

## **5.14 Installed Capacity Spot Market Auction and Installed Capacity Supplier Deficiencies**

### **5.14.1 LSE Participation in the ICAP Spot Market Auction**

#### **5.14.1.1 ICAP Spot Market Auction**

When the ISO conducts each ICAP Spot Market Auction it will account for all Unforced Capacity that each NYCA LSE has certified for use in the NYCA to meet its NYCA Minimum Unforced Capacity Requirement or Locational Minimum Unforced Capacity Requirement, as applicable, whether purchased through Bilateral Transactions or in prior auctions. The ISO shall receive offers of Unforced Capacity that has not previously been purchased through Bilateral Transactions or in prior auctions from qualified Installed Capacity Suppliers for the ICAP Spot Market Auction. Interim Service Providers that are required to keep their generating unit(s) in service must offer at \$0.00/kW-month all of their Unforced Capacity into each ICAP Spot Market Auction conducted for each Obligation Procurement Period associate with a month in which it is to receive compensation under Rate Schedule 8 of the Services Tariff. If an Interim Service Provider that is required to keep its generating unit(s) in service is expressly precluded from offering all or a portion of its UCAP into an ICAP Spot Market Auction because it is obligated to provide capacity pursuant to a bilateral contract that is effective at the time of the ICAP Spot Market Auction, and was executed and effective before the NYISO received a Generator Deactivation Notice the Interim Service Provider (such contract a “Preexisting Capacity Bilateral”), then the Interim Service Provider shall only be required to offer the amount of its Unforced Capacity into that ICAP Spot Market Auction that it is not expressly required to provide pursuant to the terms of the such Preexisting Capacity Bilateral. The quantity of Unforced Capacity an Interim Service Provider that is required to keep its generating unit(s) in service is required to offer in accordance with this paragraph is the “ISP UCAP MW”. The ISO shall also receive offers of

Unforced Capacity from any LSE for any amount of Unforced Capacity that the LSE has in excess of its NYCA Minimum Unforced Capacity Requirement or Locational Minimum Unforced Capacity Requirement, as applicable. Unforced Capacity that will be exported from the New York Control Area during the month for which Unforced Capacity is sold in an ICAP Spot Market Auction shall be certified to the NYISO by the certification deadline for that auction.

The ISO shall conduct an ICAP Spot Market Auction to purchase Unforced Capacity which shall be used by an LSE toward all components of its LSE Unforced Capacity Obligation for each Obligation Procurement Period immediately preceding the start of each Obligation Procurement Period. The exact date of the ICAP Spot Market Auction shall be established in the ISO Procedures. All LSEs shall participate in the ICAP Spot Market Auction. In the ICAP Spot Market Auction, the ISO shall submit monthly bids on behalf of all LSEs at a level per MW determined by the ICAP Demand Curves established in accordance with this Tariff and the ISO Procedures. The ICAP Spot Market Auction will set the LSE Unforced Capacity Obligation for each NYCA LSE in accordance with the ISO Procedures.

The ICAP Spot Market Auction will be conducted and solved simultaneously for Unforced Capacity that may be used by an LSE towards all components of its LSE Unforced Capacity Obligation for that Obligation Procurement Period using the applicable ICAP Demand Curves, as established in accordance with the ISO Procedures. LSEs that are awarded Unforced Capacity in the ICAP Spot Market Auction shall pay to the ISO the Market-Clearing Price of Unforced Capacity determined in the ICAP Spot Market Auction using the applicable ICAP Demand Curve. The ISO shall pay each Installed Capacity Supplier that is selected to provide

Unforced Capacity the Market-Clearing Price determined in the ICAP Spot Market Auction using the ICAP Demand Curve applicable to its offer.

### 5.14.1.2 Demand Curve and Adjustments

ICAP Demand Curves will be established to determine (a) the locational component of LSE Unforced Capacity Obligations for each Locality (b) the locational component of LSE Unforced Capacity Obligations for any New Capacity Zone, and (c) the total LSE Unforced Capacity Obligations for all LSEs. Beginning with the ICAP Demand Curves applicable for the 2025/2026 Capability Year, ICAP Demand Curves will, in accordance with ISO Procedures, be established for each Capability Period encompassed by a Capability Year.

