

## **5.18 Generator Outages and Generator Obligations While in These Outages**

This Section 5.18 shall apply to a Generator in any outage state that started on or after May 1, 2015, except for a Generator participating in the ISO Markets as part of an Aggregation. Section 5.18 shall apply to a Generator that is in an outage state at the time that it joins an Aggregation until that Generator returns to operation.-

A Market Participant with a Generator in the NYCA that is in any outage state, which is not part of an Aggregation, shall report ~~this~~its status to the ISO pursuant to ISO Procedures.

### **5.18.1 Forced Outages and Commenced Repair Determinations**

5.18.1.1 A Market Participant with a Generator in a Forced Outage shall keep the ISO informed as to progress of its Generator's repairs pursuant to ISO Procedures. A Market Participant may keep its Generator in a Forced Outage beyond the last day of the month which contains the 180th day of its Forced Outage only if it has Commenced Repair of its Generator. A Market Participant that anticipates its Generator will not be able to return to the Energy market before the last day of the month which contains the 180th day of its Forced Outage and which desires to remain eligible to be in the Installed Capacity market beyond the 180th day shall provide a Repair Plan to the ISO by the 120th day of the Forced Outage.

5.18.1.2 A Repair Plan shall include a work plan, with milestones, or set of necessary actions, and shall provide the time it is expected to take to complete each task and describe the repair of the Generator's equipment related to electric production, fuel or station power supply or transmission interconnection, as appropriate, that was either affected by the Forced Outage or otherwise makes the

unit available for the Energy market. The Repair Plan's milestones shall include, in appropriate circumstances: damage assessments, engineering assessments, initial cost estimates, purchase orders, inspection reports, initial safety assessments, hazardous material abatement plans, and labor mobilization plans. The Repair Plan shall include the date the Market Participant expects the Generator to be repaired and available for the Energy market (return date) which return date: i) shall be reasonable, ii) may be provided as a good faith estimate, and iii) shall be updated to the extent new information becomes available. The return date or good faith estimate of a return date that a Market Participant provides for its Generator shall be reasonable if it is comparable to the return date that would be included in a Credible Repair Plan pursuant to Section 5.18.1.5 of this Services Tariff.

5.18.1.3 Market Participants requesting that the NYISO determine, pursuant to Services Tariff Section 23.4.5.6.2, that their Generator has experienced a Catastrophic Failure, or that Exceptional Circumstances will delay the submission of data necessary for the ISO to perform an audit and review pursuant to Section 23.4.5.6.2, shall submit their requests, with necessary supporting data, to the NYISO by the 120<sup>th</sup> day of the Forced Outage if they desire the determination to be issued by the 160<sup>th</sup> day of the Forced Outage of their Generator.

5.18.1.4 A Market Participant has Commenced Repair of its Generator if it: i) has decided to pursue the repair of its Generator, and based on the ISO's technical/engineering evaluation, ii) has a Repair Plan for the Generator that is consistent with a Credible Repair Plan, and iii) has made appropriate progress in

pursuing the repair of its Generator when measured against the milestones of a Credible Repair Plan.

5.18.1.5 For purposes of the determinations required by Section 5.18.1.3(ii) and (iii), and 5.18.1.6 of this Services Tariff, a Credible Repair Plan is the Repair Plan that would be expected from a supplier: i) with a generating facility that is reasonably the same as or similar to the type and vintage of the Generator; ii) intending to return its generating facility to service. A Credible Repair Plan for a Generator that suffered a Forced Outage is a Repair Plan that would also be expected from a supplier with a generating facility that suffered a forced outage that was reasonably the same as or comparable to the Forced Outage suffered by the Generator and which forced outage occurred under the same, or reasonably similar, circumstances as the Generator's. A Credible Repair Plan for a Generator in a Mothball Outage is a Repair Plan that would also be expected from a supplier pursuing a repair to its generating facility which repair is reasonably the same as or comparable to the repair being pursued by the Generator.

