

31.1 New York Comprehensive System Planning Process (“CSPP”)

31.1.1 Definitions

The following capitalized terms shall have the meanings set forth in this subsection for purposes of this Attachment Y of the ISO OATT, except as such terms are otherwise defined within this Attachment Y:

Additional Factor Category: Additional Factor Category shall have the meaning set forth in Section 31.6.4.3.1.8 of this Attachment Y.

Affected TO: The Transmission Owner who receives written notification of a dispute related to a Local Transmission Planning Process pursuant to Section 31.2.1.43.1.

Alternative Transmission Technologies: The following four technologies that may be included by Developer as a transmission project, or part of a transmission project, proposed in one of the transmission planning processes in the Comprehensive System Planning Process and Short-Term Reliability Process: (i) dynamic line ratings, (ii) advanced power flow control devices, (iii) advanced conductors, or (iv) transmission switching.

Bounded Region: A Load Zone or Zones within an area that is isolated from the rest of the NYCA as a result of constrained interface limits.

Catalog of Transmission Expansion Opportunities: The potential transmission needs that the ISO identifies as part of the Outlook pursuant to Section 31.6.6.3 for use in the consideration of Long-Term Transmission Needs.

Cost Cap: A Developer’s commitment to contain the capital costs of its proposed Public Policy Transmission Project or its proposed Long-Term Transmission Project in accordance with the requirements, as applicable, in Section 31.4.5.1.8 or Section 31.6.9.5.1.10. The Cost Cap must be in the form of a hard Cost Cap or a soft Cost Cap as described in, as applicable, Section 31.4.5.1.8.3 or Section 31.6.9.5.1.10.3.

CRP: The Comprehensive Reliability Plan as approved by the ISO Board of Directors pursuant to this Attachment Y.

CSPP: The Comprehensive System Planning Process set forth in this Attachment Y, and in the Interregional Planning Protocol, which covers reliability planning, economic planning, Public Policy Requirements planning, long-term transmission planning, cost allocation and cost recovery, and the interregional planning process.

Designated Alternative Transmission Project: The alternative regulated transmission solution proposed by a Transmission Owner or Other Developer and selected by the ISO to address a Reliability Need pursuant to Section 31.2.6.5.2, or a portion of such alternative regulated

transmission solution, that the ISO designates to a Designated Entity pursuant to Sections 31.2.7 and 31.2.7.5 of this Attachment Y.

Designated Backstop Transmission Project: The regulated backstop transmission solution proposed by the Responsible Transmission Owner pursuant to Section 31.2.4.3.1 of this Attachment Y and the ISO/TO Reliability Agreement or an Operating Agreement that is included in the CRP report to address a Reliability Need, or a portion of such regulated backstop transmission solution, that the ISO designates to a Designated Entity pursuant to Sections 31.2.7 and 31.2.7.5 of this Attachment Y.

Designated Economic Transmission Project: The Regulated Economic Transmission Project, or a portion of such Regulated Economic Transmission Project, that is approved by the identified beneficiaries in accordance with Section 31.5.4.6 of Attachment Y to the OATT and that the ISO designates to a Designated Entity pursuant to Section 31.3.2.4 of this Attachment Y.

Designated Entity: A Developer or Transmission Owner that the ISO designates pursuant to Section 31.2.7, 31.3.2.4, ~~or~~ 31.4.11, or 31.6.11 of Attachment Y or Section 38.10.2.1.3 or 38.10.5 of Attachment FF as the person or entity to build, own, and recover the costs of a Designated Reliability Transmission Project, Designated Economic Transmission Project, Designated Public Policy Project, Designated Long-Term Transmission Project, or Designated Short-Term Transmission Project, or a Transmission Owner that is designated pursuant to Section 22.9.6 of Attachment P as the entity to build, own, and recover the costs of Designated Network Upgrade Facilities. For Public Policy Transmission Projects selected by the ISO as the more efficient or cost effective solution to a Public Policy Transmission Need prior to the 2020-2021 cycle of the Public Policy Transmission Planning Process, the Designated Entity shall mean the Developer of the selected Public Policy Transmission Project.

Designated Long-Term Transmission Project: The Long-Term Transmission Project selected by the ISO as the more efficient or cost-effective solution to a Long-Term Transmission Need, or a portion of such Long-Term Transmission Project, that the ISO designates to a Designated Entity pursuant to Section 31.6.11 of this Attachment Y.

Designated Network Upgrade Facilities: The Network Upgrade Facilities that are identified through the Transmission Interconnection Procedures for a Designated Reliability Transmission Project, Designated Economic Transmission Project, Designated Public Policy Project, Designated Long-Term Transmission Project, or Designated Short-Term Transmission Project; that meet the definition of upgrade under Section 31.1.106.4 of Attachment Y; and that are designated to the Connecting Transmission Owner or Affected Transmission Owner pursuant to Section 22.9.6 of Attachment P.

Designated Public Policy Project: The Public Policy Transmission Project selected by the ISO as the more efficient or cost effective solution to a Public Policy Transmission Need, or a portion of such Public Policy Transmission Project, that the ISO designates to a Designated Entity pursuant to Section 31.4.11 of this Attachment Y. For Public Policy Transmission Projects selected by the ISO as the more efficient or cost effective solution to a Public Policy Transmission Need prior to the 2020-2021 cycle of the Public Policy Transmission Planning

Process, the Designated Public Policy Project shall mean the selected Public Policy Transmission Project.

Designated Reliability Transmission Project: The Designated Backstop Transmission Project or Designated Alternative Transmission Project that the ISO designates to a Designated Entity pursuant to Sections 31.2.7 and 31.2.7.5 of this Attachment Y.

Designated Short-Term Transmission Project: The regulated transmission Short-Term Reliability Process Solution selected by the ISO to address a Short-Term Reliability Process Need, or a portion of such regulated transmission solution, that the ISO designates to a Designated Entity pursuant to Section 38.10.2.1.3 or 38.10.5 of Attachment FF.

Developer: A person or entity, including a Transmission Owner, sponsoring or proposing a project pursuant to this Attachment Y.