The ICAP Demand Curves for the 2021/2022 Capability Year shall be established at the following points (in accordance with Section 5.14.1.2.2: (1) the ICAP Demand Curve values for the 2020/2021 Capability Year were determined pursuant to the annual update for such Capability Year; provided, however, that the ICAP Demand Curves for all months covered by the 2020/2021 Winter Capability Period shall be as set forth in Section 5.14.1.2.2.5 of this Tariff; and (2) the ICAP Demand Curve values for the 2022/2023 through 2024/2025 Capability Years will be determined pursuant to the respective annual update for each such Capability Year):

Capability Year	5/1/2020 to 4/30/2021	5/1/2021 to 4/30/2022	5/1/2022 to 4/30/2023	5/1/2023 to 6/30/2023	7/1/2023 to 4/30/2024	5/1/2024 to 4/30/2025
NYCA	To be posted on the ISO website on or before November 30, 2019*	Max @ \$14.01 \$7.81 @ 100% \$0.00 @ 112%	To be posted on the ISO website on or before November 30, 2021	To be posted on the ISO website on or before November 30, 2022**	Max @ \$16.74 \$8.43 @ 100% \$0.00 @ 112%	To be posted on the ISO website on or before November 30, 2023
NYC	To be posted on the ISO website on or before November 30, 2019*	Max @ \$26.25 \$21.28 @ 100%	To be posted on the ISO website on or before November 30, 2021	To be posted on the ISO website on or before November 30, 2022**	Max @ \$30.87 \$22.42 @ 100%	To be posted on the ISO website on or before November 30, 2023

		\$0.00 @ 118%			\$0.00 @ 118%	
LI	To be posted on the ISO website on or before November 30, 2019*	Max @ \$21.27  \$17.60 @ 100%  \$0.00 @ 118%	To be posted on the ISO website on or before November 30, 2021	To be posted on the ISO website on or before November 30, 2022**	Max @ \$25.97  \$15.48 @ 100%  \$0.00 @ 118%	To be posted on the ISO website on or before November 30, 2023
G-J	To be posted on the ISO website on or before November 30, 2019*	Max @ \$18.94  \$13.28 @ 100%  \$0.00 @ 115%	To be posted on the ISO website on or before November 30, 2021	To be posted on the ISO website on or before November 30, 2022**	Max @ \$23.02  \$12.42 @ 100%  \$0.00 @ 115%	To be posted on the ISO website on or before November 30, 2023
<p>NOTE: All dollar figures are in terms of \$/kW-month of ICAP and all percentages are in terms of the applicable NYCA Minimum Installed Capacity Requirement and Locational Minimum Installed Capacity Requirement. The defined points describe a line segment with a negative slope that will result in higher values for percentages less than 100% of the NYCA Minimum Installed Capacity Requirement or the Locational Installed Capacity Requirement (“reference point”) with the maximum value for each ICAP Demand Curve established at 1.5 times the estimated localized levelized cost per kW-month to develop a new peaking unit in each Locality or in Rest of State, as applicable.</p> <p>*Notwithstanding anything to the contrary in the ISO Tariffs and ISO Procedures, the ICAP Demand Curves for all months covered by the 2020/2021 Winter Capability Period shall be as set forth in Section 5.14.1.2.2.5 of this Tariff. The ICAP Demand Curves previously posted on the ISO website for the 2020/2021 Capability Year applied for the previously conducted ICAP Spot Market Auctions for all months covered by the 2020 Summer Capability Period.</p> <p>**Notwithstanding anything to the contrary in the ISO Tariffs and ISO Procedures, the ICAP Demand Curves for the 2023/2024 Capability Year posted to the ISO website by November 30, 2022 have been reposted to account for the directives of the May 19, 2023 order issued by FERC in Docket No. ER21-502-005. The revised ICAP Demand Curves for the 2023/2024 Capability Year will first be utilized for the ICAP Spot Market Auction for July 2023. The ICAP Demand Curves previously posted on the ISO website by November 30, 2022 for the 2023/2024 Capability Year applied for the ICAP Spot Market Auctions for May 2023 and June 2023.</p>						

In subsequent years, the costs assigned by the ICAP Demand Curves to the NYCA Minimum Installed Capacity Requirement, the Locational Minimum Installed Capacity Requirement, and any Indicative NCZ Minimum Installed Capacity Requirement, will be defined by the results of the independent review conducted pursuant to this section. The ICAP Demand Curves will be translated into Unforced Capacity terms in accordance with the ISO Procedures. Beginning with the 2024/2025 Capability Year, the aforementioned translation shall utilize the

applicable derating factor of the peaking plant used to establish each ICAP Demand Curve, as determined during the periodic review conducted pursuant to Section 5.14.1.2.2.

