was submitted.

23.6.1.5 Market Parties may only self-schedule an RMR Generator or Interim Service Provider if they are authorized to do so by the ISO.

23.6.1.6 The responsibilities of the Market Monitoring Unit that are specified in Section 23.6.1 of the Mitigation Measures are also addressed in Section 30.4.6.2.14 of Attachment O.

23.6.2 RMR Generator and Interim Service Provider Energy and Ancillary Service Reference Levels

23.6.2.1 RMR Generator reference levels shall be developed in accordance with the rules specified in these Mitigation Measures, including the provisions of this Section 23.6.2.

23.6.2.2 Interim Service Provider reference levels shall be developed in accordance with the reference level development rules specified in these Mitigation Measures, including the additional rules and authority that are *expressly* applied to Interim Service Providers in this Section 23.6.2. The ISO, in consultation with the Market Monitoring Unit, may review and update an Interim Service Provider's reference levels. The Generator Owner may propose updates to its

Interim Service Provider's reference levels. The ISO shall make the ultimate determination with regard to each reference level.

23.6.2.3 In advance of the execution of an RMR Agreement, the ISO, in consultation with the Market Monitoring Unit and Generator Owner, shall review and update the reference levels for each such Generator. The ISO shall make the ultimate determination with regard to each reference level.

23.6.2.3.1 If a possible RMR Generator or Interim Service Provider faces operational constraints the ISO, in consultation with the Market Monitoring Unit and Generator Owner, will develop reference levels that will permit the Generator to operate consistent with the identified constraints, while ensuring that the Generator will be available (a) to resolve the Short-Term Reliability Process Need the Generator is being retained to address, and (b) for economic commitment when appropriate.

23.6.2.4 If an RMR Agreement is executed after the reference level review and update process described above is completed, then during the term of the RMR Agreement, the ISO's authority to change the RMR Generator's reference levels will be limited to the following circumstances:

23.6.2.4.1 Reference levels may be adjusted based on season, the RMR Generator's remaining availability or other factors, to address operational constraints;

23.6.2.4.2 The costs used to develop a reference level (*e.g.*, fuel, emissions, variable operation and maintenance expenses) may be revised whenever the ISO obtains updated or more accurate cost information;

23.6.2.4.3 Opportunity costs may be updated based on actual operating experience during the term of the RMR Agreement;

23.6.2.4.4 If a physical change to the RMR Generator occurs that alters the RMR Generator's capabilities (*e.g.*, damage to the RMR Generator or Capital Expenditures that alter an RMR Generator's capabilities), then the ISO shall determine revised reference levels in consultation with the Market Monitoring Unit and Generator Owner; and

23.6.2.4.5 The ISO and Generator Owner, in consultation with the Market Monitoring Unit, may mutually agree to a reference level change that they expect will better reflect an RMR Generator's actual operating characteristics or variable costs.

23.6.2.5 The Market Party shall timely submit fuel price updates and fuel type updates to the ISO so that they can be incorporated to develop accurate reference levels for each RMR Generator or Interim Service Provider.

23.6.2.5.1 If a Market Party fails to timely submit fuel price updates and fuel type updates for an RMR Generator or Interim Service Provider, then the compensation paid for the RMR Generator's operation may be limited by the reference levels that were in place.

23.6.2.5.2 If a Market Party fails to timely update an RMR Generator's or Interim Service Provider's reference levels to reflect cost reductions that are not *de minimis*, and that are required to be reflected, then the ISO may recalculate the Generator's reference levels and true-up the Variable Costs paid to the Generator under Rate Schedule 8 to the Services Tariff consistent with the Generator's

demonstrated costs. The ISO shall inform the Market Monitoring Unit if it performs such a true-up.

23.6.2.6 The responsibilities of the Market Monitoring Unit that are specified in Section 23.6.2 of the Mitigation Measures are also addressed in Section 30.4.6.2.14 of Attachment O.

23.6.3 Mitigation of RMR Generators and Interim Service Providers

23.6.3.1 RMR Generators and Interim Service Providers are required to Bid at or below their reference levels. The ISO shall mitigate all dollar-denominated Bids that exceed a RMR Generator's or Interim Service Provider's currently effective reference levels.

23.6.3.2 If a Market Party submits unit commitment data or non-dollar Bid parameters for an RMR Generator or Interim Service Provider that is/are not consistent with the Generator's reference levels without first requesting an adjustment to the Generator's reference levels from the ISO, then the ISO shall inform the Market Monitoring Unit of the Market Party's behavior and apply all Tariff-authorized mitigation measures, which may include the application of financial penalties in accordance with Section 23.4.3 of these Mitigation Measures.

23.6.3.3 The ISO shall apply all other Tariff-authorized mitigation measures to RMR Generators and Interim Service Providers consistent with the Mitigation Measures.

23.6.4 Other Energy and Ancillary Service Market Rules

- 23.6.4.1 On and after the execution of an RMR Agreement, and for the duration of its term, a Market Party shall not enter into any new agreement or extend any other agreement that impairs or otherwise diminishes an RMR Generator's ability to comply with obligation under an RMR Agreement, or that limits the ability of an RMR Generator to provide Energy or Ancillary Services directly to the ISO Administered Markets.
- 23.6.4.2 A Market Party shall not enter into any new agreement or extend any other agreement that impairs, diminishes or limits the ability of an Interim Service Provider to provide Energy or Ancillary Services directly to the ISO Administered Markets.
- 23.6.4.3 Market Parties shall not enter into, renew or extend bilateral agreements for Energy or Ancillary Services from an RMR Generator during the term of an RMR Agreement.
- 23.6.4.4 Market Parties shall not enter into, renew or extend bilateral agreements for Energy or Ancillary Services from an Interim Service Provider.
- 23.6.4.5 RMR Generators and Interim Service Providers are not eligible to receive Energy, Operating Reserves, Regulation or ICAP market revenues. Instead, RMR Generators and Interim Service Providers are compensated in accordance with Rate Schedule 8 to the Services Tariff and associated Tariff Rules for their participation in the ISO Administered Markets.