5.18.1.6 The determination that a Market Participant has Commenced Repair of its Generator in a Forced Outage shall be made by the ISO by the 160<sup>th</sup> day of the Forced Outage. If the Market Participant provides updated information after the 120<sup>th</sup> day of the Forced Outage and before the 180<sup>th</sup> day of its Generator's Forced Outage, the ISO will, as applicable, take such information into consideration to make its determination or it will update its previously issued determination to the extent practicable.

The determination that a Market Participant has Commenced Repair of its

Generator in an ICAP Ineligible Forced Outage, which Market Participant has been determined by the ISO to have one or more Exceptional Circumstances that delay the acquisition of necessary data for an audit and review for economic justification pursuant to Section 23.4.5.6.2 of this Services Tariff, shall be made by the ISO as soon as practicable following receipt of necessary data.

The determination that a Market Participant has Commenced Repair of its Generator in an ICAP Ineligible Forced Outage or Mothball Outage, which Market Participant is seeking to toll expiration of its outage and CRIS rights pursuant to Sections 5.18.2.3.2 or 5.18.3.3.2 of this Services Tariff, will be made by the ISO as soon as practicable following receipt of the necessary data.

5.18.1.7 If a Market Participant has not Commenced Repair of its Generator by the last day of the month which contains the 180<sup>th</sup> day of the Forced Outage, the Generator's Forced Outage shall expire on the last day of the month which contains the 180<sup>th</sup> day of the Forced Outage. The Forced Outage of a Generator that Commenced Repair but ceased or unreasonably delayed the Generator's repair shall terminate on the last day of the month containing the date that the Market Participant ceased or unreasonably delayed the repair. The ISO will determine a Market Participant has unreasonably delayed the repair of its Generator if such delay would not have been included in a Credible Repair Plan from a supplier experiencing the situation which caused the Market Participant to delay the repair of its Generator.

5.18.1.8 Upon the expiration or termination of a Generator's Forced Outage, the Generator shall be in an ICAP Ineligible Forced Outage unless the Generator has

been Retired by the Market Participant.

## **5.18.2 ICAP Ineligible Forced Outage**

5.18.2.1 A Market Participant may voluntarily reclassify its Generator from a Forced Outage to an ICAP Ineligible Forced Outage only if the Generator has been in a Forced Outage for at least sixty (60) days. A Generator that has been voluntarily reclassified from a Forced Outage to an ICAP Ineligible Forced Outage shall begin its ICAP Ineligible Forced Outage on the first day of the month following the month in which it was voluntarily reclassified to an ICAP Ineligible Forced Outage.

A Generator in an ICAP Ineligible Forced Outage as a result of the expiration or termination of its Forced Outage pursuant to Section 5.18.1.6 of this Services Tariff, shall begin its ICAP Ineligible Forced Outage on the day following the day the Generator's Forced Outage expired or terminated.

A Generator in an ICAP Ineligible Forced Outage as a result of substantial actions that have been taken, such as dismantling or disabling essential equipment, which actions are inconsistent with an intention to operate the Generator in the Energy market shall begin its ICAP Ineligible Forced Outage on the day following the day such actions began.

5.18.2.2 A Generator in an ICAP Ineligible Forced Outage is not eligible to participate in the Installed Capacity market and shall automatically cease to qualify to participate in the Installed Capacity market beginning with the first day of its ICAP Ineligible Forced Outage. The Generator shall no longer be ineligible to participate in the Installed Capacity market, by virtue of its ICAP Ineligible

Forced Outage, as of the first day the Generator returns to operation and offers its Energy into the Day-Ahead Market without declaring an outage. The month for which the Generator will first be eligible to participate in the Installed Capacity market will be based on the date the Generator returns to operation and offers its Energy into the Day-Ahead Market without declaring an outage and ISO Procedures.

### **5.18.2.3 ICAP Ineligible Force Outage Expiration**

5.18.2.3.1 Except as provided in Section 5.18.2.3.2, a Generator's ICAP Ineligible Forced Outage shall expire if: i) its CRIS rights have expired; or ii) it did not have CRIS rights and has been in the ICAP Ineligible Forced Outage for 36 consecutive months. A Generator shall be Retired if its ICAP Ineligible Forced Outage expires.