Development Agreement: The agreement: (i) between the ISO and a Designated Entity concerning the timely development and construction of a Designated Reliability Transmission Project to address a Reliability Need that the parties are required to enter into pursuant to Section 31.2.8.1.6 of this Attachment Y and is in the form set forth in Appendix C of Attachment Y, (ii) between the ISO and a Designated Entity concerning the timely development and construction of a Designated Economic Transmission Project that the parties are required to enter into pursuant to Section 31.3.2.6.2 of Attachment Y and is set forth in Appendix D-2E of Attachment Y, (iii) between the ISO and a Designated Entity concerning the timely development and construction of a Designated Public Policy Project that the parties are required to enter into pursuant to Section 31.4.12.2 of Attachment Y and is in the form set forth in Appendix D-1 of Attachment Y, (iv) between the ISO and a Designated Entity concerning the timely development and construction of a Designated Long-Term Transmission Project that the parties are required to enter into pursuant to Section 31.6.12.2 of Attachment Y and is in the form set forth in Appendix F of Attachment Y, or (iv) between the ISO and a Designated Entity concerning the timely development and construction of a Designated Short-Term Transmission Project that the parties are required to enter into pursuant to Section 38.12.3 of Attachment FF and is in the form set forth in Appendix C of Attachment Y, as amended by the ISO to reflect the Short-Term Reliability Process.

Economic Planning Process: The ISO conducts the System & Resource Outlook in accordance with Section 31.6 of this Attachment Y as the transmission planning study for both its Long-Term Transmission Planning Process and its Economic Planning Process, except for the 2025-2044 System & Resource Outlook, which is conducted for its Economic Planning Process pursuant to the requirements in Section 31.3.1 of this Attachment Y. Pursuant to Sections 31.3 and 31.5.4 of this Attachment Y, the Economic Planning pProcess also establishes the requirements by which the ISO: (i) ~~develops the System & Resource Outlook and identifies current and future congestion on the New York State Transmission System;~~ (ii) evaluates in an Economic Transmission Project Evaluation any Regulated Economic Transmission Project proposals to address any constraint(s) on the BPTFs identified in the System & Resource Outlook in the Economic Planning Process, which transmission projects are eligible for cost allocation and cost recovery under the ISO OATT if approved by a vote of the project's Load Serving Entity beneficiaries and for which the ISO shall designate a Designated Entity or Designated Entities to be responsible for developing the Designated Economic Transmission

Project or Designated Economic Transmission Projects that make up the Regulated Economic Transmission Project; and (iii) conducts any Requested Economic Planning Studies. ~~In conducting the process, the ISO will analyze a base case and scenarios that are developed in consultation with stakeholders.~~

Economic Transmission Project Evaluation: The evaluation by the ISO of a Regulated Economic Transmission Project pursuant to Sections 31.3.2 and 31.5.4 of this Attachment Y.

Economic Transmission Upgrade: Any portion(s) of a Regulated Economic Transmission Project that satisfies the definition of upgrade in Section 31.1.106.4 of this Attachment Y.

ESPWG: The Electric System Planning Work Group, or any successor work group or committee designated to fulfill the functions assigned to the ESPWG in this tariff.

Excluded Capital Costs: Excluded Capital Costs shall have the meaning set forth in, as applicable, Section 31.4.5.1.8.2 of this Attachment Y for the Public Policy Transmission Planning Process or Section 31.6.9.5.1.10.2 of this Attachment Y for the Long-Term Transmission Planning Process.

Extreme Weather Sensitivity: The sensitivity that the ISO develops in accordance with Section 31.6.5.2.3.1 of this Attachment Y and applies to each Long-Term Scenario in the Long-Term Transmission Planning Process.

Federally-Recognized Tribes: Those tribes listed in the most recent notice provided by the Bureau of Indian Affairs and published in the Federal Register.

Foundation Case: The Foundation Case shall have the meaning set forth in Section 31.6.4.1.1 of this Attachment Y.

Funding Entity: Funding Entity shall have the meaning set forth in Section 31.6.9.5.1.9 of this Attachment Y.

Gap Solution: A solution to a Reliability Need that is designed to be temporary and to strive to be compatible with permanent market-based proposals. A permanent regulated solution, if appropriate, may proceed in parallel with a Gap Solution.

In-Kind Replacement List: For purposes of the Long-Term Transmission Planning Process, the list that each Transmission Owner is required to provide of the In-Kind Replacement Transmission Facilities that the Transmission Owner has identified for its system in accordance with Section 31.6.6.4 of this Attachment Y.

In-Kind Replacement Transmission Facility: In-Kind Replacement Transmission Facility shall have the meaning set forth in Section 31.6.6.4 of this Attachment Y.

Included Capital Costs: Included Capital Costs shall have the meaning set forth in, as applicable, Section 31.4.5.1.8.1 of this Attachment Y for the Public Policy Transmission Planning Process or Section 31.6.9.5.1.10.1 of this Attachment Y for the Long-Term Transmission Planning Process.

Interconnection-Related Transmission Need: A potential transmission need that the ISO identifies in accordance with Section 31.4.2.2 of this Attachment Y for consideration as a Public Policy Transmission Need.

Interregional Planning Protocol: The Amended and Restated Northeastern ISO/RTO Planning Coordination Protocol, or any successor to that protocol.

Interregional Transmission Project: A transmission facility located in two or more transmission planning regions that is evaluated under the Interregional Planning Protocol and proposed to address an identified Reliability Need, congestion identified in the Economic Planning Process, or a transmission need driven by a Public Policy Requirement pursuant to Order No. 1000 and the provisions of this Attachment Y.

IPTF: The Interregional Planning Task Force, or any successor ISO stakeholder working group or committee, designated to fulfill the functions assigned to the IPTF in this tariff.

ISO/RTO Region: One or more of the three ISO or RTO regions known as PJM, ISO-New England, and NYISO, which are the “Parties” to the Interregional Planning Protocol.

ISO/TO Reliability Agreement: *The Agreement Between the New York Independent System Operator, Inc., and the New York Transmission Owners on the Comprehensive Planning Process for Reliability Needs*, as filed with and accepted by the Commission in *New York Independent System Operator, Inc.*, 109 FERC ¶ 61,372 (2004) and 111 FERC ¶ 61,182 (2005) in Docket No. ER04-1144, and as amended or supplemented from time to time, or any successor agreement thereto.

LCR: An abbreviation for the term Locational Minimum Installed Capacity Requirement, as defined in the ISO Open Access Transmission Tariff.

Long-Term Scenarios: Scenarios developed by the ISO pursuant to Section 31.6.5.2 for a Long-Term Transmission Planning Process cycle that incorporate various assumptions using best available data inputs to identify potential Long-Term Transmission Needs.

Long-Term State Scenario: The Long-Term Scenario for each Long-Term Transmission Planning Process cycle for which the NYDPS will provide certain assumptions as set forth in Section 31.6.5.2.2.

Long-Term Transmission Need: A transmission need identified by the NYPSC from the Catalog of Transmission Expansion Opportunities for the Long-Term Transmission Planning Process pursuant to Section 31.6.8.1.