23.6.5 ISO Authority to Terminate RMR Agreement with Under-Performing RMR Generator and Cease Reimbursing Capital Expenditures

23.6.5.1 The ISO may terminate an RMR Agreement, or may terminate an RMR Agreement with regard to one of the RMR Generators that is subject to an RMR Agreement if any of the following conditions occur:

- (a) Owner (as defined in the *Form of Reliability Must Run Agreement* set forth in Appendix C of Attachment FF to the ISO OATT) defaults under the RMR Agreement and fails to timely cure its default;
- (b) The RMR Generator fails to meet one or more of the Minimum Operating Standards set forth in the RMR Agreement (the Minimum Availability Standard, or the Minimum Performance Standard, or the Operation to Address the Reliability Need Standard); or
- (c) The RMR Generator fails to operate as requested when it is called upon by the ISO or by a Transmission Owner to address the Short-Term Reliability Process Need that it was retained to address on three or more occasions over the term of an RMR Agreement.

23.6.5.2 If the ISO terminates an RMR Agreement for one of the reasons specified in Section 23.6.5.1 above, then it shall cease repaying the cost of any Capital Expenditures that were incurred at or for the terminated RMR Generator(s) unless the ISO is otherwise instructed by the Commission.

23.6.5.3 Rules for concluding the obligations of an Interim Service Provider early are set forth in Section 38.13 of the OATT.

30.4 Market Monitoring Unit

30.4.1 Mission of the Market Monitoring Unit

The Market Monitoring Unit's goals are (1) to ensure that the markets administered by the ISO function efficiently and appropriately, and (2) to protect both consumers and participants in the markets administered by the ISO by identifying and reporting Market Violations, market design flaws and market power abuses to the Commission in accordance with Sections 30.4.5.3 and 30.4.5.4 below.

30.4.2 Retention and Oversight of the Market Monitoring Unit

The Board shall retain a consulting or other professional services firm, or other similar entity, to advise it on the matters encompassed by Attachment O and to carry out the responsibilities that are assigned to the Market Monitoring Unit in Attachment O. The Market Monitoring Unit selected by the Board shall have experience and expertise appropriate to the analysis of competitive conditions in markets for electric capacity, energy and ancillary services, and financial instruments such as TCCs, and to such other responsibilities as are assigned to the Market Monitoring Unit under Attachment O, and must also have sufficient resources and personnel to be able to perform the Core Functions and other assigned functions.

The Market Monitoring Unit shall be accountable to the non-management members of the Board, and shall serve at the pleasure of the non-management members of the Board.

30.4.3 Market Monitoring Unit Ethics Standards

The Market Monitoring Unit, including all persons employed thereby, shall comply at all times with the ethics standards set forth below. The Market Monitoring Unit ethics standards set forth below shall apply in place of the standards set forth in the ISO's OATT Attachment F Code

of Conduct, and/or the more general policies and standards that apply to consultants retained by the ISO.

30.4.3.1 The Market Monitoring Unit and its employees must have no material affiliation with any Market Party or Affiliate of any Market Party.

30.4.3.2 The Market Monitoring Unit and its employees must not serve as an officer, employee, or partner of a Market Party.

30.4.3.3 The Market Monitoring Unit and its employees must have no material financial interest in any Market Party or Affiliate of a Market Party. Ownership of mutual funds by Market Monitoring Units and their employees that contain investments in Market Parties or their Affiliates is permitted so long as: (a) the fund is publicly traded; (b) the fund's prospectus does not indicate the objective or practice of concentrating its investment in Market Parties or their Affiliates; and (c) the Market Monitoring Unit/Market Monitoring Unit employee does not exercise or have the ability to exercise control over the financial interests held by the fund.

30.4.3.4 The Market Monitoring Unit and its employees are prohibited from engaging in transactions in the markets administered by the ISO, other than in the performance of duties under the ISO's Tariffs. This provision shall not, however, prevent the Market Monitoring Unit, or its employees, from purchasing electricity, power and Energy as retail customers for their own account and consumption.

30.4.3.5 The Market Monitoring Unit and its employees must not be compensated, other than by the ISO, for any expert witness testimony or other commercial

services, in connection with any legal or regulatory proceeding or commercial transaction relating to the ISO or to the markets that the ISO administers.

30.4.3.6 The Market Monitoring Unit and its employees may not accept anything that is of more than *de minimis* value from a Market Party.

30.4.3.7 The Market Monitoring Unit and its employees must advise the Board in the event they seek employment with a Market Party, and must disqualify themselves from participating in any matter that could have an effect on the financial interests of that Market Party until the outcome of the matter is determined.

30.4.3.8 If the Market Monitoring Unit or any of its employees provide services to entities other than the ISO, the Market Monitoring Unit shall provide to the ISO's Board, and shall regularly update, a list of such entities and services. When the Market Monitoring Unit issues an opinion, report or recommendation to, for or addressing the ISO or the markets it administers that relates to, or could reasonably be expected to affect, an entity (other than the ISO) to which the Market Monitoring Unit or its employees provide services, the Market Monitoring Unit shall inform the ISO's Board of the opinion, report or recommendation it has issued, and that its opinion, report or recommendation relates to, or could reasonably be expected to affect, an entity to which the Market Monitoring Unit or its employees provide services.

30.4.4 Duties of the Market Monitoring Unit

The Market Monitoring Unit shall advise the Board, shall perform the Core Functions specified in Section 30.4.5 of Attachment O, and shall have such other duties and responsibilities

as are specified in Attachment O. The Market Monitoring Unit may, at any time, bring any matter to the attention of the Board that the Market Monitoring Unit may deem necessary or appropriate for achieving the purposes, objectives and effective implementation of Attachment O.

The Market Monitoring Unit shall not participate in the administration of the ISO's Tariffs, except for performing its duties under Attachment O. The Market Monitoring Unit shall not be responsible for performing purely administrative duties, such as enforcement of late fees or Market Party reporting obligations, that are not specified in Attachment O. The Market Monitoring Unit may (i) provide, or assist the ISO's efforts to develop, the inputs required to conduct mitigation, and (ii) assist the ISO's efforts to conduct "retrospective" mitigation (*see* Order 719 at PP. 369, 375) that does not change bids or offers (including physical bid or offer parameters) at or before the time such bids or offers (including physical bid or offer parameters) are considered in the ISO's market solution.

30.4.5 Core Market Monitoring Functions

The Market Monitoring Unit shall be responsible for performing the following Core Functions:

30.4.5.1 Evaluate existing and proposed market rules, tariff provisions and market design elements and recommend proposed rule and tariff changes to the ISO, to the Commission's Office of Energy Market Regulation staff, and to other interested entities, including the New York Public Service Commission, and participants in the ISO's stakeholder governance process. Provided that:

30.4.5.1.1 The Market Monitoring Unit is not responsible for systematic review of every tariff and market rule; its role is monitoring, not audit.

