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April 8, 2014

The Honorable Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Re: Docket No. EL12-98-000, *Compliance with Revised Protective Order*

Dear Ms. Bose:

On April 4, 2014, the Commission by Letter Order granted Brookfield Energy Marketing's ("Brookfield") proposed modifications to the Protective Order that the Commission issued in this proceeding on January 14, 2014 ("Letter Order"). According to the terms of the modified Protective Order, individuals that qualify as Competitive Duty Personnel must sign a separate Non-Disclosure Certificate that certifies their understanding that they cannot access Highly Sensitive Protected Material. The Commission found "that the proposed modifications to the Protective Order are limited in scope and tailored to meet Brookfield's concern that information specific to Linden VFT could be disaggregated and could cause competitive harm."¹ The NYISO has confirmed that, as of the date of this filing, none of the Reviewing Representatives in this proceeding are Competitive Duty Personnel. Therefore no existing Reviewing Representative is required to sign the separate Non-Disclosure Certificate for Competitive Duty Personnel required by the Letter Order.

Brookfield also specifically requested that the NYISO re-designate the Linden VFT Data as Highly Sensitive Protected Material. By granting Brookfield's motion the Letter Order accepted this request. Accordingly, the NYISO has re-designated and re-labeled the Linden VFT Data as Highly Sensitive Protected Material and requests that the Commission replace the Confidential Attachments A and C that were originally included in the NYISO's February 21, 2014 *Initial Compliance Filing* in this proceeding with the new attached Confidential Attachments A and C. The only changes to these attachments are to change their designation from Protected Material to Highly Sensitive Protected Material.²

¹ Letter Order at P 7.

² The Letter Order does not require any change in the classification of the Highly Sensitive Protected Material that was included with the NYISO's March 31, 2014 *Request for Leave to Answer and Answer* because that filing does not include any Linden VFT Data.

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The NYISO is sending the re-designated Confidential Attachments A and C to the approved Reviewing Representatives, who received the original Confidential Attachments A and C on February 21, with one exception, and is requesting that the Reviewing Representatives return to the NYISO or destroy the original Confidential Attachments A and C.³

The exception is Mr. Jeffrey Woods, Senior Vice President of PowerBridge. Mr. Woods is not eligible under Section 10(b)(1) – (6) of the revised Protective Order to be a Reviewing Representative of Highly Sensitive Protected Material. Thus, although Mr. Woods was appropriately provided the aggregated Linden VFT Data that was in Attachments A and C when it was designated as Protected Material, it appears that Mr. Woods cannot receive, and should no longer retain it, now that it is designated as Highly Sensitive Protected Material unless he becomes eligible under Sections 10(b)(7) or (8). The NYISO is therefore requesting that Mr. Woods surrender the Linden VFT Data to his outside counsel until such time as he may become eligible under Sections 10(b)(7) or (8).

This filing, without the Confidential Attachments, will be posted on the NYISO's website at www.nyiso.com. In addition, the NYISO will e-mail an electronic link to this filing to the official representative of each party to this proceeding, to each of its customers, to each participant on its stakeholder committees, to the New York Public Service Commission, and to the New Jersey Board of Public Utilities.

Respectfully Submitted,

/s/ Ted J. Murphy

Ted J. Murphy

Counsel for the

New York Independent System Operator, Inc.

Attachment

cc: (w/o attachment) Michael A. Bardee
Gregory Berson
Anna Cochrane
Jignasa Gadani
Morris Margolis
David Morenoff
Michael McLaughlin
Daniel Nowak

³ On March 6, 2014, the NYISO submitted to the Commission a list of individuals who had been approved as Reviewing Representatives pursuant to the terms of the Protective Order. This list remains current.

CERTIFICATE OF SERVICE

I hereby certify that I have on this day (1) caused the foregoing letter without its attachments to be served upon each person designated on the official service list compiled by the Secretary in this proceeding in accordance with the requirements of Rule 2010 of the Commission Rules of Practice and Procedure, 18 C.F.R. § 385.2010 (2013), and (2) provided the Confidential Attachments to this letter to Reviewing Representatives that are qualified as of this date, pursuant to Section 10(b) of the Protective Order issued by the Commission in this proceeding, to have access to Highly Sensitive Protected Material.

Dated at Washington, D.C. this 8th day of April, 2014.

/s/ Catherine Karimi

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