Long-Term Transmission Planning Process: Pursuant to Sections 31.6 and 31.5.6, the Long-Term Transmission Planning Process is the process by which the ISO: (i) conducts the System & Resource Outlook to assess the New York State Transmission System over a 20-year Study Period using at least three Long-Term Scenarios and an Extreme Weather Sensitivity to identify transmission expansion opportunities on the BPTFs that are included in a Catalog of Transmission Expansion Opportunities, and (ii) if a Long-Term Transmission Need is identified by the NYPSC, conducts the Long-Term Transmission Selection Process to solicit and evaluate

Long-Term Transmission Projects and Other Long-Term Projects for purposes of selecting, or electing not to select, the more efficient or cost-effective transmission project to address the Long-Term Transmission Need for purposes of cost allocation and cost recovery under the ISO OATT.

Long-Term Transmission Planning Report: The report approved by the ISO Board of Directors on the ISO's evaluation of all Long-Term Transmission Projects and Other Long-Term Projects proposed to satisfy an identified Long-Term Transmission Need pursuant to Section 31.6.10; the ISO's selection of, or election not to select, a proposed Long-Term Transmission Project, if any, that is the more efficient or cost-effective transmission solution to the identified Long-Term Transmission Need pursuant to Section 31.6.11; and the ISO's designation of a Designated Entity or Designated Entities to be responsible for developing the Designated Long-Term Transmission Project(s) that compose the selected Long-Term Transmission Project.

Long-Term Transmission Project: A transmission project or portfolio of transmission projects proposed by qualified Developer(s) to satisfy an identified Long-Term Transmission Need and for which Developer(s) seek to be selected by the ISO for purposes of allocating and recovering the project's costs under the ISO OATT.

Long-Term Transmission Selection Process: Pursuant to Sections 31.6.9 through 31.6.11 of this Attachment Y, the process by which the ISO will: (i) solicit and evaluate proposed Long-Term Transmission Projects and Other Long-Term Projects to address a Long-Term Transmission Need identified by the NYPSC, (ii) select, or elect not to select, the more efficient or cost-effective Long-Term Transmission Project, if any, for eligibility for cost allocation and cost recovery under the ISO OATT; and (iii) designate a Designated Entity or Designated Entities to be responsible for developing the Designated Long-Term Transmission Project(s) that compose the selected Long-Term Transmission Project.

Long-Term Transmission Upgrade: Any portion(s) of a Long-Term Transmission Project that satisfies the definition of upgrade in Section 31.1.10.4 of this Attachment Y.

Loss of Load Expectation ("LOLE"): A measure used to determine the amount of resources needed to minimize the possibility of an involuntary loss of firm electric load on the New York State Bulk Power Transmission Facilities.

LTP: The Local Transmission Owner Plan, developed by each Transmission Owner, which describes its respective plans that may be under consideration or finalized for its own Transmission District.

LTP Dispute Resolution Process ("DRP"): The process for resolution of disputes relating to a Transmission Owner's LTP set out in Section 31.2.1.3.

LTPP: The Local Planning Process conducted by each Transmission Owner for its own Transmission District.

Management Committee: The standing committee of the ISO of that name created pursuant to the ISO Agreement.

Merchant Transmission Facility shall mean a Developer’s proposed new transmission facility that will interconnect to the New York State Transmission System or a proposed upgrade—an improvement to, addition to, or replacement of a part of an existing transmission facility—to the New York State Transmission System, for which the costs of construction will be recovered through negotiated rates instead of cost-based rates and not subject to the competitive evaluation and selection process for purposes of cost allocation under Attachment Y to the ISO OATT. Merchant Transmission Facilities shall not include Attachment Facilities, Network Upgrade Facilities, System Upgrade Facilities or System Deliverability Upgrades.

~~**Net CONE:** The value representing the cost of new entry, net of energy and ancillary services revenues, utilized by the ISO in establishing the ICAP Demand Curves pursuant to Section 5 of the ISO Market Services Tariff.~~

New York State Bulk Power Transmission Facilities (“BPTFs”): The facilities identified as the New York State Bulk Power Transmission Facilities in the annual Area Transmission Review submitted to NPCC by the ISO pursuant to NPCC requirements.

NPCC: The Northeast Power Coordinating Council, or any successor organization.

NUF Responsible Party: NUF Responsible Party shall have the meaning set forth in Section 31.6.12.4 of this Attachment Y.

NYCA Free Flow Test: A NYCA unconstrained internal transmission interface test, performed by the ISO to determine if a Reliability Need is the result of a statewide resource deficiency or a transmission limitation.

NYDPS: The New York State Department of Public Service, as defined in the New York Public Service Law.

NYISO Load and Capacity Data Report: As defined in Section 25 of the ISO OATT.

NYPSC: The New York Public Service Commission, as defined in the New York Public Service Law.

Operating Agreement: An agreement between the NYISO and a non-incumbent owner of transmission facilities in the New York Control Area concerning the operation of the transmission facilities in the form of the agreement set forth in Appendix H (Section 31.11) of this Attachment Y.

Operating Committee: The standing committee of the NYISO of that name created pursuant to the ISO Agreement.

Order No. 1000: The Final Rule entitled Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities, issued by the Commission on July 21, 2011, in Docket RM10-23-001, as modified on rehearing, or upon appeal. (See FERC Stats & Regs. ¶ 31,323 (2011) (“Order No. 1000”), on reh’g and clarification, 139 FERC ¶ 61,132 (“Order No. 1000-A”), on reh’g and clarification, 141 FERC ¶ 61,044 (2012) (“Order No. 1000-B”).

Order No. 1920: The Final Rule entitled Building for the Future Through Electric Regional Transmission Planning and Cost Allocation, issued by the Commission on May 13, 2024, in Docket No. RM21-17-000, as modified on rehearing, or upon appeal. (See 187 FERC ¶ 61,068 (2024) (“Order No. 1920”), on reh’g and clarification, 189 FERC ¶ 61,126 (2024) (“Order No. 1920-A”), on reh’g and clarification, 191 FERC ¶ 61,026 (2025) (“Order No. 1920-B”).

Other Developer: A Developer, other than a Transmission Owner, sponsoring or proposing to sponsor a Regulated Economic Transmission Project, a Public Policy Transmission Project, an Other Public Policy Project, a Long-Term Transmission Project, an Other Long-Term Project, or a regulated solution to a Reliability Need.

Other Long-Term Project: A non-transmission project or a portfolio of transmission and non-transmission projects proposed by a Developer to satisfy an identified Long-Term Transmission Need.

Other Public Policy Project: A non-transmission project or a portfolio of transmission and non-transmission projects proposed by a Developer to satisfy an identified Public Policy Transmission Need.