30.4.5.1.2 The Market Monitoring Unit is not to effectuate its proposed market design itself.

30.4.5.1.3 The Market Monitoring Unit's role in recommending proposed rule and Tariff changes is advisory in nature, unless a Tariff provision specifically concerns actions to be undertaken by the Market Monitoring Unit itself.

30.4.5.1.4 The Market Monitoring Unit must limit distribution of issues or concerns it identifies, and its recommendations to the ISO and to Commission staff in the event it believes broader dissemination could lead to exploitation. Limited distributions should include an explanation of why further dissemination should be avoided at that time.

30.4.5.2 Review and report on the performance of the wholesale markets to the ISO, the Commission, and other interested entities such as the New York Public Service Commission and participants in its stakeholder governance process on at least a quarterly basis, and issue a more comprehensive annual state of the market report. The Market Monitoring Unit may issue additional reports as necessary.

30.4.5.2.1 In order to perform the Core Functions, the Market Monitoring Unit shall perform daily monitoring of the markets that the ISO administers. The Market Monitoring Unit's daily monitoring shall include monitoring of virtual bidding.

30.4.5.2.2 The Market Monitoring Unit shall submit drafts of each of its reports to the ISO for review and comment sufficiently in advance of the report's issuance to provide an effective opportunity for review and comment by the ISO. The Market Monitoring Unit may disregard any suggestions with which it disagrees. The ISO may not alter the reports prepared by the Market Monitoring Unit, nor

dictate the Market Monitoring Unit's conclusions.

30.4.5.3 Identify and notify the Commission staff of instances in which a Market Party's or the ISO's behavior may require investigation, including, but not limited to, suspected Market Violations.

30.4.5.3.1 Except as provided in Section 30.4.5.3.2 below, in compliance with § 35.28(g)(3)(iv) of the Commission's regulations (or any successor provisions thereto) the Market Monitoring Unit shall submit a non-public referral to the Commission in all instances where it has obtained sufficient credible information to believe a Market Violation has occurred. Once the Market Monitoring Unit has obtained sufficient credible information to warrant referral to the Commission, the Market Monitoring Unit shall immediately refer the matter to the Commission and desist from further investigation of independent action related to the alleged Market Violation, except at the express direction of the Commission or Commission staff. The Market Monitoring Unit may continue to monitor for repeated instances of the reported activity by the same or other entities and shall respond to requests from the Commission for additional information in connection with the alleged Market Violation it has referred.

30.4.5.3.2 The Market Monitoring Unit is not required to refer the actions (or failures to act) listed in this Section 30.4.5.3.2 to the Commission as Market Violations, because they have: (i) already been reported by the ISO as a Market Problem under Section 3.5.1 of the ISO Services Tariff; and/or (ii) because they pertain to actions or failures that: (a) are expressly set forth in the ISO's Tariffs; (b) involve objectively identifiable behavior; and (c) trigger a sanction or other consequence

that is expressly set forth in the ISO Tariffs and that is ultimately appealable to the Commission. The actions (or failures to act) that are exempt from mandatory referral to the Commission are:

- 30.4.5.3.2.1 failure to meet a Contract or Non-Contract CRIS MW Commitment pursuant to Sections 25.7.11.1.1 and 25.7.11.1.2 of Attachment S to the ISO OATT that results in a charge or other a sanction under Section 25.7.11.1.3 of Attachment S of the ISO OATT;
- 30.4.5.3.2.2 Black Start performance that results in reduction or forfeitures of payments under Rate Schedule 5 to the ISO Services Tariff;
- 30.4.5.3.2.3 any failure by the ISO to meet the deadlines for completing System Impact Studies, or any failure by a Transmission Owner to meet the deadlines for completing Facilities Studies, under Sections 3.7 and 4.5 of the ISO OATT that results in the filing of a notice and/or the imposition of sanctions under those provisions;
- 30.4.5.3.2.4 failure of a Market Party to comply with the ISO's creditworthiness requirements set forth in Attachment K of the ISO Services tariff, or other action, that triggers sanctions under Section 7.5 of the ISO Services Tariff or Section 2.7.5 of the ISO OATT, specifically: (i) failure of a Market Party to make timely payment under Section 7.2.2 of the ISO Services Tariff or Section 2.7.3.2 of the ISO OATT that triggers a sanction under Sections 7.5.3(i) or 7.5.3(iv) of the ISO Services Tariff, or Sections 2.7.5.3(i), 2.7.5.3(iv), or 2.7.5.4 of the ISO OATT; (ii) failure of a Market Party to comply with a demand for additional credit support under Section 26.6 of Attachment K of the ISO Services Tariff that triggers a

sanction under Section 7.5.3(i) of the ISO Services Tariff or Section 2.7.5.3(i) of the ISO OATT; (iii) failure of a Market Party to cure a default in another ISO/RTO market under Sections 7.5.3(iii) of the ISO Services Tariff, or Section 2.7.5.3(iii) of the ISO OATT that triggers a sanction under either of those tariff provisions; (iv) failure of a Market Party that has entered into a Prepayment Agreement with the ISO under Appendix K-1 to Attachment K to the ISO Services Tariff to make payment in accordance with the terms of the Prepayment Agreement that triggers a sanction under the Prepayment Agreement or 7.5.3(i) of the ISO Services Tariff; and (v) failure of a Market Party to make timely payment on two occasions within a rolling twelve month period under Section 7.5.3(iv) of the ISO Services Tariff, or Section 2.7.5.3(iv) of the ISO OATT that triggers a sanction under either of those provisions.

30.4.5.3.2.5 bidding in a manner that results in a penalty under Section 23.4.3.3.4 of the Market Mitigation Measures.

30.4.5.3.2.6 submission of inaccurate fuel type information into the Day-Ahead Market that results in a penalty under Section 23.4.3.3.3 of the Market Mitigation Measures.

30.4.5.3.2.7 submission of inaccurate fuel type and/or fuel price information into the Real-Time Market that results in a penalty under Section 23.4.3.3.4 of the Market Mitigation Measures.

To the extent the above list enumerates specific Tariff provisions, the exclusions specified above shall also apply to re-numbered and/or successor provisions thereto. The Market Monitoring Unit is not precluded from referring any of the activities listed above to the

Commission.

