

31.6 Other Provisions

31.6.1 The Commission's Role in Dispute Resolution

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

31.6.2 Non-Jurisdictional Entities

LIPA's and NYPA's participation in the CSPP 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 Commission's exercise of the Federal Power Act's general ratemaking authority.

31.6.3 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 ISO 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.

31.6.4 Rights of Incumbent Transmission Owners

~~Nothing in this Attachment Y affects the right of a~~An incumbent Transmission Owner shall have the right to: (1) build, own, and recover costs for upgrades to the transmission

facilities it owns, regardless of whether the upgrade has been selected in the regional transmission plan for purposes of cost allocation; (2) retain, modify, or transfer rights-of-way subject to relevant law or regulation granting such rights-of-way; or (3) develop, build, own, and operate a ~~local~~ transmission solution that is not eligible for regional cost allocation to meet its reliability or other needs or service obligations in its own service territory or footprint. For purposes of Section 31.6.4, the term “upgrade” shall refer to an improvement to, addition to, or replacement of an existing transmission facility or any part thereof and shall not refer to an entirely new transmission facility.

31.6.5 Compliance with Reliability Requirements

All entities developing an approved project pursuant to the provisions in this Attachment Y must register with NERC, and NPCC for appropriate reliability functions and must comply with all applicable Reliability Criteria.