#### **5.14.1.2.1 Periodic Reviews of ICAP Demand Curves Applicable Prior to the 2017/2018 Capability Year**

For ICAP Demand Curves applicable prior to the 2017/2018 Capability Year, a periodic review of the ICAP Demand Curves shall be performed every three (3) years in accordance with the ISO Procedures to determine the parameters of the ICAP Demand Curves for the next three Capability Years. The periodic review shall assess: (i) the current localized levelized embedded cost of a peaking plant in each NYCA Locality, the Rest of State, and any New Capacity Zone, to meet minimum capacity requirements, and (ii) the likely projected annual Energy and Ancillary Services revenues of the peaking plant over the period covered by the adjusted ICAP Demand Curves, net of the costs of producing such Energy and Ancillary Services. The cost and revenues of the peaking plant used to set the reference point and maximum value for each ICAP Demand Curve shall be determined under conditions in which the available capacity is equal to the sum of (a) the minimum Installed Capacity requirement and (b) the peaking plant's capacity equal to the number of MW specified in the periodic review and used to determine all costs and revenues. The minimum Installed Capacity requirement for each Locality shall be equal to the Locational Minimum Installed Capacity Requirement in effect for the year in which the independent consultant's final report (referenced below in Section 5.14.1.2.1.6) is issued; for the NYCA, equal to the NYCA Minimum Installed Capacity Requirement based on the Installed Reserve Margin accepted by the Commission and applicable to the Capability Year which begins in the Capability Year in which the independent consultant's final report is issued; and for any New Capacity Zone, equal to the Indicative NCZ Locational Minimum Installed Capacity Requirement determined by the ISO in accordance with Section 5.16.3. The periodic review

shall also assess (i) the appropriate shape and slope of the ICAP Demand Curves, and the associated point at which the dollar value of the ICAP Demand Curves should decline to zero; (ii) the appropriate translation of the annual net revenue requirement of the peaking plant determined from the factors specified above, into monthly values that take into account seasonal differences in the amount of capacity available in the ICAP Spot Market Auctions; and (iii) the escalation factor and inflation component of the escalation factor applied to the ICAP Demand Curves. For purposes of this periodic review, a peaking unit is defined as the unit with technology that results in the lowest fixed costs and highest variable costs among all other units' technology that are economically viable, and a peaking plant is defined as the number of units (whether one or more) that constitute the scale identified in the periodic review.

The periodic review shall be conducted in accordance with the schedule and procedures specified in the ISO Procedures. A proposed schedule will be reviewed with the stakeholders not later than May 30 of the year prior to the year of the filing specified in Section 5.14.1.2.1.11.

The schedule and procedures shall provide for:

5.14.1.2.1.1 ISO development, with stakeholder review and comment, of a request for proposals to provide independent consulting services to determine recommended values for the factors specified above, and appropriate methodologies for such determination;

5.14.1.2.1.2 Selection of an independent consultant in accordance with the request for proposals;

5.14.1.2.1.3 Submission to the ISO and the stakeholders of a draft report from the independent consultant on the independent consultant's determination of recommended values for the factors specified above;

