40.18 CRIS Retention, Expiration, Transfer and External CRIS

40.18.1 ERIS Election and future Evaluation for CRIS

Whenever an Interconnection Customer elects to interconnect taking ERIS only, that Interconnection Customer may, at any later date, ask the ISO to evaluate the Interconnection Customer's Facility for CRIS by applying in accordance with the requirements in this Attachment HH to include the Interconnection Customer's Facility in (1) the next Cluster Study Process and the Cluster Study Deliverability Study to be conducted for that Cluster Study; or (2) the next open Expedited Deliverability Study.

40.18.2 CRIS Rights

40.18.2.1 Retaining CRIS Status

Facilities awarded CRIS pursuant to this Attachment HH, as allocated among the facilities' individual units, as applicable, will retain such CRIS to the extent specified in Sections 40.18.2.2 and 40.18.2.3 of this Attachment HH, regardless of subsequent changes to the transmission system or the transfer of facility ownership. Facilities awarded CRIS pursuant to this Attachment HH that withdraw, or are deemed withdrawn by the ISO, from the ISO's Queue will not receive any CRIS awarded to the facility through that Queue Position.

40.18.2.2 Full CRIS Termination

Subject to the requirements set forth in Sections 40.18.2.2.1 through 40.18.2.2.2 and the subsections therein, CRIS will be terminated in full upon request by the facility owner or due to three continuous years of the facility being CRIS-inactive, except as provided in Sections 5.18.2.3.2, 5.18.3.3.2, and 5.18.5 of the ISO Services Tariff. The effective date of CRIS termination pursuant to this Section 40.18.2.2 will be the date the ISO has completed processing the termination request and provided notice of same to the requesting facility owner.

40.18.2.2.1 Voluntary termination. A facility that (a) is Retired or in a Mothball Outage or (b) is in an ICAP Ineligible Forced Outage, and has been assessed in a STAR or a Generator Deactivation Assessment where the ISO, in coordination with the Responsible Transmission Owner(s), determined that a Generator Deactivation Reliability Need will not result from the facility's deactivation, may elect to relinquish its CRIS, before that CRIS would otherwise expire under this Attachment HH, upon notification to the ISO by submitting its request in accordance with ISO Procedures. Relinquishment of CRIS under this Section 40.18.2.2.1 may only be in full (*i.e.*, the facility may not elect to relinquish only a portion of its CRIS).

40.18.2.2.2 Termination for CRIS-Inactive Facilities. CRIS will terminate in full after three continuous years of being CRIS-inactive, as defined in Section 40.18.2.2.2.1, except as provided in Sections 5.18.2.3.1, 5.18.2.3.2, and 5.18.5 of the ISO Services Tariff.

40.18.2.2.2.1 For the purpose of the rules in this Section 40.18.2.2.2, once a facility with CRIS has synchronized, it becomes CRIS-inactive on the last day of the month for which it fails to (i) offer any capacity into ISO capacity auctions, and/or (ii) certify any capacity as an Installed Capacity Supplier through a Bilateral Transaction(s) or Export of capacity to an External Control Area, except as provided in Sections 40.18.2.2.2.1.1 and 40.18.2.2.2.1.2 below.

40.18.2.2.2.1.1 A facility that has synchronized before February 29, 2020, and was not CRIS-inactive under the previously effective rules due to its activity as a load modifier, will be considered CRIS-inactive no earlier than February 29, 2020, based on its activity on and after that date.

40.18.2.2.2.1.2 A facility that has synchronized before February 29, 2020, but never offered capacity into ISO capacity auctions or certified capacity through a bilateral prior to February 29, 2020, will be considered CRIS-inactive no earlier than February 29, 2020, based on its activity on and after that date.

40.18.2.2.2.2 In the case of a CRIS-inactive facility, the facility's CRIS terminates three years after the facility becomes CRIS-inactive, except as provided in Sections 5.18.2.3.2, 5.18.3.3.2, and 5.18.5 of the ISO Services Tariff, unless the CRIS-inactive facility takes one of the following actions before the end of the three-year period: (1) returns to service and participates in an ISO capacity auction or bilateral transactions or (2) transfers CRIS to another facility as permitted by Sections 40.18.3 and 40.18.4 of this Attachment HH.

