

THIS FILING LETTER DOES NOT CONTAIN ANY PRIVILEGED OR CONFIDENTIAL INFORMATION. ATTACHMENT I - THE BODY OF REPORT, ALONG WITH THE REDACTED VERSIONS OF TABLES 2 THROUGH 6 (MARKED PUBLIC) DOES NOT CONTAIN ANY PRIVILEGED OR CONFIDENTIAL INFORMATION. ATTACHMENT II - CONFIDENTIAL TABLES AND DEMAND SIDE ANCILLARY SERVICES PROGRAM DETAILS, INCLUDES THE UNREDACTED TABLES, WHICH CONTAIN PRIVILEGED AND CONFIDENTIAL INFORMATION, AND IS SUBMITTED SEPARATELY.

January 15, 2015

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

**Re: Annual Report in Docket No. ER01-3001-000;
Request for Privileged Treatment of Attachment II**

Dear Ms. Bose:

Enclosed for filing in the above-referenced docket is the New York Independent System Operator Inc.'s ("NYISO") annual report to the Federal Energy Regulatory Commission ("Commission") on the NYISO's Demand Side Management programs. By Order dated February 19, 2010, the Commission directed the NYISO to file this report for informational purposes only.¹

I. List of Documents Submitted

The NYISO submits this filing letter, accompanied by: (i) Attachment I, the NYISO 2014 Annual Report on Demand Response Programs, which includes redactions in Tables 2 through 6 of confidential, commercially sensitive information, and (ii) Confidential Attachment II, which contains the unredacted versions of Tables 2 through 6. Confidential Attachment II also contains an update on the status of resources participating in the NYISO's Demand Side Ancillary Service Program.

¹ *New York Independent System Operator, Inc.*, Letter Order, Docket Nos. ER01-3001-021, *et al.* (Feb. 19, 2010).

II. Request for Confidential Treatment of Attachment II

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 12.1(4) and 12.4 of the NYISO's Code of Conduct in Attachment F of the NYISO Open Access Transmission Tariff, the NYISO requests Privileged and Confidential treatment of the contents of Attachment II to this filing letter. The NYISO also requests that the confidential Attachment II be exempted from public disclosure under the Freedom of Information Act ("FOIA"), 5 U.S.C. §552.³

Attachment II includes information regarding the number of demand response resources in a load zone that, when aggregated, are not greater than five (5). With such a small number of resources in the load zone, the NYISO's aggregation of the data reported for that load zone may not sufficiently mask confidential and commercially sensitive Market Participant information that the NYISO does not make public. Attachment II also includes a brief discussion of the status of enrollment and registration for the resources seeking to participate in the NYISO's Demand Side Ancillary Services Program. The number of resources described in this discussion similarly may not sufficiently mask confidential and commercially sensitive Market Participant information that the NYISO does not make public.

Attachment II, therefore, contains privileged, commercially sensitive, trade secret information that is exempt from disclosure under 5 U.S.C. §552(b)(4). 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. For this reason, the NYISO requests that the contents of Attachment II receive Privileged and Confidential treatment and be exempt from FOIA disclosure. Attachment II is identified and marked in accordance with the Commission's regulations and rules published by the Secretary's Office for submitting Privileged information.

III. Correspondence

Copies of correspondence concerning this filing should be addressed to:

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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 Terms with initial capitalization not defined herein have the meaning set forth in the NYISO's Market Administration and Control Area Services Tariff.

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IV. Conclusion

WHEREFORE, the New York Independent System Operator, Inc. respectfully requests that the Commission accept this informational filing and treat the contents of Attachment II as Privileged and Confidential and exempt from FOIA disclosure.

Respectfully submitted,

/s/ Gregory J. Campbell

Attorney

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⁵ The NYISO respectfully requests waiver of 18 C.F.R. § 385.203(b)(3) (2011) to permit service on counsel for the NYISO in both Washington, D.C. and Richmond, VA.