- 5.14.1.2.1.4 Stakeholder review of and comment on the data, assumptions and conclusions in the independent consultant's draft report, with participation by the responsible person or persons providing the consulting services;
- 5.14.1.2.1.5 An opportunity for the Market Monitoring Unit to review and comment on the draft request for proposals, the independent consultant's report, and the ISO's proposed ICAP Demand Curves (the responsibilities of the Market Monitoring Unit that are addressed in this section of the Services Tariff are also addressed in Section 30.4.6.3.1 of Attachment O);
- 5.14.1.2.1.6 Issuance by the independent consultant of a final report;
- 5.14.1.2.1.7 Issuance of a draft of the ISO's recommended adjustments to the ICAP Demand Curves for stakeholder review and comment;
- 5.14.1.2.1.8 Issuance of the ISO's proposed ICAP Demand Curves, taking into account the report of the independent consultant, the recommendations of the Market Monitoring Unit, and the views of the stakeholders together with the rationale for accepting or rejecting any such inputs;
- 5.14.1.2.1.9 Submission of stakeholder requests for the ISO Board of Directors to review and adjust the ISO's proposed ICAP Demand Curves;
- 5.14.1.2.1.10 Presentations to the ISO Board of Directors of stakeholder views on the ISO's proposed ICAP Demand Curves; and
- 5.14.1.2.1.11 Filing with the Commission of ICAP Demand Curves as approved by the ISO Board of Directors incorporating the results of the periodic review, such filing to be made not later than November 30 of the year prior to the year that includes the beginning of the first Capability Year to which such ICAP Demand

Curves would be applied. The filing shall specify ICAP Demand Curves for a period of three Capability Years and the inflation rate component of the escalation factor applied to the ICAP Demand Curves.

Upon FERC approval, the ICAP Demand Curves will be translated into Unforced Capacity terms in accordance with the ISO Procedures; provided that nothing in this Tariff shall be construed to limit the ability of the ISO or its Market Participants to propose and adopt alternative provisions to this Tariff through established governance procedures.

#### **5.14.1.2.2 Periodic Reviews of ICAP Demand Curves Applicable Beginning with the 2017/2018 Capability Year**

Beginning with the ICAP Demand Curves applicable for the 2017/2018 Capability Year, a periodic review of the ICAP Demand Curves shall be performed every four (4) years in accordance with the ISO Procedures to: (i) identify the methodologies and inputs used for determining the ICAP Demand Curves for the four Capability Years covered by the periodic review; and (ii) establish the ICAP Demand Curves for the first Capability Year covered by the periodic review.

The periodic review shall assess: (i) the current localized levelized embedded cost of a peaking plant in each NYCA Locality, the Rest of State, and any New Capacity Zone, to meet minimum capacity requirements (for purposes of this Section 5.14.1.2.2 hereinafter referred to as the “peaking plant gross cost”); and (ii) the likely projected annual Energy and Ancillary Services revenues of the peaking plant for the first Capability Year covered by the periodic review, net of the costs of producing such Energy and Ancillary Services (for purposes of this Section 5.14.1.2.2 hereinafter referred to as the “net Energy and Ancillary Services revenue offset”), including the methodology and inputs for determining such projections for the four Capability Years covered by the periodic review.



The cost and revenues of the peaking plant used to set the reference point and maximum value for each ICAP Demand Curve shall be determined under conditions in which the available capacity is equal to the sum of (a) the minimum Installed Capacity requirement and (b) the peaking plant's capacity equal to the number of MW specified in the periodic review and used to determine all costs and revenues (for purposes of this Section 5.14.1.2.2 hereinafter referred to as the "prescribed level of excess"). The minimum Installed Capacity requirement for each Locality shall be equal to the Locational Minimum Installed Capacity Requirement in effect for the year in which the independent consultant's final report (referenced below in Section 5.14.1.2.2.4.6) is issued; for the NYCA, equal to the NYCA Minimum Installed Capacity Requirement based on the Installed Reserve Margin accepted by the Commission and applicable to the Capability Year which begins in the Capability Year in which the independent consultant's final report is issued; and for any New Capacity Zone, equal to the Indicative NCZ Locational Minimum Installed Capacity Requirement determined by the NYISO in accordance with Section 5.16.3.

Beginning with the ICAP Demand Curves applicable for 2025/2026 Capability Year, the determination of the reference point and maximum value for each ICAP Demand Curve for a given Capability Year shall account for conditions reflecting the prescribed level of excess and seasonal differences in the amount of capacity available in ICAP Spot Market Auctions. For a given Capability Year, the Capability Period in which more capacity is expected to be available in the ICAP Spot Market Auctions due to seasonal differences in availability shall utilize conditions that account for the prescribed level of excess and the additional capacity available due to such seasonal differences, while the Capability Period in which less capacity is expected to be available in the ICAP Spot Market Auctions due to seasonal differences in availability shall

utilize conditions that account for only the prescribed level of excess (for purposes of this Section 5.14.1.2.2 hereinafter referred to as the “reference point assumed excess conditions”).