30.4.5.4 Identify and notify the Commission staff of perceived market design flaws that could be effectively remedied by rule or tariff changes.

30.4.5.4.1 In compliance with § 35.28(g)(3)(v) of the Commission's regulations (or any successor provisions thereto) the Market Monitoring Unit shall submit a referral to the Commission when the Market Monitoring Unit has reason to believe that a market design flaw exists, that the Market Monitoring Unit believes could effectively be remedied by rule or tariff changes.

30.4.5.4.1.1 If the Market Monitoring Unit believes broader dissemination of the possible market design flaw, and its recommendation could lead to exploitation, the Market Monitoring Unit shall limit distribution of its referral to the ISO and to the Commission. The referral shall explain why further dissemination should be avoided.

30.4.5.4.1.2 Following referral of a possible market design flaw, the Market Monitoring Unit shall continue to provide to the Commission additional information regarding the perceived market design flaw, its effects on the market, any additional or modified observations concerning the Market Monitoring Unit's proposed market rule or tariff change, any recommendations made by the Market Monitoring Unit to the ISO, its stakeholders, Market Parties or state public service commissions regarding the perceived market design flaw, and any actions taken by the ISO regarding the perceived market design flaw.

30.4.6 Market Monitoring Unit Responsibilities Set Forth Elsewhere in the ISO's Tariffs

30.4.6.1 Supremacy of (Attachment O)

Provisions addressing the Market Monitoring Unit, its responsibilities and its authority, have been centralized in Attachment O. However, provisions that address the Market Monitoring Unit can also be found in the Market Mitigation Measures that are set forth in Attachment H to the ISO Services Tariff, and elsewhere in the ISO's Tariffs. In the event of any inconsistency between the provisions of Attachment O and any other provision of the ISO OATT, the ISO Services Tariff, or any of their attachments and schedules, with regard to the Market Monitoring Unit, its responsibilities and its authority, the provisions of Attachment O shall control.

30.4.6.2 Market Monitoring Unit responsibilities set forth in the Market Mitigation Measures

30.4.6.2.1 The ISO and its Market Monitoring Unit shall monitor the markets the ISO administers for conduct that the ISO or the Market Monitoring Unit determine constitutes an abuse of market power but that does not trigger the thresholds specified in the Market Mitigation Measures for the imposition of mitigation measures by the ISO. If the ISO identifies or is made aware of any such conduct, and in particular conduct exceeding the thresholds for presumptive market effects specified in Section 23.3.2.3 of the Market Mitigation Measures, it shall make a filing under § 205 of the Federal Power Act, 16 U.S.C. § 824d (1999) ("§ 205") with the Commission requesting authorization to apply appropriate mitigation measures. Any such filing shall identify the particular conduct the ISO believes warrants mitigation, shall propose a specific mitigation

measure for the conduct, shall incorporate or address the recommendation of its Market Monitoring Unit, and shall set forth the ISO's justification for imposing that mitigation measure. The Market Monitoring Unit's reporting obligations are specified in Sections 30.4.5.3 and 30.4.5.4 of Attachment O. *See* Market Mitigation Measures Section 23.1.2.

30.4.6.2.2 The ISO and the Market Monitoring Unit shall monitor the ISO Administered Markets for other categories of conduct, whether by a single firm or by multiple firms acting in concert, that have material effects on prices or guarantee payments in an ISO Administered Market. *See* Market Mitigation Measures Section 23.2.4.4.

30.4.6.2.3 If (i) the ISO determines, following consultation with the Market Party and review by the Market Monitoring Unit, that the Market Party or its representative has, over a time period of at least one week, submitted inaccurate fuel type or fuel price information that was, taken as a whole, biased in the Market Party's favor, *then* the ISO shall cease using the fuel type and fuel price information submitted to the ISO's Market Information System along with the Generator's Bid(s) to develop reference levels for the affected Generator(s) in the relevant (Day-Ahead or real-time) market for the durations specified in Sections 23.3.1.4.6.8.1, 23.3.1.4.6.8.2, and 23.3.1.4.6.8.3 of the Mitigation Measures. *See* Section 23.3.1.4.6.8 of the Market Mitigation Measures

30.4.6.2.4 When it has the capability to do so, the ISO shall determine the effect on prices or guarantee payments of questioned conduct through the use of sensitivity analyses performed using the ISO's SCUC, RTC and RTD computer models, and

such other computer modeling or analytic methods as the ISO shall deem appropriate following consultation with its Market Monitoring Unit. *See* Market Mitigation Measures Section 23.3.2.2.1.

30.4.6.2.5 Pending development of the capability to use automated market models, the ISO, following consultation with its Market Monitoring Unit, shall determine the effect on prices or guarantee payments of questioned conduct using the best available data and such models and methods as they shall deem appropriate. *See* Market Mitigation Measures Section 23.3.2.2.2.

30.4.6.2.6 If through the application of an appropriate index or screen or other monitoring of market conditions, conduct is identified that (i) exceeds an applicable threshold, and (ii) has a material effect, as specified above, on one or more prices or guarantee payments in an ISO Administered Market, the ISO shall, as and to the extent specified in Attachment O or in Section 23.3.3.2 of the Market Mitigation Measures, contact the Market Party engaging in the identified conduct to request an explanation of the conduct. If a Market Party anticipates submitting bids in a market administered by the ISO that will exceed the thresholds specified in Section 23.3.1 of the Market Mitigation Measures for identifying conduct inconsistent with competition, the Market Party may contact the ISO to provide an explanation of any legitimate basis for any such changes in the Market Party's bids. If a Market Party's explanation of the reasons for its bidding indicates to the satisfaction of the ISO that the questioned conduct is consistent with competitive behavior, no further action will be taken. Market Parties shall ensure that the information they submit to the ISO, including but not

