

30.2 Definitions

For purposes of Attachment O, capitalized terms shall have the meanings specified below, or in the New York Independent System Operator Agreement or Market Administration and Control Area Services Tariff:

Affiliate

For purposes of Attachment O, “Affiliate” includes both Affiliates, as defined in the ISO Services Tariff and, where appropriate, Affiliated Entities, as defined in the Market Mitigation Measures.

Board

“Board” shall mean the Board of Directors of the New York Independent System Operator, a not-for-profit New York corporation.

Core Market Monitoring Functions

“Core Market Monitoring Functions” or “Core Functions” shall mean the duties that the FERC determined the Market Monitoring Unit must be responsible for performing in Order 719. The Core Functions are set forth in Section 30.4.5 of Attachment O.

Interested Government Agencies

“Interested Government Agencies” shall mean the FERC and the New York Public Service Commission.

ISO Market Power Mitigation Measures

“ISO Market Power Mitigation Measures” or “Market Mitigation Measures” shall mean Attachment H to the ISO’s Market Administration and Control Area Services Tariff, or any successor provisions thereto.

Market Mitigation and Analysis Department

“Market Mitigation and Analysis Department” or “MMA” shall mean a department, internal to the ISO that is responsible for participating in the ISO’s administration of its Tariffs. The MMA’s duties are described in Section 30.3, below.

Market Monitoring Unit

“Market Monitoring Unit” shall mean the consulting or other professional services firm, or other similar entity, retained by the Board, as specified in Section 30.4.2 of Attachment O, that is responsible for carrying out the Core Market Monitoring Functions and the other functions that are assigned to it in Attachment O. The Market Monitoring Unit shall recommend Tariff and market rule changes, but shall not participate in the administration of the ISO’s Tariffs, except as specifically authorized in Attachment O.

Market Party

“Market Party” shall mean any person or entity that is a buyer or a seller in, or that makes bids or offers to buy or sell in, or that schedules or seeks to schedule transactions with the ISO in or affecting, any of the New York Electric Markets, or any combination of the foregoing. Under Attachment O and the ISO’s Market Mitigation Measures, Market Parties may be held responsible for the actions of, or inaction by, their Affiliates.

Market Violation

“Market Violation” shall mean any of (i) a tariff violation, (ii) violation of a Commission-accepted or approved order, rule or regulation including, but not limited to, violations of FERC’s Market Behavior Rules, 18 CFR § 35.41, or any successor provisions thereto, (iii) market manipulation (*see* 18 CFR § 1c.2, or any successor provision thereto), or (iv) inappropriate dispatch that creates substantial concerns regarding unnecessary market inefficiencies.

New York Electric Markets

“New York Electric Markets” shall mean the LBMP Market, the Wholesale Market, any market for the purchase or sale of TCCs, and any other market administered, coordinated or facilitated by, or involving transmission or other services scheduled or otherwise provided by, the ISO.

Order 719

“Order 719” shall mean the Order issued by the FERC on October, 17, 2008 in Docket Nos. RM07-19-000 and AD07-7-000, including the regulations adopted by FERC in that Order, as amended by any subsequent orders issued by the FERC or by a Federal court of appeals.

Other State Commission

“Other State Commission” shall mean the State regulatory agencies other than the New York Public Service Commission that possess primary jurisdiction over (a) the construction and siting of electric transmission and generating facilities, and/or (b) the regulation of retail electric rates, within their respective State.

Plan (Attachment O)

“Plan” shall mean this ISO Market Monitoring Plan (Attachment O).

Protected Information

“Protected Information” shall mean: (a) information that is confidential, proprietary, commercially valuable or competitively sensitive or is a trade secret, (b) information that is Confidential Information under Attachment F to the ISO OATT, (c) information that the Market Monitoring Unit or the ISO is obligated by tariff, regulation or law to protect, (d) information which, if revealed, would present opportunities for collusion or other anticompetitive conduct, or that could facilitate conduct that is inconsistent with economic efficiency, (e) information relating to ongoing investigations and monitoring activities (including the identity of the person or Market Party that requested or is the subject of an investigation, unless such party consents to disclosure), (f) information subject to the attorney-client privilege, the attorney work product doctrine, or concerning pending or threatened litigation, or (g) information that has been designated as such in writing by the party supplying the information to the ISO or to its Market Monitoring Unit, or by the ISO or its Market Monitoring Unit, provided that such designation is consistent with the ISO’s tariffs and this Plan.