Outlook Kickoff Meeting: The meeting that commences the Long-Term Transmission Planning Process cycle as described in Section 31.6.5.1 of this Attachment Y.

Public Policy Requirement: A federal or New York State statute or regulation, including a NYPSC order adopting a rule or regulation subject to and in accordance with the State Administrative Procedure Act, any successor statute, or any duly enacted law or regulation passed by a local governmental entity in New York State, that may relate to transmission planning on the BPTFs.

Public Policy Transmission Planning Process: The process by which the ISO solicits needs for transmission driven by Public Policy Requirements that may arise within 10 years; identifies Interconnection-Related Transmission Needs; provides proposed transmission needs driven by Public Policy Requirements and Interconnection-Related Transmission Needs to the NYPSC for identification of any Public Policy Transmission Needs; evaluates all Public Policy Transmission Projects and Other Public Policy Projects proposed to address a Public Policy Transmission Need on a comparable basis; selects the more efficient or cost effective Public Policy Transmission Project, if any, for eligibility for cost allocation under the ISO Tariffs; and designates a Designated Entity or Designated Entities to be responsible for developing the Designated Public Policy Project(s) that compose the selected Public Policy Transmission Project.

Public Policy Transmission Need: A transmission need identified by the NYPSC pursuant to Sections 31.4.2.4 through 31.4.2.6 that is driven by a Public Policy Requirement or an Interconnection-Related Transmission Need ~~pursuant to Sections 31.4.2.1 through 31.4.2.3.~~

Public Policy Transmission Planning Report: The report approved by the ISO Board of Directors pursuant to this Attachment Y on the ISO’s evaluation of all Public Policy Transmission Projects and Other Public Policy Projects proposed to satisfy an identified Public

Policy Transmission Need pursuant to Section 31.4.6; the ISO's selection of a proposed Public Policy Transmission Project, if any, that is the more efficient or cost effective solution to the identified Public Policy Transmission Need pursuant to Section 31.4.8; and the ISO's designation of a Designated Entity or Designated Entities to be responsible for developing the Designated Public Policy Project(s) that compose the selected Public Policy Transmission Project.

Public Policy Transmission Project: A transmission project or a portfolio of transmission projects proposed by Developer(s) to satisfy an identified Public Policy Transmission Need and for which the Developer(s) seek to be selected by the ISO for purposes of allocating and recovering the project's costs under the ISO OATT.

Public Policy Transmission Upgrade: Any portion(s) of a Public Policy Transmission Project that satisfies the definition of upgrade in Section 31.1.106.4 of this Attachment Y.

Reevaluation Process: The process established in Section 31.6.13 of this Attachment Y pursuant to which the ISO will perform a reevaluation required pursuant to Section 31.6.13.1 of a Long-Term Transmission Project selected by the ISO in a previous Long-Term Transmission Planning Process cycle.

Regulated Economic Transmission Project ("RETP"): A transmission project or a portfolio of transmission projects proposed by Developer(s) to address constraint(s) on the BPTFs identified in the System & Resource Outlook pursuant to, as applicable, Section 31.3.1 or Section 31.6 Economic Planning Process, which transmission project(s) are (i) evaluated in the Economic Transmission Project Evaluation; (ii) eligible for cost allocation and cost recovery under the ISO OATT if approved by a vote of the project's Load Serving Entity beneficiaries pursuant to Section 31.5.4 of this Attachment Y; and (iii) designated to a Designated Entity(s) that will be responsible for developing the Designated Economic Transmission Project(s) pursuant to Section 31.3.2.4 of this Attachment Y.

Reliability Criteria: The electric power system planning and operating policies, standards, criteria, guidelines, procedures, and rules promulgated by the North American Electric Reliability Corporation ("NERC"), Northeast Power Coordinating Council ("NPCC"), and the New York State Reliability Council ("NYSRC"), as they may be amended from time to time.

Reliability Need: A condition identified by the ISO as a violation or potential violation of one or more Reliability Criteria.

Reliability Planning Process: The process set forth in this Attachment Y by which the ISO determines in the RNA whether any Reliability Need(s) on the BPTFs will arise in the Study Period and addresses any identified Reliability Need(s) in the CRP, as the process is further described in Section 31.1.2.2.

Reliability Transmission Upgrade: Any portion(s) of a regulated transmission solution submitted to address a Reliability Need or a Short-Term Reliability Process Need that satisfies the definition of upgrade in Section 31.1.106.4 of Attachment Y.

Requested Economic Planning Study: A study performed solely for information purposes by the ISO pursuant to Section 31.3.3 of this Attachment Y at the request of a Market Participant or other interested party at their expense, the scope and deliverables of which are agreed upon by the ISO and the requesting entity.

Responsible Transmission Owner: The Transmission Owner or Transmission Owners designated by the ISO, pursuant to Section 31.2.4.3, to prepare a proposal for a regulated backstop solution to a Reliability Need or to proceed with a regulated solution to a Reliability Need. The Responsible Transmission Owner will normally be the Transmission Owner in whose Transmission District the ISO identifies a Reliability Need and/or that owns a transmission facility on which a Reliability Need arises.

Right-Sized Replacement Transmission Facility: A new transmission facility, including an entirely new transmission facility, that: (1) would meet the need to replace an existing transmission facility that a Transmission Owner has identified in its In-Kind Replacement List as set forth in Section 31.6.6.4 of this Attachment Y as one that it plans to replace with an In-Kind Replacement Transmission Facility while also addressing a Long-Term Transmission Need; (2) results in more than an incidental increase in the capacity of an existing transmission facility that a Transmission Owner has identified for replacement in its In-Kind Replacement List; and (3) is located in the same general route as, and/or uses or expands the existing rights-of-way of, the existing transmission facility that a Transmission Owner has identified for replacement in its In-Kind Replacement List. The term “incidental increase” shall have the meaning set forth in Section 31.6.6.4.1.

RNA: The Reliability Needs Assessment as approved by the ISO Board under this Attachment.

RNA Base Case: The model(s) representing the New York State Power System over the Study Period.

Short-Term Reliability Process: This term shall have the meaning set forth in Section 38.1 of Attachment FF of the ISO OATT.

Site Control: Documentation reasonably demonstrating: (1) ownership of, a leasehold interest in, or a right to develop a site or right of way for the purpose of constructing a proposed project; (2) an option to purchase or acquire a leasehold site or right of way for such purpose; or (3) an exclusivity or other business relationship between the Transmission Owner, or Other Developer, and the entity having the right to sell, lease, or grant the Transmission Owner, or Other Developer, the right to possess or occupy a site or right of way for such purpose.

