

THIS FILING LETTER DOES NOT CONTAIN ANY PRIVILEGED OR CONFIDENTIAL INFORMATION. THE BODIES OF THE REPORTS, INCLUDING TABLE 2 IN ATTACHMENT II (MARKED PUBLIC) DO NOT CONTAIN ANY PRIVILEGED OR CONFIDENTIAL INFORMATION. CONFIDENTIAL EXHIBIT A (ATTACHMENT III) INCLUDES UNREDACTED TABLES 2, 4, AND 5 WHICH CONTAIN PRIVILEGED AND CONFIDENTIAL INFORMATION, AND ARE SUBMITTED SEPARATELY.

June 1, 2016

VIA ELECTRONIC FILING

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

Re: Semi-Annual Reports on New Generation Projects and Demand Response Programs; Docket Nos. ER03-647-000 and ER01-3001-000

Dear Ms. Bose:

Enclosed for filing in the above-referenced dockets are the New York Independent System Operator's ("NYISO's") Semi-Annual Reports to the Federal Energy Regulatory Commission ("Commission") on the NYISO's new generation projects and Demand Response programs in the New York Control Area. This filing is made for informational purposes only in accordance with the Commission's delegated order issued February 23, 2010 in these dockets.¹

I. Documents Submitted

1. This filing letter;
2. NYISO Semi-Annual Compliance Report on New Generation Projects (including its Exhibits A and B), June 1, 2016 (Attachment I);
3. NYISO Semi-Annual Compliance Report on Demand Response Programs, June 1, 2016 – public (redacted) (Attachment II); and

¹ *New York Indep. Sys. Operator, Inc.*, Docket Nos. ER01-3001 and ER03-647 (Feb. 23, 2010).

4. Confidential Exhibit A to the NYISO Semi-Annual Compliance Report on Demand Response Programs, June 1, 2016 – CONFIDENTIAL (unreadacted) (“Confidential Exhibit A”); (Attachment III).

II. Request for Confidential Treatment of Confidential Exhibit A to the NYISO Semi-Annual Compliance Report on Demand Response Programs

The attached Semi-Annual Compliance Report on Demand Response Programs (“Demand Response Report,” filing Attachment II) summarizes the current status of demand response participation in the NYISO’s markets as of June 1, 2016. The Demand Response Report redacts confidential, commercially sensitive information in Table 2, and omits Tables 4 and 5 in their entirety. The confidential, unreadacted version of Table 2, as well as the entirety of Tables 4 and 5 are in Confidential Exhibit A (Attachment III), which is labeled as confidential and is being filed herewith as a separate attachment.

In accordance with Sections 388.107 and 388.112 of the Commission’s regulations,² Article 6 of the NYISO’s Market Administration and Control Area Services Tariff, and 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 Confidential Exhibit A. The NYISO also requests that the Confidential Exhibit A be exempted from public disclosure under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 522.³

Confidential Exhibit A contains 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,⁴ and could adversely affect competition in the markets administered by the NYISO. This information includes a very limited number of demand response Resources in certain Load Zones. Confidential Exhibit A also contains information on NYISO’s Demand Side Ancillary Services Program, and total enrollment for the entire program is very limited. With such a small number of Resources participating in the program, the aggregation of the data reported would not sufficiently mask confidential and commercially sensitive Market Participant Information. Further, because this confidential, commercially sensitive information is exempt from disclosure under 5 U.S.C. § 522(b)(4), the NYISO requests that the contents of Confidential Exhibit A receive Privileged and Confidential treatment and be exempt from FOIA disclosure. Confidential Exhibit A is identified and marked in accordance with the Commission’s regulations and rules published by the Secretary’s Office for submitting privileged information.⁵

² 18 C.F.R. §§ 388.107 and 388.112 (2014).

³ The information provided by the NYISO, for which the NYISO claims an exemption from FOIA disclosure, is labeled “Contains Privileged Information – Do Not Release.”

⁴ Capitalized terms not otherwise defined herein have the meaning set forth in the NYISO’s Market Administration and Control Area Services Tariff.

⁵ Federal Energy Regulatory Commission Submission Guidelines, July 1, 2010, page 2.

III. Correspondence

Copies of correspondence concerning this filing should be addressed to:

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Respectfully submitted,

/s/Gregory J. Campbell

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