5.18.2.3.2 If a Market Participant with a Generator in an ICAP Ineligible Forced Outage has Commenced Repair prior to when the ICAP Ineligible Forced Outage would expire pursuant to Section 5.18.2.3.1 and has provided a reasonable return date as that term is described in Section 5.18.1.2 of this Services Tariff that occurs after such expiration date, then the outage and the Generator's CRIS rights will be tolled until, and the ICAP Ineligible Forced Outage will expire on, the earlier of:

- i) 120 days from when the outage would have expired under Section 5.18.2.3.1; or
- ii) an ISO determination that the Market Participant has ceased or unreasonably delayed the repair of its Generator. The ISO will determine if a Market Participant has unreasonably delayed the repair of its Generator if such delay would not have been included in a Credible Repair Plan from a supplier

experiencing the situation which caused the Market Participant to delay the repair of its Generator. The tolling of CRIS rights occurs under this Section 5.18.2.3.2 notwithstanding the three year period in which CRIS-inactive facilities may maintain CRIS rights pursuant to Section 25.9.3.1 of Attachment S to the OATT; provided, however, the expiration period for transfers of CRIS rights provided in Section 25.9.3.1 of Attachment S to the OATT shall not be tolled. A Market Participant seeking to toll its outage and CRIS rights pursuant to this Section 5.18.2.3.2 must submit a Repair Plan no later than 60 days prior to when the ICAP Ineligible Forced Outage would expire under Section 5.18.2.3.1.

5.18.2.4 A Market Participant with a Generator in an ICAP Ineligible Forced Outage that is notified by a Transmission Owner or the ISO that the return to service of its Generator could address a reliability issue shall provide an updated good faith estimate of the Generator's return date. A Market Participant with a Generator in an ICAP Ineligible Forced Outage shall make a timely return to service to resolve a reliability issue, in accordance with Section 5.18.4, as the term "timely return" is described in Section 5.18.4.2 of this Services Tariff. A Market Participant with a Generator in an ICAP Ineligible Forced Outage shall provide temporary use of its Generator's interconnection point in accordance with Section 5.18.5 of this Services Tariff when a transmission solution using the Generator's interconnection point has been selected as the Generator Deactivation Solution, the Gap Solution, or to resolve a reliability issue arising on a non-New York State Bulk Power Transmission Facility during its outage. The Transmission Owner shall provide that power to the station remains available

notwithstanding its temporary use of the Generator's interconnection point.

### **5.18.3 Mothball Outage**

5.18.3.1 Prior to entering a Mothball Outage, the Generator must satisfy the prior notice requirement contained in Section 38.3.1 of Attachment FF to the ISO OATT, among other applicable requirements. A Generator in a Mothball Outage is not eligible to participate in the Installed Capacity market and shall automatically cease to qualify to participate in the Installed Capacity market beginning with the date the Generator begins its Mothball Outage. The Generator shall no longer be ineligible to participate in the Installed Capacity market, by virtue of its Mothball Outage, as of the first day the Generator returns to operation and offers its Energy into the Day-Ahead Market without declaring an outage. The month for which the Generator will first be eligible to participate in the Installed Capacity market will be based on the date the Generator returns to operation and offers its Energy into the Day-Ahead Market without declaring an outage and ISO Procedures.

5.18.3.2 As part of the Generator Deactivation Notice required prior to entering a Mothball Outage pursuant to Section 38.3.1 of Attachment FF to the ISO OATT, a Market Participant shall notify the ISO whether its Generator will be physically able to return within 180 days to resolve a reliability issue or it has good cause for an alternate period of time, stated in days, to return its Generator to service to resolve a reliability issue. The Market Participant shall establish good cause, to the satisfaction of the ISO, by providing empirical evidence demonstrating the need for the alternate period of time to return its Generator to service to resolve a



reliability issue. The number of days within which a Generator in a Mothball Outage can be returned to service to resolve a reliability issue will be shared with the applicable Transmission Owner(s).