Study Period: For purposes of the Reliability Planning Process, the Study Period shall mean the seven-year time period encompassing years 4 through 10 following the year in which the RNA is conducted, which is used in the RNA and the CRP. ~~For purposes of the Economic Planning Process, the Study Period shall be the 20 year period defined in Section 31.3.1.3.1 of this Attachment Y.~~ For purposes of the System & Resource Outlook conducted in the Long-Term Transmission Planning Process, the Study Period shall be the 20-year period defined in Section 31.6.5.2.1.4 of this Attachment Y.

System & Resource Outlook (“Outlook”): The Outlook shall mean: (i) the first stage of both the Long-Term Transmission Planning Process and the Economic Planning Process and (ii) the resulting report that the ISO produces pursuant to Section 31.6 of this Attachment Y: (A) to summarize the current assessments, evaluations, and plans in the Comprehensive System Planning Process and the information and sources relied upon by the ISO; and (B) to assess the New York State Transmission System over a twenty-year Study Period using at least three Long-Term Scenarios and an Extreme Weather Sensitivity to identify: (i) the potential future resource mix(es), (ii) potential transmission needs that drive the need for expansion or upgrades to the BPTFs, which are included in a Catalog of Transmission Expansion Opportunities, and (iii) economic transmission expansion opportunities for purposes of the Economic Planning Process. For purposes of the 2025-2044 System & Resource Outlook performed in the Economic Planning Process pursuant to the requirements in Section 31.3.1 of this Attachment Y, the Outlook shall mean ~~the biennial report that the ISO produces pursuant to Section 31.3.1 of this Attachment Y~~ by which it summarizes the current assessments, evaluations, and plans in the biennial Comprehensive System Planning Process; produces a twenty-year projection of congestion on the New York State Transmission System; identifies, ranks, and groups congested elements; and assesses the potential benefits of addressing the identified congestion.

Target Year: The calendar year in which a Reliability Need arises, as determined by the ISO pursuant to Section 31.2.

TPAS: The Transmission Planning Advisory Subcommittee, or any successor work group or committee designated to fulfill the functions assigned to TPAS pursuant to this Attachment.

Trigger Date: The date by which the ISO must request implementation of a regulated backstop solution or an alternative regulated solution pursuant to Section 31.2.8 in order to meet a Reliability Need.

Viability and Sufficiency Assessment: The results of the ISO’s assessment, as applicable, of the viability and sufficiency of: (i) ~~of~~ proposed solutions to a Reliability Need under Section 31.2.5, (ii) proposed solutions to ~~or~~ a Public Policy Transmission Need under Section 31.4.6, or (iii) proposed Other Long-Term Projects to a Long-Term Transmission Need under Section 31.6.10.6as applicable.

Voluntary Funding Arrangement: Voluntary Funding Arrangement shall have the meaning set forth in Section 31.6.9.5.1.9 of this Attachment Y.

All other capitalized terms shall have the meanings provided for them in the ISO’s Tariffs.

31.1.2 Short-Term Reliability Process and Reliability Planning Process

31.1.2.1 Short-Term Reliability Process

The Short-Term Reliability Process set forth in Attachment FF of the ISO OATT establishes the process that the ISO, Transmission Owners, Market Participants, Generator Owners, Developers and other interested parties shall follow to plan to meet Generator Deactivation Reliability Needs that would result from a Generator's deactivation and other Reliability Needs identified pursuant to Attachment FF affecting the BPTFs (collectively, Short-Term Reliability Process Needs), which needs cannot be timely addressed in the Reliability Planning Process set forth in this Attachment Y.

Consistent with Section 38.2 of the OATT, Short-Term Reliability Process Needs that arise within three years of the later of (a) the conclusion of the 365 day prior notice period for that is described in Section 38.3.1.1 of the OATT for Generator Deactivation Reliability Needs, or (b) the posting of a completed Short-Term Assessment of Reliability ("STAR") for other Reliability Needs on the BPTF, will be addressed using the Short-Term Reliability Process. The terms "Generator Deactivation Reliability Need" and "STAR" are defined in Section 38.1 of the OATT.

Short-Term Reliability Process Needs that arise more than three years after the later of (x) the conclusion of the 365 day prior notice period for Generator Deactivation Reliability Needs, or (y) the posting of a completed STAR for other Reliability Needs on the BPTF, will only be addressed using the Short-Term Reliability Process if the identified Reliability Need cannot timely be addressed through the Reliability Planning Process set forth in this Attachment Y.

31.1.2.2 Reliability Planning Process

The Reliability Planning Process set forth in Sections 31.2.1 through 31.2.13 of this Attachment Y establishes the process that the ISO, Transmission Owners, Market Participants, and other interested parties shall follow to plan to meet Reliability Needs of the BPTFs that are identified in the RNA. The objectives of the process are to: (1) evaluate the Reliability Needs of the BPTFs over the Study Period pursuant to Reliability Criteria (2) identify, through the development of appropriate scenarios, factors and issues that might adversely impact the reliability of the BPTFs; (3) provide a process whereby solutions to identified needs are proposed, evaluated on a comparable basis, and implemented in a timely manner to ensure the reliability of the system; (4) provide a process by which the ISO will select the more efficient or cost effective regulated transmission solution to satisfy the Reliability Need for eligibility for cost allocation under the ISO Tariffs and will designate the eligible regulated transmission solution(s) to a Designated Entity or Designated Entities, which will be responsible for developing the Designated Reliability Transmission Project(s); (5) provide an opportunity first for the implementation of market-based solutions while ensuring the reliability of the BPTFs; and (6) coordinate the ISO's reliability assessments with neighboring Control Areas.

The ISO will provide, through the analysis of historical system congestion costs, information about historical congestion including the causes for that congestion so that Market Participants and other stakeholders can make appropriately informed decisions. See Appendix A.

31.1.3 Transmission Owner Planning Process

The Transmission Owners will continue to plan for their transmission systems, including the BPTFs and other NYS Transmission System facilities. The planning process of each

Transmission Owner is referred to herein as the LTPP, and the plans resulting from the LTPP are referred to herein as LTPs, whether under consideration or finalized. Each Transmission Owner will be responsible for administering its LTPP and for making provisions for stakeholder input into its LTPP. The ISO's role in the LTPP is limited to the procedural activities described in this Attachment Y.

The finalized portions of the LTPs periodically prepared by the Transmission Owners will be used as inputs to the CSPP described in this Attachment Y. Each Transmission Owner will prepare an LTP for its transmission system in accordance with the procedures described in Section 31.2.1.