40.18.2.3 Partial CRIS Termination

40.18.2.3.1 For a facility other than a facility that has Unforced Capacity Deliverability Rights or External-to-ROS Deliverability Rights (*i.e.*, Generators internal to the NYCA), CRIS utilization is the MW sum for a given month of the Installed Capacity Equivalent of UCAP: (1) offered into ISO capacity auctions; (2) certified through a Bilateral Transaction(s); and (3) exported to an External Control Area. If its CRIS utilization ratio (*i.e.*, ratio of the monthly CRIS utilization to its total applicable seasonal CRIS value) falls at or below 0.9 for every month for three consecutive years, measured on a forward rolling basis from July 3, 2023, the facility's CRIS will be reduced to the MW level of its existing CRIS values multiplied by the sum of (1) its maximum utilization ratio for any month within the prior three-year period and (2) 0.05, rounded to the nearest tenth of a MW. For purposes of calculating CRIS utilization pursuant to this Section 40.18.2.3.1, any months during which a facility is in a Mothball Outage

or ICAP Ineligible Forced Outage are excluded and not considered as part of the three-year period for determining CRIS utilization. If a facility returns to service from a Mothball Outage or an ICAP Ineligible Forced Outage, the three (3)-year period for determining CRIS utilization will not restart, but will resume from the point when the facility entered the Mothball Outage or the ICAP Ineligible Forced Outage. For example, if after two (2) consecutive years of a CRIS utilization ratio at or below 0.9, a facility enters an ICAP Ineligible Forced Outage, then the three-year period does not continue during the ICAP Ineligible Forced Outage but resumes the first month the facility is eligible to participate in the ICAP market as determined by Section 5.18.2.2 of the ISO Services Tariff.

40.18.2.3.2 For a facility with CRIS that has Unforced Capacity Deliverability Rights or External-to-ROS Deliverability Rights ("UDR/EDR transmission facility"), if during the three years from the Synchronization Date of the UDR/EDR transmission facility the facility has not demonstrated, consistent with ISO Procedures, that it is capable of delivering MW of Energy to the NYCA interface equivalent to its MW of CRIS, its CRIS MW will be reduced to the maximum MW of Energy the UDR/EDR transmission facility has demonstrated it is capable of delivering to the NYCA interface pursuant to ISO Procedures of any month during this three-year period. For purposes of this Section 40.18.2.3.2, a UDR/EDR transmission facility is capable of delivering Energy to the NYCA interface if it demonstrates deliverability as required by ISO Procedures to be eligible to sell capacity for a particular month, in accordance with the requirements based on the Control Area where the External Installed Capacity Supplier is electrically located.

40.18.2.4 Term of External CRIS Rights

40.18.2.4.1 The initial term of External CRIS Rights, whether based on a Contract or Non-Contract Commitment, will be for an Award Period of no less than five (5) years.

40.18.2.4.2 An entity holding External CRIS Rights may renew those rights for one or more subsequent terms, as described below:

40.18.2.4.2.1 An entity holding External CRIS Rights based on a Contract Commitment may renew its External CRIS Rights, provided that the ISO receives from the entity a request to renew on or before the date specified in Section 40.18.2.4.2.3 indicating that the entity has renewed its bilateral contract to supply External Installed Capacity for an additional term of no less than five (5) years. If the entity does so, then that entity's External CRIS Rights will be renewed for the same additional term, without any further evaluation of the deliverability of the External Installed Capacity covered by the renewed bilateral contract.

40.18.2.4.2.2 An entity holding External CRIS Rights based on a Non-Contract Commitment may renew its External CRIS Rights, provided that the ISO receives from the entity a request to renew on or before the date specified in Section 40.18.2.4.2.3. Any Non-Contract Commitment renewal must be for an additional term of no less than five (5) years. If the entity does so, then that entity's External CRIS Rights will be renewed for the same additional term, without any further evaluation of the deliverability of the External Installed Capacity associated with the Non-Contract Commitment.

40.18.2.4.2.3 Requests for renewal of External CRIS Rights must comply with ISO Procedures and be received by the ISO on or before a date defined by the earlier

of: (i) six months prior to the expiration date of the Contract or Non-Contract Commitment, or (ii) one month prior to the closing of the Application Window that is prior to the start of the last Summer Capability Period within the current Award Period or renewal of an Award Period.

40.18.2.4.3 External CRIS Rights will terminate at the end of the effective Award Period or renewal of an Award Period if those rights have not been renewed for an additional term, pursuant to the process described above.