limited to fuel price and fuel type information, is accurate. Except as set forth in Section 23.3.1.4.6.7 of the Market Mitigation Measures, the ISO may not retroactively revise a reference level to reflect additional fuel costs if a Market Party or its representative did not timely submit accurate fuel cost information. Unsupported speculation by a Market Party does not present a valid basis for the ISO to determine that Bids that a Market Party submitted are consistent with competitive behavior, or to determine that submitted costs are appropriate for inclusion in the ISO's development of reference levels. Consistent with Sections 30.6.2.2 and 30.6.3.2 of the Plan, the Market Party shall retain the documents and information supporting its Bids and the costs it proposes to include in reference levels. A preliminary determination by the ISO shall be provided to the Market Monitoring Unit for its review and comment, and the ISO shall consider the Market Monitoring Unit's recommendations before the ISO issues its decision or determination to the Market Party. Upon request, the ISO shall consult with a Market Party or its representative with respect to the information and analysis used to determine reference levels under Section 23.3.1.4 of the Market Mitigation Measures for that Market Party's Generator(s). If cost data or other information submitted by a Market Party indicates to the satisfaction of the ISO that the reference levels for that Market Party's Generator(s) should be changed, revised reference levels shall be proposed by the ISO, communicated to the Market Monitoring Unit for its review and comment and, following the ISO's consideration of any recommendation that the Market Monitoring Unit is able to timely provide, communicated to the Market Party, and implemented by the ISO

as soon as practicable. Changes to reference levels addressed pursuant to the terms of Section 23.3.3.1.4 of the Market Mitigation Measures shall be implemented on a going-forward basis commencing no earlier than the date that the Market Party's consultation request is received. *See* Market Mitigation Measures Sections 23.3.3.1.1 through 23.3.3.1.5.

30.4.6.2.7 With regard to a Market Party's request for consultation that satisfies the requirements of Sections 23.3.3.3.1.4 and 23.3.3.3.1.7 of the Market Mitigation Measures, and consistent with the duties assigned to the ISO in Section 23.3.3.3.1.7.1 of the Market Mitigation Measures, a preliminary determination by the ISO regarding the Market Party's consultation request shall be provided to the Market Monitoring Unit for its review and the ISO shall consider the Market Monitoring Unit's recommendations in reaching its decision. *See* Market Mitigation Measures Section 23.3.3.3.1.7.1 and 23.3.3.3.1.7.2.

30.4.6.2.8 Review pursuant to Market Mitigation Measures Section 23.4.5.4.3

- (a) Reasonably in advance of the deadline for submitting offers in an External Reconfiguration Market and in accordance with the deadlines specified in ISO Procedures, the Responsible Market Party for External Sale UCAP may request the ISO to provide a projection of ICAP Spot Auction clearing prices for a Mitigated Capacity Zone over the Comparison Period for the External Reconfiguration Market. Prior to completing its projection of ICAP Spot Auction clearing prices for a Mitigated Capacity Zone over the Comparison Period for the External Reconfiguration Market, the ISO shall consult with the Market Monitoring Unit regarding such price projection. *See* Market Mitigation

Measures Section 23.4.5.4.3(a).

- (b) At least fifteen Business Days in advance of the opening of the ICAP Spot Market Auction, the Responsible Market Party for a Behind-the-Meter Net Generation Resource may request the ISO to make a determination regarding physical withholding that the sale of Net Unforced Capacity in a Mitigated Capacity Zone to its Host Load does not constitute physical withholding. Prior to reaching its decision on such a request, the ISO shall provide its preliminary determination to the Market Monitoring Unit for review and comment. *See* Market Mitigation Measures Section 23.4.5.4.3(b).

30.4.6.2.9 Prior to reaching its decision regarding whether the presumption of control of Unforced Capacity has been rebutted, the ISO shall provide its preliminary determination to the Market Monitoring Unit for review and comment. *See* Market Mitigation Measures Section 23.4.5.5.

30.4.6.2.10 Any proposal or decision by a Market Participant to retire or otherwise remove an Installed Capacity Supplier from a Mitigated Capacity Zone Unforced Capacity market, or to de-rate the amount of Installed Capacity available from such supplier, may be subject to audit and review by the ISO if the ISO determines that such action could reasonably be expected to affect Market-Clearing Prices in one or more ICAP Spot Market Auctions for a Mitigated Capacity Zone subsequent to such action; provided, however, no audit and review shall be necessary if the Installed Capacity Supplier is a Generator that is being retired or removed from a Mitigated Capacity Zone as the result of a Forced Outage that began on or after the effective date of the amendments to Section

23.4.5.6.1 of this Services Tariff that was determined by the ISO to be a Catastrophic Failure.

The ISO's audit or review of any proposal or decision by a Market Participant to retire or otherwise remove an Installed Capacity Supplier from a Mitigated Capacity Zone Unforced Capacity market, or to de-rate the amount of Installed Capacity available from such supplier (including a review the ISO conducts at the request of a Market Participant before it submits a proposal or makes a decision or a review the NYISO conducts in conjunction with the Short-Term Reliability Process), will consider the rationale offered by the Market Participant to support its proposal or decision. Such an audit or review shall assess whether the Market Participant's proposal or decision has a legitimate economic justification, which may include the economics of complying with regulatory requirements, or is based on an effort to withhold Installed Capacity physically in order to affect prices. The ISO's audit or review is conducted based on the expectation that a Market Participant's decision to retire or otherwise remove an Installed Capacity Supplier from a Mitigated Capacity Zone, or to de-rate the amount of Installed Capacity available from such supplier, accounts for the information available to that Market Participant at (or before) the time its decision is made on the "decision date" (*see, e.g.*, Sections 23.4.5.6.4.2.1 and 23.4.5.6.4.2.2.1 of this Services Tariff) specified by the Market Participant. A Market Participant may offer publicly available information and other information available to the Market Participant to support its proposal or decision.

The ISO shall provide the preliminary results of its audit or review to the

Market Monitoring Unit for its review and comment. *See* Market Mitigation Measures Section 23.4.5.6.

30.4.6.2.11 Any reclassification of a an Installed Capacity Supplier that is a Generator in a Mitigated Capacity Zone from a Forced Outage that began on or after the effective date of Section 23.4.5.6.2 of this Services Tariff to an ICAP Ineligible Forced Outage by a Market Participant or otherwise, pursuant to the terms of Section 5.18.2.1 of this Services Tariff, may be subject to audit and review by the ISO if the ISO determines that such reclassification could reasonably be expected to affect the Market-Clearing Price in one or more ICAP Spot Market Auctions for a Mitigated Capacity Zone in which the Generator(s) that is the subject of the reclassification is located, subsequent to such action; provided, however, if the Market Participant's Generator experienced the Forced Outage as a result of a Catastrophic Failure, the reclassification of a Generator in a Mitigated Capacity Zone from a Forced Outage to an ICAP Ineligible Forced Outage shall not be subject to audit and review pursuant to Section 23.4.5.6.2 of this Services Tariff.

