

23.4.5.7.5 Excluded Facility Certification

Certifications and Acknowledgments found in this section must be made on behalf of an Excluded Facility that asserts the project or Resource complies with the criteria specified in (i), (ii) and/or (iii) of the Excluded Facilities definition in Section 23.2 of the Services Tariff. Such an Excluded Facility shall be legally bound by the following Certification and Acknowledgement executed by a duly authorized officer:

CERTIFICATION AND ACKNOWLEDGMENT OF EXCLUDED FACILITY STATUS OF RESOURCE OR UDR PROJECT

I [NAME & TITLE] hereby certify on behalf of myself, [NAME OF RESOURCE/PROJECT], and [NAME OF INTERCONNECTION CUSTOMER/OWNER/OPERATOR] that each of the following statements is true and correct:

1. I am an officer whose responsibilities include the [development, ownership, or operational control] of [NAME OF RESOURCE/PROJECT], New York Independent System Operator, Inc.'s ("NYISO") [Queue Position/PTID Number (INSERT NUMBER)].
2. I am duly authorized to make representations concerning [NAME OF RESOURCE/PROJECT] for [NAME OF INTERCONNECTION CUSTOMER/OWNER/OPERATOR], including each of the certifications and acknowledgements that I have made in this document.
3. I hereby certify to the Excluded Facility Status of [NAME OF RESOURCE/PROJECT] as meeting the following criteria as provided in Section 23.2 of the Services Tariff in accordance with ISO Procedures and consistent with the documents provided in Schedule 1 of this Certification [select all that apply:
i) the Resource technology type is specifically identified by the CLCPA or is publicly identified by New York State as supporting the goals of the CLCPA; (ii) the Resource or UDR project has a contract with the State of New York in order to achieve the goals of the CLCPA (such as a Tier 1 or Tier 4 contract with NYSEERDA); or (iii) the Resource or UDR project is eligible to receive a contract authorized by New York State that is supporting the goals of the CLCPA (such as a Tier 1 or Tier 4 contract with NYSEERDA)].
4. I have reviewed and understand the requirements established under the NYISO Market Administration and Control Area Services Tariff ("Services Tariff") related to its Buyer Side Mitigation provisions described in Sections 23.2 and 23.4.5.7, *et seq* of the Services Tariff ("BSM Rules").
5. I have personal knowledge of the facts and circumstances supporting [NAME OF RESOURCE/PROJECT]'s status as an Excluded Facility pursuant to the NYISO's BSM Rules.
6. [Interconnection Customer/Owner/Operator] shall provide any information or cooperation requested by the NYISO in connection with this Certification and Acknowledgement of Excluded Facility Status.

I hereby acknowledge on behalf of myself, [NAME OF RESOURCE/PROJECT], and [NAME OF INTERCONNECTION CUSTOMER/OWNER/OPERATOR] that:

- a. The submission of false, misleading, or inaccurate information, or the failure to submit information requested by the NYISO or to cooperate with a request related

to this Certification and Acknowledgement, shall constitute a violation of Section 4.1.7 of the Services Tariff, and may be subject to the Commission's review, a violation of the Commission's regulations and Section 316A of the Federal Power Act.

- b. If false, misleading, or inaccurate information is submitted, or requested information is not provided, including but not limited to information contained or submitted in this Certification and Acknowledgement, Excluded Facility status shall not be recognized for [NAME OF RESOURCE/PROJECT] which may potentially be subject to an Offer Floor in accordance with the BSM Rules unless it is otherwise determined to be exempt pursuant to Section 23.4.5.7.2(a) or (b) of the Services Tariff.
- c. If the Project submits false, misleading, or inaccurate information, or fails to submit requested information to the NYISO or to cooperate with a request, including but not limited to information contained or submitted in the Certification and Acknowledgement on behalf of the Project, it may be subject to civil penalties that may be imposed by the Commission for violations of Section 4.1.7 of Services Tariff, the Commission's rules, and/or Section 316A of the Federal Power Act.