The periodic review shall also assess (i) the appropriate shape and slope of the ICAP Demand Curves, and the associated point at which the dollar value of the ICAP Demand Curves should decline to zero; (ii) the appropriate translation of the annual net revenue requirement of the peaking plant determined from the factors specified above, into monthly values that take into account seasonal differences in the amount of capacity available in the ICAP Spot Market Auctions in accordance with the methodology set forth in Section 5.14.1.2.2.3; and (iii) the escalation factor and inflation component of the escalation factor applied to the peaking plant gross cost, including the methodology and inputs for determining such values.

Beginning with the ICAP Demand Curves applicable for 2025/2026 Capability Year, the translation of the annual net revenue requirement of each applicable peaking plant into monthly values, in accordance with ISO Procedures, shall result in the determination of ICAP Demand Curves for each Capability Period encompassed by the Capability Year for which such ICAP Demand Curves will be in effect. The translation of the annual net revenue requirement of each peaking plant into monthly values shall also account for seasonal reliability risks in determining the portion of the annual net revenue requirement to be recovered during each Capability Period under the reference point assumed excess conditions. In accordance with ISO Procedures, seasonal reliability risks shall be accounted for based on the percentage of loss of load risk attributed to each Capability Period as identified in the results produced by the preliminary base case model approved by the NYSRC for determining the NYCA Installed Reserve Margin applicable to the Capability Year for which the applicable ICAP Demand Curves will be in effect. The translation of each annual net revenue requirement into monthly values shall also be

subject to maximum and minimum percentages of the allowable portion of the annual net revenue requirement recoverable in each Capability Period under the reference point assumed excess conditions. The applicable maximum and minimum allowable percentage values shall initially be set at 65 percent and 35 percent, respectively. Beginning with the periodic review that includes establishment of the ICAP Demand Curves applicable for the 2029/2030 Capability Year, each periodic review shall assess such maximum and minimum allowable percentage values. Any adjustments to the maximum and minimum allowable percentage values shall be identified in the filing referenced in Section 5.14.1.2.2.4.11 below and remain fixed for the entire period covered by the applicable periodic review.

For purposes of this periodic review, a peaking unit is defined as the unit with technology that results in the lowest fixed costs and highest variable costs among all other units' technology that are economically viable, and a peaking plant is defined as the number of units (whether one or more) that constitute the scale identified in the periodic review.

In the filing referenced in Section 5.14.1.2.2.4.11 below, the ISO will: (i) identify the methodologies and inputs used for determining the ICAP Demand Curves for the four Capability Years covered by the periodic review; and (ii) propose the ICAP Demand Curves for the first Capability Year covered by the periodic review. Except as it relates to the ICAP Demand Curves set forth in Section 5.14.1.2.2.5 that are applicable for all months covered by the 2020/2021 Winter Capability Period, for the subsequent three Capability Years covered by the periodic review, the ISO will establish the ICAP Demand Curves for each such Capability Year by updating the following factors in advance of each such subsequent Capability Year: (i) the peaking plant gross cost in accordance with Section 5.14.1.2.2.1; (ii) the net Energy and Ancillary Services revenue offset in accordance with Section 5.14.1.2.2.2; (iii) the seasonal

amount of capacity available in ICAP Spot Market Auctions in accordance with Section 5.14.1.2.2.3; and (iv) beginning with the ICAP Demand Curves applicable for the 2025/2026 Capability Year, the percentage of reliability risk expected in each Capability Period as described above. Except as it relates to the ICAP Demand Curves set forth in Section 5.14.1.2.2.5 that are applicable for all months covered by the 2020/2021 Winter Capability Period, the ISO will post the updated ICAP Demand Curves for each subsequent Capability Year covered by the periodic review on or before November 30<sup>th</sup> of the calendar year immediately preceding the calendar year that includes the start of the Capability Year for which the updated ICAP Demand Curves will apply.