### **5.18.3.3 Mothball Outage Expiration**

5.18.3.3.1 Except as provided in Section 5.18.3.3.2, a Generator's Mothball Outage shall expire if: i) its CRIS rights have expired; or ii) it did not have CRIS rights and has been in the Mothball Outage for 36 consecutive months. A Generator shall be Retired if its Mothball Outage expires.

5.18.3.3.2 If a Market Participant with a Generator in a Mothball Outage has Commenced Repair prior to when the Mothball Outage would expire pursuant to Section 5.18.3.3.1 and has provided a reasonable return date as that term is described in Section 5.18.1.2 of this Services Tariff that occurs after such expiration date, then the outage and the Generator's CRIS rights will be tolled until, and the Mothball Outage will expire on, the earlier of: i) 120 days from when the outage would have expired under Section 5.18.3.3.1; or ii) an ISO determination that the Market Participant has ceased or unreasonably delayed the repair of its Generator. The ISO will determine if a Market Participant has unreasonably delayed the repair of its Generator if such delay would not have been included in a Credible Repair Plan from a supplier experiencing the situation which caused the Market Participant to delay the repair of its Generator. The tolling of CRIS rights occurs under this Section 5.18.3.3.2 notwithstanding the three year period in which CRIS-inactive facilities may maintain CRIS rights pursuant to Section 25.9.3.1 of Attachment S to the OATT; provided, however,

the expiration period for transfers of CRIS rights provided in Section 25.9.3.1 of Attachment S to the OATT shall not be tolled. A Market Participant seeking to toll its outage and CRIS rights pursuant to this Section 5.18.3.3.2 must submit a Repair Plan no later than 60 days prior to when the Mothball Outage would expire under Section 5.18.3.3.1.

5.18.3.4 A Market Participant with a Generator in a Mothball Outage shall timely return the Generator to service to resolve a reliability issue, in accordance with Section 5.18.4, as the term ‘timely return’ is described in Section 5.18.4.2 of this Services Tariff. A Market Participant with a Generator in a Mothball Outage shall provide temporary use of its Generator’s interconnection point, in accordance with Section 5.18.5 of this Services Tariff, when a transmission solution using the Generator’s interconnection point has been selected as the Generator Deactivation Solution, the Gap Solution, or to resolve a reliability issue on a non-New York State Bulk Power Transmission Facility arising during the Generator’s outage. The Transmission Owner shall provide that power to the station remains available notwithstanding its temporary use of the Generator’s interconnection point.

#### **5.18.4 Return to Service of Generators in a Mothball Outage or an ICAP Ineligible Forced Outage to Resolve a Reliability Issue**

5.18.4.1 Following: i) notification to a Market Participant that the return to service of its Generator in a Mothball Outage or an ICAP Ineligible Forced Outage for a specified minimum time period has been identified as a Generator Deactivation Solution, a Gap Solution, or to resolve a reliability issue on a non-New York State Bulk Power Transmission Facility arising during the Generator’s outage; and ii)

an order establishing compensation for such return from the Federal Energy Regulatory Commission (“Compensation Order”), the Market Participant shall timely return the Generator to service, as the term “timely return” is defined in Section 5.18.4.2 of this Services Tariff.

**5.18.4.1.1** Except for Generators selected through the Generator Deactivation Process, within 30 days of a determination by the ISO and the Market Participant that negotiations on compensation for the return to service of the Market Participant’s Generator are at an impasse, the Market Participant may submit a filing to the Federal Energy Regulatory Commission under Section 205 of the Federal Power Act for compensation. No later than ten days after such filing is made, the ISO shall file with the Federal Energy Regulatory Commission an unexecuted compensation agreement that includes the non-rate terms and conditions for the return to service of the Market Participant’s Generator.

**5.18.4.2** A Market Participant’s return to service of its Generator in a Mothball Outage to resolve a reliability issue shall be deemed to be a timely return if such return to service was i) within 180 days from the date of the Compensation Order, ii) within the alternate period of time following the date of the Compensation Order pursuant to Section 5.18.3.2, or iii) by such other date agreed to by the parties.