40.18.2.5 CRIS for Facilities Pre-Dating Class Year 2007

40.18.2.5.1 For facilities pre-dating Class Year 2007, *i.e.*, facilities interconnected or completely studied for interconnection before the projects in Class Year 2007, the facility shall qualify for CRIS service so long as (i) it is not retired (*e.g.*, identified as retired in a NYISO Load and Capacity Data Report prior to October 5, 2008, (ii) its interconnection agreement is not terminated, and (iii) the facility begins commercial operations within three years of the Commercial Operation Date or comparable commencement date specified in its initial interconnection agreement filing.

40.18.2.5.2 A Generator or merchant transmission facility pre-dating Class Year 2007 without an interconnection agreement on October 5, 2008, or one with an initial interconnection agreement filing that does not specify a Commercial Operation Date or any comparable commencement date, shall qualify for CRIS so long as it is not retired (*e.g.*, identified as retired in a NYISO Load and Capacity Data Report) prior to October 5, 2008 and it begins Commercial Operation within three (3) years of its in-service date specified in the 2008 NYISO Load and Capacity Data Report.

40.18.2.5.3 For Generators pre-dating Class Year 2007, the CRIS capacity level will be set at the maximum DMNC level achieved during the five most recent Summer Capability Periods prior to October 5, 2008, even if that DMNC value exceeds nameplate MW.

40.18.2.5.4 For a Generator pre-dating Class Year 2007 and not having DMNC levels recorded for five Summer Capability Periods prior to October 5, 2008, its CRIS capacity level will be set, and reset if necessary, at the maximum DMNC level achieved during successive Summer Capability Periods until it has DMNC levels recorded for five Summer Capability Periods. Prior to the establishment of the Generator's first DMNC value for a Summer Capability Period, the Generator's CRIS level will be set at nameplate MW.

40.18.2.5.5 The CRIS capacity level for intermittent resources pre-dating Class Year 2007 will be set at nameplate MW, and the CRIS capacity level for controllable lines pre-dating Class Year 2007 will be set at the MW of Unforced Capacity Deliverability Rights awarded to them.

40.18.2.5.6 Existing Generators that are eligible for CRIS under this Section 40.18.2.5 that wish to obtain CRIS pursuant to this provision must request CRIS within 60 days of May 19, 2016; CRIS cannot be obtained under this Section 40.18.2.5 if not requested by such date.

40.18.2.6 CRIS for Facilities Not Subject to ISO Interconnection Procedures

All facilities that wish to become eligible to participate as Installed Capacity Suppliers pursuant to the requirements of Section 5.12 of the ISO Services Tariff, must have CRIS, even if the facility is not or was not, when interconnected, subject to the ISO's interconnection procedures.

Facilities not subject to the ISO's interconnection procedures may obtain CRIS rights by (i) entering a Class Year Deliverability Study, Cluster Study Deliverability Study or Expedited

Deliverability Study and satisfying the NYISO Deliverability Interconnection Standard or (ii) satisfying the requirements set forth in Section 40.18.2.6.1. For a facility subject to this Section 40.18.2.6 that has obtained CRIS on or before February 29, 2020, its CRIS will terminate four (4) years after February 29, 2020, if the Interconnection Customer has failed to provide notice to the ISO that the facility has synchronized. For a facility subject to this Section 40.18.2.6 that obtains CRIS after February 29, 2020, its CRIS will terminate four (4) years after the facility obtains CRIS, if the Interconnection Customer fails to provide notice to the ISO that the facility has synchronized.

40.18.2.6.1 A facility not subject to the ISO's interconnection procedures set forth in the then-applicable Attachments X and Z to the ISO OATT was eligible to obtain CRIS without being evaluated under the NYISO Deliverability Interconnection Standard if it met the following requirements (i) if the facility had not commenced Commercial Operation, it must have completed all required interconnection studies and have had an effective interconnection agreement by May 19, 2016, (ii) if the facility had commenced Commercial Operation by May 19, 2016, it must have had an effective interconnection agreement and must not have been out-of-service for more than three (3) consecutive years; (iii) if the facility was not, when first interconnected, subject to the ISO's then-applicable interconnection procedures set forth in Attachments X and Z to the ISO OATT, and (iv) the facility owner must have requested CRIS within sixty (60) days of May 19, 2016. The CRIS level for a facility that qualified for CRIS under this Section 40.18.2.6.1 was set in accordance with Section 40.18.2.6.1.1 and 40.18.2.6.1.2.