#### **5.14.1.2.2.1 Annual Updates for Peaking Plant Gross Cost**

For purposes of the annual updates to the ICAP Demand Curves, the ISO shall determine updated values for the peaking plant gross cost for each peaking plant. Updated values for the peaking plant gross cost shall be determined by application of an escalation factor to the peaking plant gross cost values underlying the ICAP Demand Curves for the first Capability Year covered by the periodic review. The escalation factor shall consist of the following four components: (i) changes in construction material costs (“materials component”); (ii) changes in turbine generator costs (“turbine component”); (iii) changes in labor costs (“labor component”); and (iv) changes in the general cost of goods and services (“general component”). The escalation factor shall be equal to the sum of the: (i) the percentage change in the applicable index for the materials component, multiplied by the applicable weighting factor for such component; (ii) the percentage change in the applicable index for the turbine component, multiplied by the applicable weighting factor for such component; (iii) the percentage change in the applicable index for the labor component, multiplied by the applicable weighting factor for

such component; and (iv) the percentage change in the applicable index for the general component, multiplied by the applicable weighting factor for such component. For purposes of determining the percentage change for each component, the values utilized from each applicable index shall be as follows: (i) for indices that publish annual values, the most recently available annual value and the corresponding annual value for the calendar year that contained the most recently available finalized values established by the publisher for the applicable index as of October 1<sup>st</sup> in the same calendar year as the filing required by Section 5.14.1.2.2.4.11 (“baseline period”); (ii) for indices that publish monthly values, the average value of the three most recently available monthly values and the average value of values for the same three months from the baseline period; and (iii) for indices that publish quarterly values, the value of the most recently available calendar quarter and the value for the same calendar quarter from the baseline period. The applicable values to be used by the ISO shall be the available finalized values established by the publisher for each index as of October 1<sup>st</sup> of the same calendar year as the applicable November 30<sup>th</sup> deadline for posting the updated ICAP Demand Curves. The ISO shall not use any preliminary values published by an index in determining the applicable percentage change for any component of the escalation factor. The weighting factors applied to each component shall be determined as part of the periodic review, identified in the filing required by Section 5.14.1.2.2.4.11 and remain fixed for the entire period covered by the periodic review. The specified index for each component shall likewise be determined as part of the periodic review, identified in the filing required by Section 5.14.1.2.2.4.11 and remain fixed for the entire period covered by the periodic review, unless an index is eliminated, replaced or otherwise terminated by the publisher thereof during the period covered by the periodic review. In such circumstance, the ISO shall utilize the replacement or successor index established by the publisher, if any, or,

in the absence of a replacement or successor index, shall select as a replacement a substantially similar index.

#### **5.14.1.2.2.2 Annual Updates for Net Energy and Ancillary Revenue Offset**

For purposes of the annual updates to the ICAP Demand Curves, the ISO shall also determine updated values for the net Energy and Ancillary Services revenue offset associated with each peaking plant. Updated values for the net Energy and Ancillary Services revenue offset shall, in part, be determined using a net revenue model that will be developed as part of the periodic review, utilized in determining the net Energy and Ancillary Services revenue offset associated with each peaking plant for the first Capability Year covered by the periodic review, and made available to stakeholders. For purposes of the annual updates to the ICAP Demand Curves for the remaining three Capability Years covered by the periodic review, the selected model for each peaking plant shall be updated for each such Capability Year with data and inputs that reflect the most recent information for the prior 36 month period ending August 31<sup>st</sup> of the same calendar year as the applicable November 30<sup>th</sup> deadline for posting the updated ICAP Demand Curves. The model will, at a minimum, determine whether each peaking plant could earn positive net revenue by producing Energy in each applicable time interval, as determined during the periodic review, based on historical prices and the variable costs for each peaking plant over the prior 36 month period ending August 31<sup>st</sup> of the same calendar year as the applicable November 30<sup>th</sup> deadline for posting the updated ICAP Demand Curves, as well as the physical operating characteristics of each peaking plant and any operating hours constraints necessary to address any applicable environmental requirements and/or fuel availability. The commitment and dispatch logic and data sources and/or inputs used by the model, as well as the manner in which the model accounts for net Ancillary Services revenues earned by each peaking

plant, the physical operating characteristics of each peaking plant and any operating hours constraints applicable to each peaking plant that are necessary to address any applicable environmental requirements and/or fuel availability, will be determined as part of the periodic review, identified in the filing required by Section 5.14.1.2.2.4.11 and remain fixed for the entire period covered by the periodic review, subject to annual updating of certain data inputs used by the model as described herein.

