

31.5 Other Provisions

31.5.1 FERC Role in Dispute Resolution

Disputes directly relating to the NYISO's compliance with its tariffs that are not resolved in the internal NYISO collaborative governance appeals process or NYISO dispute resolution process, and all disputes relating to matters that fall within the exclusive jurisdiction of FERC, shall be reviewed at FERC 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 FERC have jurisdiction and responsibility for action may submit a request to FERC for a joint or concurrent hearing to resolve the dispute.

31.5.2 Non-Jurisdictional Entities

LIPA's and NYPA's participation in the NYISO Comprehensive Planning Process 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 FERC's exercise of the Federal Power Act's general ratemaking authority.

31.5.3 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 NYISO Comprehensive 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.

31.5.4 Interregional Planning Coordination

31.5.4.1 The Northeastern ISO/RTO Planning Coordination Protocol

The NYISO will coordinate the transmission system planning activities for the NYCA described in this Attachment Y through the Northeastern ISO/RTO Planning Coordination Protocol. This protocol describes the committee structure, processes and procedures through which system planning activities are openly and transparently coordinated by the ISOs and RTOs of the northeastern United States and eastern Canada. The activities covered by the protocol are to be conducted in coordination with the Regional Reliability Councils of the northeastern United States and eastern Canada. The primary purpose of the protocol is to contribute, through transparent, coordinated planning based on consistent assumptions and data, to the on-going reliability and the enhanced operational and economic performance of the parties to the protocol. To accomplish this, the parties will coordinate the evaluation of tariff-provided services, such as generation interconnection, to recognize the impacts that result across the different systems. The parties will also produce, on a periodic basis, a Northeastern Coordinated System Plan that integrates the system plans of the parties and includes upgrade projects jointly identified by the parties to enhance the coordinated performance of their systems.