

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

**Astoria Generating Company, L.P  
and TC Ravenswood, LLC**

**vs.**

**New York Independent System Operator,  
Inc.**

)  
)  
)  
)  
)  
)  
)

**Docket No. EL11-50-000**

**NOTICE REGARDING CERTAIN PROCEDURES  
UNDER THE *PROTECTIVE ORDER***

The New York Independent System Operator, Inc. (“NYISO”) is submitting this notice to inform the Commission and all parties of the procedures that it intends to follow to facilitate its efficient and timely dissemination of “Protected Materials” and “Highly Sensitive Protected Materials” to qualifying “Reviewing Representatives” under the *Protective Order* in this proceeding.<sup>1</sup> The procedures were developed collaboratively by the NYISO, Complainants, Astoria Energy II (“AEII”), the Bayonne Energy Center (“BEC”), and the Independent Power Producers of New York, Inc., each of which has authorized the NYISO to state that they concur with the procedures.<sup>2</sup> The NYISO, AEII, and BEC are already implementing them. All parties that seek to obtain sensitive and confidential information in this proceeding are encouraged to follow the procedures so that this proceeding may move forward in an expeditious and orderly fashion.

---

<sup>1</sup> The *Protective Order* was issued under the Commission’s August 31 *Order Directing Submission of Supplemental Information and Issuing Protective Order* (“August 31 Order”),

<sup>2</sup> The collaboration among these parties was not intended to exclude other parties. It merely indicates an attempt to develop a reasonable and clear process among a number of parties with potentially diverse interests and to quickly establish a regular process.

## **I. PROCEDURES**

Upon receiving a request that a person be designated a Reviewing Representative pursuant to Paragraphs 9 (b)(5) or 16 of the *Protective Order* to review Protected Materials or Highly Sensitive Protected Materials of or related to AEII and/or BEC, the NYISO and AEII and/or BEC, as applicable, will inform each other, and the requesting party, whether it objects or consents to such designation. Requests are to specify whether the proposed Reviewing Representative seeks to review all such materials or specific materials.

Requests should be e-mailed with a "Subject" line that states "Request for Reviewing Representatives to receive Protected or Highly Sensitive Protected Materials Docket No. EL11-50."

The request must include the name of the individual, name of the party requesting the designation, employer of the individual, title, e-mail address, and a brief description of the person's job description and responsibilities that will enable AEII, BEC and the NYISO to be able to consent or object to the request.

The request must also identify clearly for AEII, BEC and the NYISO that the person has signed the Non-Disclosure Certificate as well as identify which category under Paragraph 9 of the Protective Order each signatory falls under. Specifically, for each signatory falling under Paragraph 9(a), please specify the subcategory under 9(a) into which that person falls. Likewise, for each signatory falling under Paragraph 9(b), please specify the subcategory under 9(b) into which that person falls.

If the person falls under Paragraph 9(b)(5), in order to facilitate the NYISO's, AEII's, and BEC's review of the request, the requestor should identify for each named person whether that individual is an employee of a party that is not directly involved in, or have direct or

supervisory responsibilities over, the purchase, sale, or marketing of electricity (including transmission service) at retail or wholesale, the negotiation or development of participation or cost-sharing arrangements for transmission or generation facilities, or other activities or transactions of a type with respect to which the disclosure of Highly Sensitive Protected Materials may present an unreasonable risk of harm.

The request should be sent to the following individuals:

For AEII: Leonard Singer [LSinger@CouchWhite.com](mailto:LSinger@CouchWhite.com)  
For BEC: Stuart A. Caplan [stuart.caplan@snrdenton.com](mailto:stuart.caplan@snrdenton.com)  
Jessica M. Lynch [jessica.lynn@snrdenton.com](mailto:jessica.lynn@snrdenton.com)  
For NYISO: Ted J. Murphy [tmurphy@hunton.com](mailto:tmurphy@hunton.com)  
Gloria Kavanah [gkavanah@nyiso.com](mailto:gkavanah@nyiso.com)

AEII and/or BEC will state whether it objects or consents to such designation no later than 5 pm on the next business day following the receipt by it of such request.

## II. LISTS OF DESIGNATED PERSONS

In addition to providing notice of the procedures described above, the NYISO also wishes to inform the Commission and the parties that it intends to provide the Commission with separate lists of Reviewing Representatives that it, AEII, and BEC each have agreed are eligible to receive the information that the NYISO designated as (i) Protected Materials;<sup>3</sup> or (ii) Highly Sensitive Protected Materials. The lists would specify the grounds under the *Protective Order* on which each Reviewing Representative was determined to be eligible to receive such materials.

Respectfully submitted,

/s/ Ted J. Murphy  
Counsel to the  
New York Independent System Operator, Inc.

---

<sup>3</sup> All information designated by the NYISO as Protected Materials in its filing on September 8, 2011 falls within the subset of Highly Sensitive Protected Materials.

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day caused the foregoing document to be served on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, DC, this 8th day of September, 2011.

/s/ Ted J. Murphy

Hunton & Williams LLP  
2200 Pennsylvania Avenue, NW  
Washington, DC 20037  
(202) 955-1500