31.1.4 System & Resource Outlook; Long-Term Transmission Planning Process and Economic Planning Process

31.1.4.1 Long-Term Transmission Planning Process

The Long-Term Transmission Planning Process set forth in Section 31.6 of this Attachment Y shall consist of the System & Resource Outlook and the Long-Term Transmission Selection Process. Prior to the commencement of each Long-Term Transmission Planning Process cycle, the ISO will solicit data inputs and factors from the NYDPS, stakeholders, and interested parties for purposes of developing Long-Term Scenarios, an Extreme Weather Sensitivity, and any additional scenarios and sensitivities for the Outlook. The ISO will conduct the Outlook to assess the New York State Transmission System over a 20-year Study Period using at least three Long-Term Scenarios, including a Long-Term State Scenario, and an Extreme Weather Sensitivity to identify transmission expansion opportunities on the BPTFs that are included in a Catalog of Transmission Expansion Opportunities. The ISO will provide the Outlook, including the Catalog of Transmission Expansion Opportunities, to the NYPSC to determine, with input from the ISO and stakeholders, whether to identify any Long-Term

Transmission Needs. If the NYPSC identifies one or more Long-Term Transmission Needs, the ISO will conduct the Long-Term Transmission Selection Process through which the ISO will: (i) solicit and evaluate proposed Long-Term Transmission Projects and Other Long-Term Projects to address a Long-Term Transmission Need identified by the NYPSC; (ii) select, or elect not to select, the more efficient or cost-effective Long-Term Transmission Project, if any, for eligibility for cost allocation and cost recovery under the ISO OATT; and (iii) designate a Designated Entity or Designated Entities to be responsible for developing the Designated Long-Term Transmission Project(s) that compose the selected Long-Term Transmission Project.

31.1.4.2 Economic Planning Process

As part of the System & Resource Outlook performed by the ISO pursuant to, as applicable, Section 31.3.1 or Section 31.6 of this Attachment Y, the ISO will identify economic transmission expansion opportunities. The ISO will prepare and publish the System & Resource Outlook. Section 31.3.1 of this Attachment Y establishes the process by which the ISO, in consultation with Market Participants and interested parties, develops the System & Resource Outlook to: (1) summarize the current assessments, evaluations, and plans in the biennial Comprehensive System Planning Process and the information and sources relied upon by the ISO; (2) project congestion on the New York State Transmission System and system conditions over a twenty-year Study Period; (3) identify, rank, and group the congested elements on the New York State Transmission System based on metrics set forth in Sections 31.3.1.3.4 and 31.3.1.3.5 of this Attachment Y; and (4) assess the potential benefits of addressing the identified congestion. For the non-BPTE portion of the New York State Transmission System, the ISO will coordinate with the Transmission Owners in the development of the System & Resource Outlook. The ISO will incorporate the Transmission Owners' Local Transmission Owner Plans

~~into the Economic Planning Process.~~ The Economic Planning Process provides opportunities for the development of market-based solutions and regulated transmission solutions to address ~~identified~~ congestion identified in the Outlook pursuant to, as applicable, Section 31.3.1 or Section 31.6. Sections 31.3.2 and 31.5.4 of this Attachment Y establish the process by which Developers may propose, and the ISO will evaluate in its Economic Transmission Project Evaluation, proposed Regulated Economic Transmission Projects to address constraint(s) on the BPTFs identified in the Outlook pursuant to, as applicable, Section 31.3.1 or Section 31.6~~Economic Planning Process,~~ which Such transmission projects are eligible for cost allocation and cost recovery under the ISO OATT if approved by a vote of the project's Load Serving Entity beneficiaries pursuant to Section 31.5.4 of this Attachment Y and for which the ISO shall designate a Designated Entity or Designated Entities to be responsible for developing the Designated Economic Transmission Project(s) that is, or is a part of, a Regulated Economic Transmission Project pursuant to Section 31.3.2.4 of this Attachment Y. The ISO will coordinate its assessments in the Economic Planning Process with neighboring Control Areas. Market Participants and other interested parties, at their own expense, may also request that the ISO perform Requested Economic Planning Studies pursuant to Section 31.3.3 of this Attachment Y solely for information purposes, which scope and deliverables will be agreed upon by the ISO and the requesting entity.

31.1.5 Public Policy Transmission Planning Process

Section 31.4 of this Attachment Y describes the planning process that the ISO, and all interested parties, shall follow to consider Public Policy Transmission Needs that are based on: (i) Public Policy Requirements that drive the need for expansions or upgrades to BPTFs, or (ii) Interconnection-Related Transmission Need(s). The objectives of the Public Policy

Transmission Planning Process are to: (1) allow Market Participants and other interested parties to propose transmission needs that they believe are being driven by Public Policy Requirements that may arise within 10 years and for which transmission solutions should be evaluated, (2) allow the ISO to identify Interconnection-Related Transmission Needs, (32) provide a process by which the NYPSC will review the submitted Public Policy Requirements and Interconnection-Related Transmission Needs and, with input from the ISO, Market Participants, and other interested parties, identify the transmission needs, if any, for which transmission solutions should be evaluated, (43) provide a process whereby Public Policy Transmission Projects and Other Public Policy Projects are proposed to satisfy each identified Public Policy Transmission Need and are evaluated by the ISO on a comparable basis, (54) provide a process by which the ISO will select the more efficient or cost effective regulated Public Policy Transmission Project, if any, to satisfy each identified Public Policy Transmission Need for eligibility for cost allocation under the ISO Tariffs and will designate the selected Public Policy Transmission Project or parts of the selected Public Policy Transmission Project to a Designated Entity or Designated Entities, which will be responsible for developing the Designated Public Policy Project(s); (65) provide a cost allocation methodology for the regulated Designated Public Policy Project(s) that have been selected by the ISO and Designated Network Upgrade Facilities associated with a selected Public Policy Transmission Project (if applicable), and (76) coordinate the ISO's Public Policy Transmission Planning Process with neighboring Control Areas.

31.1.6 Interregional Planning Process

The ISO, the Transmission Owners, and Market Participants and other interested parties shall coordinate system planning activities with neighboring planning regions (*i.e.*, the ISO/RTO Regions and adjacent portions of Canada). The Interregional Planning Protocol includes a

description of the committee structure, processes, and procedures through which system planning activities are openly and transparently coordinated by the ISO/RTO Regions. The objective of the interregional planning process is to contribute to the on-going reliability and the enhanced operational and economic performance of the ISO/RTO Regions through: (1) exchange of relevant data and information; (2) coordination of procedures to evaluate certain interconnection and transmission service requests; (3) periodic comprehensive interregional assessments; (4) identification and evaluation of potential Interregional Transmission Projects that can address regional needs in a manner that may be more efficient or cost-effective than separate regional solutions, in accordance with the requirements of Order No. 1000; (5) allocation of costs among the ISO/RTO Regions of Interregional Transmission Projects, identified in accordance with the Interregional Planning Protocol and approved by each region, pursuant to the cost allocation methodology set forth in Section 31.5.[87](#) herein. The planning activities of the ISO/RTO Regions shall be conducted consistent with the planning criteria of each ISO/RTO Region's regional reliability organization(s) as well as the relevant local reliability entities. The ISO/RTO Regions shall periodically produce a Northeastern Coordinated System Plan that integrates the system plans of all of the ISO/RTO Regions.