40.18.2.6.1.1 BTM:NG Resource

A BTM:NG Resource's initial CRIS level will be set at its Net-ICAP level. The CRIS level will be set, and reset if necessary, at the maximum Net-ICAP level achieved during successive Summer Capability Periods until the facility has Net-ICAP levels recorded for five Summer Capability Periods. The five-year CRIS set and reset period begins with the first Summer Capability Period, following receipt of an initial CRIS value, for which the BTM:NG Resource's Net-ICAP calculation incorporates a demonstrated Average Coincident Host Load. The final CRIS level will be the highest Net-ICAP recorded for the Summer Capability Period during the five-year set and reset period, excluding the initial CRIS level.

The five-year CRIS set and reset period will terminate early, before five Net-ICAP values have been recorded if any of the following conditions occurs: (i) the BTM:NG Resource ceases to qualify as a BTM:NG Resource pursuant to Section 5.12.1 of the ISO Services Tariff; (ii) the BTM:NG Resource elects to participate as another type of Installed Capacity Supplier, other than as a BTM:NG Resource; or (iii) the BTM:NG Resource's Net ICAP is equal to or less than zero for a Capability Period. Upon an early termination of the five-year CRIS set and reset period, the final CRIS value will be determined based on the available data from the CRIS set and reset period up to the point of early termination – *i.e.*, the highest Net-ICAP value recorded during the CRIS set and reset period prior to the point of early termination.

40.18.2.6.1.2 Facilities Other than BTM:NG Resources

Prior to the establishment of the Generator's first DMNC value for a Summer Capability Period, the Generator's CRIS level will be set at nameplate MW. The CRIS level will be set, and reset if necessary, at the maximum DMNC level achieved during successive Summer

Capability Periods until the facility has DMNC levels recorded for five Summer Capability Periods.

40.18.2.7 CRIS for BTM:NG Resources

40.18.2.7.1 If meter data is available for both the Load and the Generator, the initial CRIS that can be requested is limited to the demonstrated Net-ICAP. If meter data is not available for either the Load or the Generator of the BTM:NG Resource, the initial CRIS that can be requested is limited to the Net-ICAP calculation set forth in Section 5.12.1 of the ISO Services Tariff. The initial CRIS level will set at the CRIS MW level: (i) evaluated in, as applicable, the Cluster Study Deliverability Study and (ii) either found to be deliverable or for which the Interconnection Customer accepted its Project Cost Allocation and posted Security for any required System Deliverability Upgrades.

40.18.2.7.2 The CRIS level will be set, and reset if necessary, at the maximum DMNC level achieved during successive Summer Capability Periods, not to exceed the initial CRIS level, until the facility has DMNC levels recorded for five Summer Capability Periods – *i.e.*, the initial CRIS level will act as a cap through the set and reset period and for the final CRIS level. The final CRIS level will be the highest Net-ICAP recorded for the Summer Capability Period during the five-year set and reset period, excluding the initial CRIS level.

40.18.2.7.3 The five-year CRIS set and reset period will terminate early, before five Net-ICAP values have been recorded if any of the following conditions occurs: (i) the BTM:NG Resource ceases to qualify as a BTM:NG Resource pursuant to Section 5.12.1 of the Services Tariff; (ii) the BTM:NG Resource elects to participate as another type of Installed Capacity Supplier, other than as a BTM:NG Resource; or (iii) the BTM:NG Resource's Net ICAP is equal to or less than zero for a Capability Period. Upon an early termination of the five-year CRIS set

and reset period, the final CRIS value will be determined based on the available data from the CRIS set and reset period up to the point of early termination – *i.e.*, the highest Net ICAP value recorded during the CRIS set and reset period prior to the point of early termination.

40.18.3 Transfer of Deliverability Rights - Same Location

40.18.3.1 A facility with CRIS ("transferor facility") may, on or after its Synchronization Date, transfer some or all of its CRIS to a facility at the same electrical location ("transferee facility"), provided that (1) the transferee facility must be operational before the CRIS of the transferor facility terminates pursuant to Section 40.18.2 of this Attachment HH; and (2) the transferor facility, if it is Retired, in a Mothball Outage or is in an ICAP Ineligible Forced Outage, has been assessed in a STAR or a Generator Deactivation Assessment where the ISO, in coordination with the Responsible Transmission Owner(s), determined that a Generator Deactivation Reliability Need will not result from the Facility's deactivation. For purposes of this Section 40.18.3, "same electrical location" means that the facilities are interconnecting to the same transmission bus at the same kV level. The transferee facility, if it has not already synchronized (*i.e.*, reached its Synchronization Date), will only acquire the transferred CRIS once transferee facility has synchronized (*i.e.*, reached its Synchronization Date). CRIS is stated in MW of Installed Capacity. In the case of transfers between the same or different resource types, those MW of Installed Capacity will be adjusted by the derate factor applicable to the transferor facility (based on the asset-class derate factors used in the most recent Class Year Deliverability Study or Cluster Study Deliverability Study) before the transfer and, following the transfer, will be readjusted to MW of Installed Capacity in accordance with the derate factor applicable to the transferee facility (based on the asset-class derate factors used in the most recent Class Year Deliverability Study or Cluster Study Deliverability Study). In the case of a