A Market Participant’s return to service of its Generator in an ICAP Ineligible Forced Outage to resolve a reliability issue shall be deemed to be a timely return if it is returned to service according to the date established by the Compensation Order; *provided, however*, the Market Participant will not be

required to return the Generator to service before its estimated return date unless otherwise agreed.

5.18.4.2.1 A Generator's return to service shall not be untimely if the Generator provided the Transmission Owner with access to its interconnection point and is available for a timely return, and the Transmission Owner is unable to reconnect the Generator within the timeframes provided for a timely return to service, pursuant to Section 5.18.4.2 of this Services Tariff.

#### **5.18.5 Temporary Use of Interconnection Point to Resolve a Reliability Issue**

5.18.5.1 A Market Participant shall provide a Transmission Owner with temporary use of the interconnection point of its Generator in a Mothball Outage or ICAP Ineligible Forced Outage when a transmission solution using the Generator's interconnection point has been selected as the Generator Deactivation Solution, Gap Solution, or to resolve a reliability issue arising on a non-New York State Bulk Power Transmission Facility during its outage.

5.18.5.2 A Market Participant that provided temporary use of the interconnection point of its Generator in a Mothball Outage or ICAP Ineligible Forced Outage pursuant to Section 5.18.5.1 of this Services Tariff shall be permitted to reconnect its Generator to the transmission system by submitting to the ISO a Notice of Intent to Return that provides the date it intends to return to service which submission shall be provided no later than six months before the expiration of its outage, unless otherwise agreed. A Market Participant that submitted a Notice of Intent to Return and that was not requested to return its Generator to service to resolve a reliability issue pursuant to Section 5.18.4.1 of this Services Tariff

during its immediately previous Mothball Outage or ICAP Ineligible Forced Outage, shall be permitted to reconnect at no cost.

The Transmission Owner shall reconnect the Generator on or before the indicated return date using efforts that are timely, consistent with Good Utility Practice and that are otherwise substantially equivalent to those the Transmission Owner would use for its own purposes. The Transmission Owner shall report periodically to the ISO and the Generator on the progress of reconnecting such Generator and shall advise the ISO and the Generator promptly if it expects it will not be able to complete the reconnection of the Generator before its indicated return date.

If the Generator returning to service pursuant to this Section 5.18.5.2 of the Services Tariff is available to return but the Transmission Owner is unable to reconnect the Generator before its outage expires, the outage expiration, and expiration of its CRIS rights, where applicable, will be tolled until the date the Transmission Owner reconnects the Generator notwithstanding the three year period in which CRIS-inactive facilities may maintain CRIS rights pursuant to Section 25.9.3.1 of Attachment S to the OATT; provided, however, the expiration period for transfers of CRIS rights provided in Section 25.9.3.1 of Attachment S to the OATT shall not be tolled.

#### **5.18.6 Retired and Termination of Existing Interconnection Agreements**

The classification of a Generator with an interconnection agreement other than a Small Generator Interconnection Agreement (SGIA) or Standard Large Generator Interconnection Agreement (LGIA) as Retired may be grounds for the termination of the interconnection

agreement depending on the terms and conditions of the applicable agreement. Any termination of such an interconnection agreement will be effective on the filing with the Federal Energy Regulatory Commission of a notice of termination, which notice and proposed effective date have been accepted by the Federal Energy Regulatory Commission. Either party to the interconnection agreement may file the notice of termination, as appropriate. If and when termination of the interconnection agreement is effective, access to the Point of Interconnection of the Generator will be available on a non-discriminatory basis pursuant to the NYISO's applicable interconnection and transmission expansion processes and procedures. If the existing interconnection agreement is not terminated, the Retired Generator would retain its right to the specific point of interconnection as provided for in the interconnection agreement and access to this point would not be available for new projects.

The impact on a Generator with a LGIA or SGIA that has been classified as Retired is described in OATT Sections 30 and 32 respectively.