The audit and review pursuant to the above paragraph shall assess whether the reclassification of the Generator in a Mitigated Capacity Zone from a Forced Outage to an ICAP Ineligible Forced Outage had a legitimate economic justification or is based on an effort to withhold Installed Capacity physically in order to affect prices. A Market Participant may offer publicly available information and other information available to the Market Participant to justify the reclassification.

The ISO shall provide the preliminary results of its audit or review to the

Market Monitoring Unit for its review and comment.

The audit and review pursuant to Section 23.4.5.6.2.1 of this Services Tariff shall be deferred by the ISO beyond the time period established in ISO Procedures for the audit and review until the ISO's receipt of data pursuant to Section 23.4.5.6.2.2 if the Generator was in a Forced Outage for at least 180 days before the reclassification and one or more Exceptional Circumstances delayed the acquisition of data necessary for the ISO's audit and review. If, at the time the ISO acquires the necessary data, the Market Participant has Commenced Repair of the Generator, or the Generator is determined by the ISO to have had a Catastrophic Failure, the Market Participant shall not be subject to an audit and review pursuant to Section 23.4.5.6.2.1 of this Services Tariff. The ISO shall provide the preliminary results of its audit or review to the Market Monitoring Unit for its review and comment.

30.4.6.2.12 The ISO shall consult with the Market Monitoring Unit when it is determining pursuant to Section 23.4.5.6.4.2.2 of this Services Tariff whether there is a point in the process of deactivating a Generator after which the deactivation process will become, essentially and practicably, irreversible.

30.4.6.2.13 When evaluating an Examined Facility or NCZ Examined Project pursuant to Section 23.4.5.7 of the Market Mitigation Measures, the ISO shall seek comment from the Market Monitoring Unit on matters relating to the determination of price projections, cost calculations, and the methodology the ISO will use to project net Energy and Ancillary Services for each UDR project, and the inputs used to perform the calculation the ISO's draft list of recommended

Exempt Renewable Technologies and the basis for the recommendation; requests pursuant to Section 23.4.5.7.14.1.2(e)(C) regarding whether a “contract” (as defined in Section 23.4.5.7.14.2(e) would make it ineligible to obtain or (if previously granted) retain a Self Supply Exemption. As required by Section 23.4.5.7 of Attachment H to this Services Tariff, the Market Monitoring Unit shall prepare a written report discussing factors that affect the ISO’s mitigation exemption and Offer Floor determinations, and confirming whether the ISO’s Offer Floor and exemption determinations and calculations conducted pursuant to Sections 23.4.5.7.2 and 23.4.5.7.6, the NYISO’s determination of eligible or ineligible for an exemption pursuant to Section 23.4.5.7.9, 23.4.5.7.13, and 23.4.5.7.14 were conducted in accordance with the terms of the Services Tariff, and if not, identifying the flaws inherent in the ISO’s approach. This report shall be presented concurrent with the ISO’s posting of its mitigation exemption and Offer Floor determinations. Pursuant to Section 23.4.5.7.8 of the Market Mitigation Measures, the ISO shall also consult with the Market Monitoring Unit when evaluating whether any existing or proposed Generator or UDR project in a Mitigated Capacity Zone, except New York City, has Commenced Construction, and determinations of whether it shall be exempted from an Offer Floor under that Section. Prior to the ISO making an exemption determination pursuant to Section 23.4.5.7.8, the Market Monitoring Unit shall provide the ISO a written opinion and recommendation. The Market Monitoring Unit shall also provide a public report on its assessment of an ISO determination that an existing or proposed Generator or UDR project is exempt from an Offer Floor under Section

23.4.5.7.8. *See* Market Mitigation Measures Section 23.4.5.7.

30.4.6.2.14 RMR Generator Energy and Ancillary Service Market Participation Rules.

If a new operating constraint arises while a Generator that is required to comply with the bidding requirements in Section 30.6 of the ISO Services Tariff is an Interim Service Provider that prevents the Market Party from offering all or a portion of the Generator's capability via an ISO-committed flexible Bid, the Market Party shall promptly inform the ISO of the change, shall provide all documentation requested by the ISO or by the Market Monitoring Unit, and shall permit the ISO and/or the Market Monitoring Unit to inspect the affected Generator (including all requested plant records) on five days prior notice. *See* Market Mitigation Measures Section 23.6.1.1.3.

The ISO, in consultation with the Market Monitoring Unit, may review and update an Interim Service Provider's reference levels. The Generator Owner may propose updates to its Interim Service Provider's reference levels. The ISO shall make the ultimate determination with regard to each reference level. *See* Market Mitigation Measures Section 23.6.2.2.

In advance of the execution of an RMR Agreement, the ISO, in consultation with the Market Monitoring Unit and the Generator Owner, shall review and update the reference levels for each affected Generator. The ISO shall make the ultimate determination with regard to each reference level. *See* Market Mitigation Measures Section 23.6.2.3.

If a possible RMR Generator or Interim Service Provider faces operational constraints the ISO, in consultation with the Market Monitoring Unit and the

Generator Owner, will develop reference levels that will permit the Generator to operate consistent with the identified constraints, while ensuring that the Generator will be available (a) to resolve the Reliability Need the Generator is being retained to address, and (b) for economic commitment when appropriate. *See* Market Mitigation Measures Section 23.6.2.3.1.

If a physical change to the RMR Generator occurs that alters the RMR Generator's capabilities (*e.g.*, damage to the generator or Capital Expenditures that alter an RMR Generator's capabilities), then the ISO shall determine revised reference levels in consultation with the Market Monitoring Unit and the Generator Owner. *See* Market Mitigation Measures Section 23.6.2.4.4.

The ISO and the Generator Owner, in consultation with the Market Monitoring Unit, may mutually agree to a reference level change that they expect will better reflect an RMR Generator's actual operating characteristics or variable costs. *See* Market Mitigation Measures Section 23.6.2.4.5.

30.4.6.3 Market Monitoring Unit responsibilities set forth in the ISO Services Tariff

30.4.6.3.1 The ICAP Demand Curve periodic review schedule and procedures shall provide an opportunity for the Market Monitoring Unit to review and comment on the draft request for proposals, the independent consultant's report, and the ISO's proposed ICAP Demand Curves. *See* ISO Services Tariff Sections 5.14.1.2.1.5 and 5.14.1.2.2.4.5.