31.1.7 Enrollment in the ISO's Transmission Planning Region

31.1.7.1 For purposes of any matter addressed by this Attachment Y, participation in the ESPWG, IPTF and TPAS shall be open to any interested entity, irrespective of whether that entity has become a Party to the ISO Agreement. Any entity may enroll in the ISO's transmission planning region in order to fully participate in the ISO's governance process by becoming a Party to the ISO Agreement, as set forth in Section 2.02 of the ISO Agreement.

31.1.7.2. An owner of transmission in New York State may become a Transmission Owner by executing the ISO/TO Agreement or an Operating Agreement as provided for in Section 31.1.7.3.

31.1.7.3 A transmission owner that is not a party to the ISO/TO Agreement or an Operating Agreement and will own transmission facilities in the New York Control Area over which Transmission Service will be provided under the ISO Tariffs must enter into an Operating Agreement prior to energizing its transmission facilities. The ISO will tender a draft Operating Agreement as soon as practicable following its selection of the transmission owner's transmission facilities under the CSPP in this Attachment Y or under the Short-Term Reliability Process in Attachment FF of this ISO OATT. If the transmission owner's transmission facilities were not selected under the CSPP, the transmission owner shall request that the ISO tender the draft Operating Agreement as soon as practicable after receiving its Article VII certification or other applicable siting permits or authorizations under New York State law. The draft Operating Agreement will be completed by the ISO to the extent practicable for review and completion by the transmission owner. The draft shall be in the form of the ISO's Commission-approved Operating Agreement, which is located in Appendix H in Section 31.11 of this Attachment Y. The ISO and the transmission owner shall finalize and negotiate concerning any disputed provisions. Unless otherwise agreed by the ISO and the transmission owner, the transmission owner must execute the Operating Agreement within three (3) months of the ISO's tendering of the draft Operating Agreement; *provided,*

however, if, during the negotiation period, the ISO or the transmission owner determines that negotiations are at an impasse, the ISO may file the Operating Agreement in unexecuted form with the Commission on its own or following the transmission owner's request in writing that the agreement be filed unexecuted.

31.1.7.4 If the Operating Agreement resulting from the negotiation between the ISO and the transmission owner does not conform with the Commission-approved standard form in Appendix H in Section 31.11 of this Attachment Y, the ISO shall file the agreement with the Commission for its acceptance within thirty (30) Business Days after the execution of the Operating Agreement by both parties. If the transmission owner requests that the Operating Agreement be filed unexecuted, the ISO shall file the agreement at the Commission within thirty (30) Business Days of receipt of the request from the transmission owner. The ISO will draft to the extent practicable the portions of the Operating Agreement and appendices that are in dispute and will provide an explanation to the Commission of any matters as to which the parties disagree. The transmission owner will provide in a separate filing any comments that it has on the unexecuted agreement, including any alternative positions it may have with respect to the disputed provisions.

31.1.7.5 Upon the ISO's and the transmission owner's execution of the Operating Agreement or the ISO's filing of an unexecuted Operating Agreement with the Commission, the ISO and the transmission owner shall perform their respective obligations in accordance with the terms of the Operating Agreement that are not in dispute, subject to modification by the Commission.

31.1.7.6 As of May 25, 2021, the Transmission Owners are: (1) Central Hudson Gas & Electric Corporation, (2) Consolidated Edison Company of New York, Inc., (3) New York State Electric & Gas Corporation, (4) Niagara Mohawk Power Corporation d/b/a National Grid, (5) Orange and Rockland Utilities, Inc., (6) Rochester Gas and Electric Corporation, (7) the Power Authority of the State of New York, (8) Long Island Lighting Company d/b/a LIPA, (9) New York Transco, LLC, (10) NextEra Energy Transmission New York, Inc., and (11) LS Power Grid New York Corporation I.

31.1.8 NYISO Implementation and Administration

31.1.8.1 The ISO shall adopt procedures for the implementation and administration of the CSPP set forth in this Attachment Y, the Short-Term Reliability Process in Attachment FF of this ISO OATT, and the Interregional Planning Protocol, and shall revise those procedures as and when necessary. Such procedures will be incorporated in the ISO's manuals. The ISO Procedures shall provide for the open and transparent coordination of the CSPP to allow Market Participants and all other interested parties to have a meaningful opportunity to participate in each stage of the CSPP through the meetings conducted in accordance with the ISO system of collaborative governance. Confidential Information and Critical Energy Infrastructure Information exchanged through the CSPP shall be subject to the protections for such information contained in the ISO's tariffs and procedures, including this Attachment Y and Attachment F of the NYISO OATT.

31.1.8.2 The ISO Procedures shall include a schedule for the collection and submission of data and the preparation of models to be used in the studies

contemplated under this tariff. That schedule shall be consistent with the timeframes established in this Attachment Y for the studies~~provide for a rolling two-year cycle of studies and reports~~ conducted in each of the ISO planning processes (reliability, economic, ~~and public policy, and long-term~~) as part of the Comprehensive System Planning Process. ~~The two-year~~Each cycle for the Reliability Planning Process commences with the LTPP providing input required for that into the Reliability Planning P process. ~~The Economic Planning Process will commence within each two-year planning cycle using the most recent base case of the Reliability Planning Process and Short-Term Reliability Process, as appropriate.~~ The Public Policy Transmission Planning Process will to the extent practicable run in parallel with the Reliability Planning Process, provided that the NYPSC's issuance of a written statement pursuant to Section 31.4.2.41 will occur after the draft RNA study results are posted. If the CRP cannot be completed within a two-year cycle, the ISO will notify stakeholders and provide an estimated completion date and an explanation of the reasons the additional time is required. As detailed in Attachment FF of the ISO OATT, the Short-Term Reliability Process will be conducted on a quarterly basis and will run in parallel with the other planning processes. The Long-Term Transmission Planning Process will be conducted in accordance with the schedule developed pursuant to Sections 31.6.2 and 31.6.9.1 of this Attachment Y and will run in parallel with the other planning processes. For purposes of the Economic Planning Process, a Developer may propose a Regulated Economic Transmission Project for evaluation in the Economic Transmission Project Evaluation in accordance with the requirements

in Sections 31.3.2 and 31.5.4 of this Attachment Y. As further detailed in Sections 31.2, 31.3, 31.4, and 31.5, the interregional planning process shall be conducted in parallel with the Reliability Planning Process, the Economic Planning Process, and the Public Policy Transmission Planning Process to identify and evaluate Interregional Transmission Projects that may more efficiently or cost-effectively meet the needs of the region than a regional transmission project.