[PRINT NAME]
[DATE]

Subscribed and sworn to before me
this [] day of [MONTH] [YEAR].

Notary Public

My commission expires: _____

**[PROJECT NAME] SCHEDULE 1 CERTIFICATION AND ACKNOWLEDGEMENT
LIST AND ATTACHMENT OF PERTINENT
DOCUMENTS AND AGREEMENTS
[DATE]**

Source of Document/Parties to Agreement: _____

Title: _____

Date Issued/Executed: _____

23.4.5.7.5.1 Timing for Requests, Required Submittals, and Withdrawals

The executed Certification and Acknowledgement form required by Section 23.4.5.7.5 shall be submitted concurrent with a request to be considered an Excluded Facility. The ISO may request additional information or updated certifications at any time prior to the date that the Class Year or Cluster Study decisional process of which the Examined Facility is a member has been completed. Requests for Resources or UDR projects to be considered an Excluded Facility in Class Years or Cluster Studies and Requests for Resources to be considered an Excluded Facility in Expedited Deliverability Studies must be received by the ISO no later than the deadline by which a facility must notify the ISO of its election, as applicable, (A) to enter the Cluster Study, such date as set forth in Section 40.5.1 of OATT Attachment HH or (B) to enter the Class Year Study or Expedited Deliverability Study, such date as set forth in Section 25.5.9 OATT of Attachment S, except (i) that for members of the ongoing Class Year 2021 Study that must certify to their Excluded Facility Status, certification shall be submitted to the NYISO with the request to be considered as an Excluded Facility within twenty-one calendar days from [], the effective date of this tariff section and (ii) as noted in 23.4.5.7.5.1.1 below.

The ISO shall determine, in consultation with the Market Monitoring Unit, whether a Resource or UDR project is an Excluded Facility, subject to any required further submissions of information, prior to the Initial Decision Period within which an Interconnection Customer must provide an Acceptance Notice or Non-Acceptance Notice to the ISO in response to the first Project Cost Allocation issued by the ISO to the Interconnection Customer.

23.4.5.7.5.1.1 Existing Resources or UDR projects with an Offer Floor that was applied prior to Class Year 2021 Study may request at any time to be an Excluded Facility, consistent with ISO Procedures. The ISO may request additional information at any time and updated certifications at any time for these requests prior to the issuance of a determination.

23.4.5.7.5.2 Notifications

The ISO shall post on its website a list of each Examined Facility that requests to be an Excluded Facility that becomes a member of the Class Year Study, Cluster Study, or Expedited Deliverability Study, promptly after, as applicable, (i) for a Cluster Study Process, the posting of the Cluster Study Project List as set forth in Section 40.7.2 of Attachment H of the OATT, (ii) for a Class Year Study, the deadline set forth in Section 30.8.1 of Attachment X of the OATT (by which the ISO must receive the Developer's executed Class Year Interconnection Facilities Study Agreement), or (iii) for an Expedited Deliverability Study, the deadline set forth in Section 25.5.9.2.2 of OATT Attachment S, or Section 40.19.3.2 of OATT Attachment HH, as applicable (by which the ISO must receive the Developer's executed Expedited Deliverability Study Agreement). The ISO shall also post on its website a list of all Examined Facilities that it determines to be Excluded Facilities at the conclusion of the associated Class Year Study, Cluster Study, Additional SDU Study, or Expedited Deliverability Study. The ISO shall update the list to reflect any changes.

23.4.5.7.5.3 False, Misleading, or Inaccurate Information

The submission of false, misleading, or inaccurate information, or the failure to submit requested information and cooperate in connection with a certification of Excluded Facilities status shall constitute a violation of the Services Tariff. Such violation shall be reported, by the ISO, to the Market Monitoring Unit and to the Commission's Office of Enforcement (or any successor to its responsibilities).