30.4.6.3.2 The new capacity zone periodic review shall provide an opportunity for the Market Monitoring Unit to review and comment on the NCZ Study, and any proposed NCZ tariff revisions. *See* ISO Services Tariff Sections 5.16.1.3 and

5.16.4.

30.4.6.4 Market Monitoring Unit responsibilities set forth in the Rate Schedules to the ISO Services Tariff.

30.4.6.4.1 Responsibilities related to the Regulation Service Demand Curve

In order to respond to operational or reliability problems that arise in real-time, the ISO may procure Regulation Service at a quantity and/or price point different than those specified in Section 15.3.7 of Rate Schedule 3 to the ISO Services Tariff. The ISO shall post a notice of any such purchase as soon as reasonably possible and shall report on the reasons for such purchases at the next meeting of its Business Issues Committee. The ISO shall also immediately initiate an investigation to determine whether it is necessary to modify the quantity and price points specified above to avoid future operational or reliability problems. The ISO will consult with its Market Monitoring Unit when it conducts this investigation.

If the ISO determines that it is necessary to modify the quantity and/or price points specified above in order to avoid future operational or reliability problems it may temporarily modify them for a period of up to 90 days. If circumstances reasonably allow, the ISO will consult with its Market Monitoring Unit, the Business Issues Committee, the Commission, and the PSC before implementing any such modification. In all circumstances, the ISO will consult with those entities as soon as reasonably possible after implementing a temporary modification.

After the first year the Regulation Service Demand Curve is in place, the ISO shall perform periodic reviews, subject to the scope requirement specified in Section 15.3.7 of Rate Schedule 3 to the ISO Services Tariff, and the Market Monitoring Unit shall be given the opportunity to review and comment on the ISO's periodic reviews of the Regulation Service Demand Curve. *See* Section 15.3.7 of Rate Schedule 3 to the ISO Services Tariff.

30.4.6.4.2 Responsibilities related to the Operating Reserves Demand Curves and Scarcity Reserve Demand Curve

In order to respond to operational or reliability problems that arise in real-time, the ISO may procure any Operating Reserve product at a quantity and/or price point different than those specified in Section 15.4.7 of Rate Schedule 4 to the ISO Services Tariff. The ISO shall post a notice of any such purchase as soon as reasonably possible and shall report on the reasons for such purchases at the next meeting of its Business Issues Committee. The ISO shall also immediately initiate an investigation to determine whether it is necessary to modify the quantity and price points specified above to avoid future operational or reliability problems. The ISO will consult with its Market Monitoring Unit when it conducts this investigation.

If the ISO determines that it is necessary to modify the quantity and/or price points specified in Section 15.4.7 of Rate Schedule 4 to the ISO Services Tariff in order to avoid future operational or reliability problems it may temporarily modify them for a period of up to 90 days. If circumstances reasonably allow, the ISO will consult with its Market Monitoring Unit, the Business Issues Committee, the Commission, and the PSC before implementing any such modification. In all circumstances, the ISO will consult with those entities as soon as reasonably possible after implementing a temporary modification.

After the first year the Operating Reserves Demand Curves are in place, the ISO shall perform periodic reviews, subject to the scope requirement specified in Section 15.4.7 of Rate Schedule 4 to the ISO Services Tariff, and the Market Monitoring Unit shall be given the opportunity to review and comment on the ISO's periodic reviews of the Operating Reserve Demand Curves and Scarcity Reserve Demand Curve. *See* Section 15.4.7 of Rate Schedule 4 to the ISO Services Tariff.

30.4.6.5 Market Monitoring Unit responsibilities set forth in the Attachments to

the ISO Services Tariff (other than the Market Mitigation Measures).

30.4.6.5.1 Responsibilities related to Transmission Shortage Cost

The ISO may periodically evaluate the Transmission Shortage Cost to determine whether it is necessary to modify the Transmission Shortage Cost to avoid future operational or reliability problems. The ISO will consult with its Market Monitoring Unit after it conducts this evaluation.

If the ISO determines that it is necessary to modify the Transmission Shortage Cost in order to avoid future operational or reliability problems the resolution of which would otherwise require recurring operator intervention outside normal market scheduling procedures, in order to avoid among other reliability issues, a violation of NERC Interconnection Reliability Operating Limits or System Operating Limits, it may temporarily modify it for a period of up to 90 days, provided however the ISO shall file such change with the Commission pursuant to § 205 of the Federal Power Act within 45 days of such modification. If circumstances reasonably allow, the ISO will consult with its Market Monitoring Unit, the Business Issues Committee, the Commission, and the PSC before implementing any such modification. In all circumstances, the ISO will consult with those entities as soon as reasonably possible after implementing a temporary modification and shall explain the reasons for the change. *See* Section 17.1.4 of Attachment B to the ISO Services Tariff.

30.4.6.6 Market Monitoring Unit responsibilities set forth in the ISO OATT

30.4.6.7 Market Monitoring Unit responsibilities set forth in the Rate Schedules to the ISO OATT

30.4.6.8 Market Monitoring Unit responsibilities set forth in the Attachments to the ISO OATT

30.4.6.8.1 Responsibilities related to implementing new scheduling path

prohibitions

If the ISO, acting in consultation with its Market Monitoring Unit, identifies transmission scheduling paths that are being used to schedule External Transactions in a manner that is not consistent with the manner in which power is actually expected to flow, the ISO may submit a compliance filing in FERC Docket No. ER13-780 proposing to expand the list of prohibited scheduling paths included in Section 16.3.3.8 of the ISO OATT. The ISO's compliance filing will include, or be accompanied by, a discussion of the Market Monitoring Unit's position regarding the ISO's proposal to add a new prohibited scheduling path or new prohibited scheduling paths. The Market Monitoring Unit's position may be explained in the ISO's filing letter, be set forth in an accompanying affidavit, or be submitted by the Market Monitoring Unit as a companion filing or as comments on the ISO's compliance filing in Docket No. ER13-780. *See* Section 16.3.3.8 of Attachment J to the ISO OATT.

30.4.6.8.2 Responsibilities related to the draft Reliability Needs Assessment

Following the Management Committee vote, the draft Reliability Needs Assessment (RNA), with working group, Operating Committee, and Management Committee input, will be forwarded to the ISO Board for review and action. Concurrently, the draft RNA will be provided to the Market Monitoring Unit for its review and consideration of whether market rules changes are necessary to address an identified failure, if any, in one of the ISO's competitive markets. *See* Section 31.2.3.2 of Attachment Y to the ISO OATT.