31.1.8.3 The ISO Procedures shall be designed to allow the coordination of the ISO's planning activities with those of the ISO/RTO Regions, NERC, NPCC, the NYSRC, and other regional reliability organizations so as to develop consistency of the models, databases, and assumptions utilized in making reliability and economic determinations.

31.1.8.4 The ISO Procedures shall facilitate the timely identification and resolution of all substantive and procedural disputes that arise out of the CSPP. Any party participating in the CSPP and having a dispute arising out of the CSPP may seek to have its dispute resolved in accordance with ISO governance procedures during the course of the CSPP. If the party's dispute is not resolved in this manner as a part of the plan development process, the party may invoke formal dispute resolution procedures administered by the ISO that are the same as those available to Transmission Customers under Section 11 of the ISO Market Administration and Control Area Services Tariff. Disputes arising out of the LTPP shall be addressed by the LTPP set forth in Section 31.2.1.3 of this Attachment Y.

31.1.8.5 Except for those cases where the ISO OATT provides that an individual customer shall be responsible for the cost, or a specified share of the cost, of an individually requested study related to interconnection or to system expansion or to congestion and resource integration, the study costs incurred by the ISO as a result of its administration of the CSPP will be recovered from all customers through and in accordance with Rate Schedule 1 of the ISO OATT.

31.1.8.6 The ISO shall make reasonable efforts to meet all deadlines provided in this Attachment Y; *provided, however*, that the ISO must meet all deadlines set forth in a development agreement entered into pursuant to this Attachment Y in accordance with the terms of that agreement. If the ISO cannot meet a deadline set forth in this Attachment Y and an extension of that deadline will not result in a reliability violation, the NYISO may extend the deadline, provided that it shall notify Market Participants and other interested parties, explain the reason for the failure to meet the deadline, and provide an estimated time by which it will complete the applicable action.

31.1.8.7 The ISO may extend, at its discretion, the deadlines indicated below that are applicable to all parties participating in a given process for a reasonable period of time if the extension: (i) is applied equally to all parties that are required to meet the deadline, and (ii) will not result in a reliability violation. The deadlines eligible for extension are:

- Sixty (60) day deadline in Section 31.2.5.1 for interested Developers to propose solutions in response to the ISO's solicitation for solutions to a Reliability Need;

- Thirty (30) day deadline in Section 31.2.6.1 for Developers of viable and sufficient transmission solutions to submit project information in response to ISO request;
- Sixty (60) day deadline in Section 31.4.2.1 for stakeholders and interested parties to submit proposed transmission needs in response to ISO solicitation for proposed needs;
- Sixty (60) day deadline in Section 31.4.4.3.2: (i) for Developers to propose solutions to a Public Policy Transmission Need in response to ISO solicitation for solutions, and (ii) pursuant to Section 31.4.4.4, for Developers of Public Policy Transmission Projects to execute a study agreement, provide a study deposit, and provide an application fee in response to ISO solicitation for solutions; ~~and~~
- Deadline in Section 31.4.6.6 for Developers to inform the ISO following the ISO's filing of the Viability and Sufficiency Assessment at the NYPSC that their viable and sufficient Public Policy Transmission Projects will proceed to be evaluated by the ISO for purposes of selection;
- Sixty (60) day deadline in Section 31.6.9.3.2 for Developers to propose solutions to a Long-Term Transmission Need in response to ISO solicitation for solutions; and
- Deadline in Section 31.6.8.1 for NYPSC to issue an order that identifies the Long-Term Transmission Need(s) or elects not to identify any Long-Term Transmission Need.

31.1.9 Reserved

31.1.10 Other Provisions

31.1.10.1 The Commission's Role in Dispute Resolution

Disputes directly relating to the ISO's compliance with its tariffs that are not resolved in the internal ISO collaborative governance appeals process or ISO dispute resolution process, and all disputes relating to matters that fall within the exclusive jurisdiction of the Commission, shall be reviewed at the Commission pursuant to the Federal Power Act if such review is sought by any party to the dispute. The NYPSC or any party to a dispute regarding matters over which both the NYPSC and the Commission have jurisdiction and responsibility for action may submit a request to the Commission for a joint or concurrent hearing to resolve the dispute.

31.1.10.2 Non-Jurisdictional Entities

LIPA's and NYPA's participation in the CSPP shall in no way be considered to be a waiver of their non-jurisdictional status pursuant to Section 201(f) of the Federal Power Act, including with respect to the Commission's exercise of the Federal Power Act's general ratemaking authority.

31.1.10.3 Tax Exempt Financing Provisions

Con Edison, NYPA and LIPA shall not be required to construct, or cause to construct, a transmission facility identified through the Reliability Planning Process if such construction would result in the loss of tax-exempt status of any tax-exempt bond issued by Con Edison, NYPA or LIPA, or impair their ability to secure future tax-exempt financing.

31.1.10.4 Rights of Transmission Owners

Nothing in this Attachment Y affects the right of a Transmission Owner to: (1) build, own, and recover the costs for upgrades to the facilities it owns, provided that nothing in Attachment Y affects a Transmission Owner's right to recover the costs of upgrades to its facilities except if the upgrade has been selected in the regional transmission plan for purposes of cost allocation, in which case the regional cost allocation method set forth in Attachment Y of the ISO OATT applies, unless the Transmission Owner has declined to pursue regional cost allocation; (2) retain, modify, or transfer rights-of-way subject to relevant law or regulation granting such rights-of-way; or (3) develop a local transmission solution that is not eligible for regional cost allocation to meet its reliability needs or service obligations in its Transmission District or footprint, as applicable. For purposes of Section 31.1.10.4, the term "upgrade" shall refer to an improvement to, addition to, or replacement of a part of, an existing transmission facility and shall not refer to an entirely new transmission facility.

31.1.10.5 Notice of Reliability Requirements

The Developer of a project selected pursuant to the provisions in this Attachment Y is hereby notified that it must comply with all applicable reliability criteria, policies, standards, rules, regulations, and other requirements of NERC, NPCC, NYSRC, Transmission Owners, and any other applicable reliability entities or their successors, to the extent required by, and in accordance with, their procedures.