

30.1 INTRODUCTION AND PURPOSE

30.1.1 Purposes and Objectives

This Market Monitoring Plan is intended to provide for the independent, impartial and effective monitoring of and reporting on: (1) the competitive structure, performance and economic efficiency of the New York Electric Markets; (2) the conduct of Market Parties, including but not limited to any exercise or attempt to exercise market power or restrain competition in any New York Electric Market by any Market Party or group of Market Parties; (3) the operation and use of the New York State Transmission System as such system affects or may affect competitive conditions in or the economic efficiency of any of the New York Electric Markets, including but not limited to the nature, extent and causes of any congestion on such system and the costs of or charges for such congestion; (4) the adequacy and effectiveness of any tariff or services agreement, or any rule, standard or procedure, or any market power mitigation or other remedial measures, implemented, administered or overseen by the New York Independent System Operator, Inc. ("ISO") and that affects or could affect the competitiveness or economic efficiency of any of the New York Electric Markets; and (5) any other condition, function or action affecting the foregoing.

Attachment O provides for review and evaluation by the Market Monitoring Unit of the ISO's:

- (i) Tariffs and market rules, including the ISO's imposition of appropriate measures for the mitigation of market power and imposition of appropriate sanctions or other remedial measures for actions or inaction that the ISO is authorized to address or remedy in its Tariffs; and (ii) administration of the New York Electric Markets. In addition, Attachment O requires the Market Monitoring Unit to timely:
- (a) report any failure by a Market Party or by the ISO to comply with any tariff or services agreement, or any law, regulation, rule, standard or procedure, including any market power mitigation or other remedial measure, if such violation or failure to comply impairs or threatens to impair the

competitiveness or economic efficiency of any of the New York Electric Markets; (b) submit to the FERC, or other appropriate regulatory or enforcement agency, evidence of possible violation of state or federal law for the preservation of competition (including violations of FERC's regulations and the ISO Tariff rules); and (c) report on perceived market design flaws that the Market Monitoring Unit believes could be effectively remedied by rule or tariff changes. Attachment O is intended to minimize interference with open and competitive markets.

30.1.2 Implementation of Attachment O

All persons or entities responsible for the implementation of Attachment O shall do so in a manner consistent with and intended to achieve both: (i) the creation and operation of New York Electric Markets that are robust, competitive, efficient and non-discriminatory; and (ii) the safe and reliable operation of the electric system in New York Control Area.

30.1.3 Persons and Entities Subject to Attachment O

The ISO, the Market Monitoring Unit, and any person or entity participating in any of the New York Electric Markets or that takes service under or is a party to any tariff or agreement administered by the ISO, shall be subject to the terms, conditions and obligations of Attachment O. Entities that are subject to Attachment O may also be held responsible for actions or inaction by their Affiliates.