Distributed Energy Resource (DER), CRIS rights are requested and awarded at the DER level, not at the individual asset level or at the Aggregation level, and therefore, may only be transferred at the DER level under this Section 40.18.3.

40.18.3.2 For purposes of calculating the period of time a facility is CRIS inactive pursuant to Section 40.18.2.2.2 of this Attachment HH, the period of time the facility is CRIS inactive prior to the transfer does not impart to the transferee facility (*i.e.*, if the transferor facility had been CRIS inactive for two years prior to the transfer, that two years does not transfer with the transferred CRIS. The transferee's CRIS is reset for purposes of Section 40.18.2.2.2).

40.18.3.3 If the transferor facility remains active (*i.e.*, as ERIS-only or with less than its original MW level of CRIS), it must submit a transfer notification form to the ISO in accordance with ISO Procedures before August 1 for the requested transfer to become effective at the later of the start of the next Capability Year (*i.e.*, May 1) or the Synchronization Date of the transferee facility. If transferee facility does not reach its Synchronization Date before the end of the next Capability Year (*i.e.*, April 30), the transfer will not be effective, and the CRIS will remain with the transferor. A transferor facility that does not satisfy the above requirements must deactivate prior to transferring its CRIS.

40.18.3.4 If the transferor facility is located in a Mitigated Capacity Zone, it may obtain a final physical withholding determination pursuant to Section 23.4.5.6.5 of the MST. If the transferee facility is located in a Mitigated Capacity Zone and is not an Excluded Facility, pursuant to Section 23.2 of the MST, the transferee facility must, pursuant to Section 23.4.5.7 of the MST, obtain a Buyer-Side Mitigation determination for the transfer to become effective as soon as the start of the next capability month after the date upon which the last of the following

occurs: the transferee obtains a Buyer-side Mitigation determination, if applicable; the transferor obtains a physical withholding determination, if applicable; and the facility meets all other applicable requirements in this Section 40.18.3; *provided however*, that if the same-location CRIS transferor elects to remain active (*i.e.*, as ERIS-only or with less than its original MW level of CRIS), such Buyer-Side Mitigation determination must be obtained before August 1 of the current Capability Year for the transfer to become effective at the later of the start of the next Capability Year (*i.e.*, May 1) or the Synchronization Date of the transferee facility.

40.18.4 Transfer of Deliverability Rights - Different Locations

CRIS may also be transferred on a bilateral basis between an existing facility within the NYCA ("transferor facility") and a new facility at a different location within the NYCA ("transferee facility") to the extent that the transferee facility is found to be deliverable with the transferred. The transferee facility may contract with an existing facility with CRIS to transfer some or all of the existing facility's CRIS. The transferee facility will be allowed to acquire these rights if it meets the requirements set forth below:

40.18.4.1 The transferee must submit an Interconnection Request or CRIS-Only Request in a Cluster Study. CRIS will be stated in MW of Installed Capacity. In the case of transfers between different resource types, those MW of Installed Capacity will be adjusted by the derate factor applicable to the existing facility before the transfer and, following the transfer, will be readjusted to MW of Installed Capacity in accordance with the derate factor applicable to the new project. All derate factors will be based on the asset-class derate factors in the current Cluster Study Deliverability Study.

40.18.4.1.1 The ISO will evaluate the deliverability of the Cluster Study Projects together, with no transfers, to determine the extent to which transferee facilities in the Cluster for that Cluster Study are deliverable without the proposed transfers.

40.18.4.1.2 The ISO will then reduce the output of all transferor facilities to see if the new facility counterparties benefit, *i.e.*, their undeliverable capacity is made deliverable, from the proposed transfers; *provided*, *however*, the transferor facilities will be reduced only to the extent that their reduction does not adversely impact the deliverability of Cluster Study Projects that are not parties to the proposed transactions.