30.4.6.8.3 Responsibilities related to the draft Comprehensive Reliability Plan

Following the Management Committee vote, the draft Comprehensive Reliability Plan (CRP), with working group, Operating Committee, and Management Committee input, will be forwarded to the ISO Board for review and action. Concurrently, the draft CRP will also be

provided to the Market Monitoring Unit for its review and consideration of whether market rule changes are necessary to address an identified failure, if any, in one of the ISO's competitive markets. *See* Section 31.2.7.2 of Attachment Y to the ISO OATT.

30.4.6.8.4 Responsibilities related to the draft Congestion Analysis and Resource Integration Study

Following the Management Committee vote, the draft Congestion Analysis and Resource Integration Study (CARIS), with Business Issues Committee and Management Committee input, will be forwarded to the ISO Board for review and action. Concurrently, the draft CARIS will be provided to the Market Monitoring Unit for its review and consideration. *See* Section 31.3.2.2 of Attachment Y to the ISO OATT.

30.4.6.8.5 Responsibilities related to the draft Public Policy Transmission Planning Report

The ISO will provide the draft Public Policy Transmission Planning Report to the Market Monitoring Unit for its review and consideration of any impact on the ISO-administered markets of regulated transmission solutions proposed to satisfy a Public Policy Transmission Need. *See* Sections 31.4.9 and 31.4.10.1 of Attachment Y to the ISO OATT. The Market Monitoring Unit's evaluation will be provided to the Management Committee before the Management Committee's advisory vote. *See* Section 31.4.10.1 of Attachment Y. Following the Management Committee vote, the draft Public Policy Transmission Planning Report, with Business Issues Committee and Management Committee input, will be forwarded to the ISO Board for review and action. Concurrent with the submission to the ISO Board of the draft Public Policy Transmission Planning Report, the Market Monitoring Unit's evaluation will be provided to the ISO Board. *See* Section 31.4.7 of Attachment Y to the ISO OATT.

30.4.6.8.6 Responsibilities Related to Market Monitoring Unit Review of Reliability Must Run Costs and RMR Avoidable Cost Determinations

The ISO shall seek comments from the Market Monitoring Unit on matters relating to the inputs and the calculations the ISO performed pursuant to Section 38.8 of Attachment FF of the ISO OATT. *See* Section 38.8.2 of Attachment FF of the ISO OATT.

The ISO shall seek comments from the Market Monitoring Unit on its review of Proposed Additional Costs and its determinations of Substantiated Additional Costs under Section 38.16 of Attachment FF of the ISO OATT. *See* Section 38.16.2.2 of Attachment FF of the ISO OATT.

Concurrent with the ISO or a Generator filing with the Commission an RMR Agreement pursuant to Sections 38.11.3, 38.11.4 or 38.11.5 of Attachment FF to the ISO OATT, the Market Monitoring Unit shall publish a report. The report shall review the ISO's determination of the highest net present value offer (or more than one offer) to provide RMR service in accordance with Sections 38.8, 38.9 and 38.10 of Attachment FF to the ISO OATT. In the event that cost alone did not provide for a clear delineation between two or more RMR Service Offers, the report shall also review the ISO's consideration of the Generator Owner's proposed changes to the *Form of Reliability Must Run Agreement* and the operational, performance and market impacts, and the size of the Generators. If the RMR Agreement contains RMR Avoidable Costs and an Availability and Performance Rate, the report shall also review the inputs to, and ISO's calculation of, the RMR Avoidable Costs and the Availability and Performance Rate. *See* Section 38.18.3 of Attachment FF to the ISO OATT.

30.4.6.9 Market Monitoring Unit responsibilities set forth in other documents that have been formally filed with the Commission

30.4.6.10 Market Monitoring Unit responsibilities set forth in the *Form of Reliability Must Run Agreement, Appendix C to Attachment FF of the ISO*

OATT

The ISO and the Market Monitoring Unit shall monitor deviations from each RMR Generator's historic planned outage schedules. Owner shall promptly respond to ISO and Market Monitoring Unit requests for explanations, information and data regarding or supporting outage schedules. *See Section 7.1.3 of the Form of Reliability Must Run Agreement.*

The ISO and the Market Monitoring Unit shall monitor deviations from each RMR Generator's historic forced outage rate. Owner shall promptly respond to ISO and Market Monitoring Unit requests for explanations, information and data regarding or supporting forced outages, including the time required to return from a Forced Outage. *See Section 7.2.2 of the Form of Reliability Must Run Agreement.*

30.4.6.11 Additional Market Monitoring Unit responsibilities related to Reliability Must Run Agreements

The Market Monitoring Unit shall review any Owner-Developed Rate that is filed with the Commission as described in Section 4.5 of the *Form of Reliability Must Run Agreement*. The Market Monitoring Unit shall intervene and participate in Commission proceedings concerning such filings. It shall submit, as appropriate, comments or a protest in such a proceeding describing its review and informing the Commission of whether it has found a proposed Owner Developed Rate to be consistent with, or in excess of, an RMR Generator's full cost of service. The Market Monitoring Unit shall also inform the Commission of whether: (i) it believes the proposed Owner Developed Rate, including its terms and conditions of service, is or is not just and reasonable; and (ii) it has any other concerns with the proposed Owner Developed Rate.

30.4.7 Availability of Data and Resources to Market Monitoring Unit

30.4.7.1 The ISO shall ensure that the Market Monitoring Unit has sufficient

access to ISO resources, personnel and market data to enable the Market Monitoring Unit to carry out its functions under Attachment O. Consistent with Section 30.6.1 of Attachment O, the Market Monitoring Unit shall have complete access to the ISO's databases of market information.

30.4.7.2 Any data created by the Market Monitoring Unit, including but not limited to reconfiguration of the ISO's data, will be kept within the exclusive control of the Market Monitoring Unit. The Market Monitoring Unit may share the data it creates, subject to the limitations on distribution of and obligation to protect the confidentiality of Protected Information that are contained in Attachment O, the ISO Services Tariff, and the ISO's Code of Conduct.

30.4.7.3 Where data outside the ISO's geographic footprint would be helpful to the Market Monitoring Unit in carrying out its duties, the Market Monitoring Unit should seek out that data (with assistance from the ISO, where appropriate).