

**THIS FILING LETTER DOES NOT CONTAIN ANY PRIVILEGED OR CONFIDENTIAL INFORMATION. THE BODY OF REPORT ALONG WITH THE REDACTED VERSIONS OF TABLES 2 THROUGH 5 (MARKED PUBLIC) DO NOT CONTAIN ANY PRIVILEGED OR CONFIDENTIAL INFORMATION. ATTACHMENT I TO THE REPORT INCLUDES THE UNREDACTED TABLES WHICH CONTAIN PRIVILEGED AND CONFIDENTIAL INFORMATION, AND ARE SUBMITTED SEPARATELY.**

February 22, 2013

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

Re: Errata to Annual Report in Docket No. ER01-3001-000 and  
Request for Privileged Treatment of Attachment I

Dear Ms. Bose:

Enclosed for filing in the above-referenced docket is an errata to the New York Independent System Operator's ("NYISO") annual report to the Federal Energy Regulatory Commission ("Commission") on the NYISO's Demand Side Management programs. Consistent with the Commission's Order, dated February 19, 2010,<sup>1</sup> the NYISO filed its annual report with the Commission on January 15, 2013 ("2013 Annual Report"). Subsequently, the NYISO identified a database error that truncated a significant number of Special Case Resource event response data points from the analysis included in the 2013 Annual Report. For example, one event response data set used in the analysis was missing some response data associated with approximately 200 Special Case Resources.<sup>2</sup> As a result, the NYISO under reported performance for the Special Case Resource program in the January 15 filing. With this errata filing, the NYISO has corrected the analysis for all the Special Case Resource events using the complete data sets in the NYISO's Demand Response Information System and submits the corrected information in the revised report.

### **I. List of Documents Submitted**

With this transmittal letter, the NYISO submits:

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<sup>1</sup> *New York Independent System Operator, Inc.*, Order, Docket Nos. ER01-3001 and ER03-647 (Feb. 19, 2010).

<sup>2</sup> There were over 5,000 Special Case Resources enrolled in the NYISO Installed Capacity Special Case Resource program during 2012.

1. Attachment I, which contains the unredacted versions of Tables 2 through 5. Attachment I also contains confidential information regarding the ongoing enrollment status of resources seeking to participate in the NYISO's Demand Side Ancillary Service Program.
2. Attachment II, which contains the clean Revised NYISO Report on Demand Response Programs, including redactions in Tables 2 through 5 of confidential, commercially sensitive information.
3. Attachment III, which contains a redlined version of the Revised NYISO Report on Demand Response Programs. This redlined version also includes redactions in Tables 2 through 5 of confidential, commercially sensitive information.

## **II. Request for Confidential Treatment of Attachment I**

In accordance with Sections 388.107 and 388.112 of the Commission's Regulations,<sup>3</sup> Article 6 of the NYISO's Market Administration and Control Area Services Tariff, Sections 1.0(4) and 4.0 of the NYISO's Code of Conduct, the NYISO requests Privileged and Confidential treatment of the contents of Attachment I. The NYISO also requests that Confidential Attachments be exempted from public disclosure under the Freedom of Information Act ("FOIA"), 5 U.S.C. §522.<sup>4</sup>

The confidential Attachment I contains privileged, commercially sensitive, trade secret information that is not made public by the NYISO. Disclosure of such information could cause competitive harm to the affected Market Participants,<sup>5</sup> and could adversely affect competition in the markets administered by the NYISO. This information includes the number of demand response resources in a load zone that, when aggregated, are not greater than five (5). With such a small number of resources in the load zone, the NYISO's aggregation of the data reported for that load zone may not sufficiently mask confidential and commercially sensitive Market Participant information.

Attachment I also includes a brief discussion of the status of enrollment and registration for two resources seeking to participate in the NYISO's Demand Side Ancillary Services Program. This confidential, commercially sensitive information is exempt from disclosure under 5 U.S.C. §522(b)(4) for this reason, the NYISO requests that the contents of Attachment I receive Privileged and Confidential treatment and be exempt from FOIA disclosure. Attachment

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<sup>3</sup> 18 C.F.R. §§ 388.107 and 388.112 (2011).

<sup>4</sup> The information provided by the NYISO for which the NYISO claims an exemption from FOIA disclosure is labeled "Contains Privileged Information - Do Not Release."

<sup>5</sup> Terms with initial capitalization not defined herein have the meaning set forth in the NYISO's Market Administration and Control Area Services Tariff.

I is identified and marked in accordance with the Commission's regulations and rules published by the Secretary's Office for submitting Privileged information.

### III. Correspondence

Copies of correspondence concerning this filing should be addressed to:

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Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document 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 Rules of Practice and Procedure, 18 C.F.R. §385.2010.

Dated at Rensselaer, NY this 22<sup>nd</sup> day of February, 2013.

/s/ Joy A. Zimmerlin

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