40.18.4.1.3 If the deliverability test conducted by the ISO shows that the transferee facilities in the Cluster for that Cluster Study are fully or partially deliverable with these reductions of the established facility counterparties, then the transferee facilities will be given five business days to notify the ISO as to whether transfer transaction is final or not. If any proposed transactions are not finalized, then Sections 40.18.4.1.1 and 40.18.4.1.2 will be repeated until all proposed transactions have been terminated or finalized.

40.18.4.2 For each finalized transaction, the transferor facility will be modeled in the Cluster Study at its reduced output level (current level less CRIS finally transferred adjusted by the applicable derate factors). The Deliverability of Cluster Study Projects not parties to finalized transactions may benefit, but will not be adversely affected, by those transactions.

40.18.4.3 The transferor facility will be restricted in future capacity sales up to levels consistent with the CRIS rights that were transferred to the new project counterparty.

40.18.4.4 The transferee facility will only acquire the transferred CRIS once the transferee facilities becomes operational at the levels necessary to utilize those rights, provided that (1) the transferee facility must be operational before the CRIS of the transferor facility terminates pursuant to Section 40.18.2 of this Attachment HH; and (2) the transferor facility, if it is Retired, in a Mothball Outage or is in an ICAP Ineligible Forced Outage, has been assessed in a STAR or a Generator Deactivation Assessment where the ISO, in coordination with the Responsible Transmission Owner(s), determined that a Generator Deactivation Reliability Need will not result from the Facility's deactivation.

If the transferor facility is located in a Mitigated Capacity Zone, it may be subject to a final physical withholding determination pursuant to Section 23.4.5.6.1 of the ISO Services Tariff. If the transferee facility is located in a Mitigated Capacity Zone and is not an Excluded Facility, pursuant to Section 23.2 of the ISO Services Tariff, the transferee facility must, pursuant to Section 23.4.5.7 of the ISO Services Tariff, obtain a Buyer-Side Mitigation determination. Transfers may become effective as soon as the start of the next capability month after the date upon which the last of the following occurs: the transferee obtains a Buyer-Side Mitigation determination, if applicable the transfer is found deliverable as described above in Sections 40.18.4.1.1, 40.18.4.1.2 and

40.18.4.1.3, and the facility meets all other applicable requirements in Sections 40.18.4.1 and 40.18.4.1.3.

For purposes of calculating the period of time a facility is CRIS inactive pursuant to Section 40.18.2.2.2 of this Attachment HH, the period of time the facility is CRIS inactive prior to the transfer does not impart to the transferee facility (*i.e.*, if the transferor facility had been CRIS inactive for two years prior to the transfer, that two years does not transfer with the transferred CRIS. The transferee's CRIS is reset for purposes of Section 40.18.2.2.2).

40.18.5 Transfer of External CRIS Rights

A holder of External CRIS Rights may transfer some or all of the Contract or Non-Contract CRIS MW that it holds to another entity, provided that the following requirements are met:

40.18.5.1 The entity to receive the External CRIS Rights must, prior to the transfer, make either (i) a Contract Commitment of External Installed Capacity satisfying the requirements of Section 40.13.11.1.1 of this Attachment HH, or (ii) a Non-Contract Commitment of External Installed Capacity satisfying the requirements of Section 40.13.11.1.2 of this Attachment HH; and

40.18.5.2 The External Installed Capacity of the entity to receive the External CRIS Rights must use the same External Interface(s) used by the External Installed Capacity of the entity currently holding the External CRIS Rights; and

40.18.5.3 The transfer must be for the remaining duration of the Award Period or renewal of an Award Period currently effective for the External CRIS Rights to be transferred; and

40.18.5.4 If the holder of External CRIS Rights transfers some, but not all of its CRIS MW, the number of CRIS MW transferred must be such that, following the transfer, both the holder and the entity receiving External CRIS Rights satisfy the applicable requirements of Section 40.13.11.1.1 and 40.13.11.1.2 of this Attachment HH; and

40.18.5.5 The transfer must take place on or before the earlier of:

40.18.5.5.1 Six months prior to the expiration date of the Contract or Non-Contract Commitment of the entity currently holding the External CRIS Rights to be transferred; or

40.18.5.5.2 One month prior to the closing of the Application Window that is prior to the start of the last Summer Capability Period within the current Award Period or renewal of an Award Period.