The model will determine whether each peaking plant could earn positive net revenue by producing Energy in each applicable time interval during the period encompassed by the model in a manner consistent with the following equation:

$$Net\ Energy\ revenue_{z,t} = \max([Output_{z,t} * (LOE_{z,t} * LBMP_{z,t})] - MC_{z,t}, 0)$$

where:

$t$  = the applicable time interval selected for assessing whether a peaking plant could earn positive net revenue by producing Energy. For Day-Ahead, the time interval shall be one-hour increments. For real-time, the time interval may be either: (1) one-hour increments, or (2) the applicable RTD interval increments. The determination of the applicable selected time interval to be used in real-time for each peaking plant shall: (1) be determined as part of the periodic review based on the physical operating characteristics of each peaking plant; (2) be identified in the filing required by Section 5.14.1.2.2.4.11; and (3) remain fixed for the entire period covered by the periodic review;

$Output_{z,t}$  = the quantity of Energy produced by the peaking plant for Load Zone  $z$  in time interval  $t$ ;

$LOE_{z,t}$  = the applicable adjustment factor for Load Zone  $z$  and time interval  $t$  used to adjust for the prescribed level of excess. The adjustment factors shall be determined as part of the periodic

review, identified in the filing required by Section 5.14.1.2.2.4.11 and remain fixed for the entire period covered by the periodic review;

$LBMP_{z,t}$  = for Day-Ahead, the Day-Ahead zonal LBMP for Load Zone  $z$  and time interval  $t$ . For real-time: (1) if the time interval used for the peaking plant is one-hour increments, the time-weighted/integrated zonal RTD LBMP for Load Zone  $z$  and time interval  $t$ ; or (2) if the time interval utilized for the peaking plant is the applicable RTD interval increments, the zonal RTD LBMP for Load Zone  $z$  and time interval  $t$ ;

$MC_{z,t}$  = variable (or short-run marginal) cost of the peaking plant for Load Zone  $z$  to produce Energy in time interval  $t$ , calculated as follows:

$$MC_{z,t} = [(HR_{z,t} * Fuel_{z,t}) + VOM_{z,t} + ASC_{z,t} + EC_{z,t} + RSI_{z,t}] * Output_{z,t}$$

where:

$HR_{z,t}$  = the heat rate of the peaking plant for Load Zone  $z$  and time interval  $t$ . The heat rate for the peaking plant shall be determined as part of the periodic review, identified in the filing required by Section 5.14.1.2.2.4.11 and remain fixed for the entire period covered by the periodic review;

$Fuel_{z,t}$  = the applicable fuel cost for the peaking plant for Load Zone  $z$  and time interval  $t$ , which shall be the lesser of the primary fuel cost and the backup fuel cost, if any, for the peaking plant for Load Zone  $z$ . The primary fuel and any backup fuel for the peaking plant for Load Zone  $z$  shall be determined as part of the periodic review, identified in the filing required by Section 5.14.1.2.2.4.11 and remain fixed for the entire period covered by the periodic review. The applicable fuel cost will be based on the applicable daily spot price for Load Zone  $z$  published in the specified data source determined as part of the periodic review (unless such data source is revised for the reasons described below), plus an adder to account for any applicable



transportation and delivery costs and any applicable fuel taxes, which adder shall be determined as part of the periodic review, identified in the filing required by Section 5.14.1.2.2.4.11 and remain fixed for the entire period covered by the periodic review. For real-time evaluations only, the otherwise applicable fuel cost shall be increased by the applicable real-time fuel premium adder for Load Zone  $z$  and time interval  $t$ , which adder shall be determined as part of the periodic review, identified in the filing required by Section 5.14.1.2.2.4.11 and remain fixed for the entire period covered by the periodic review. The data sources used for determining the applicable daily spot fuel prices shall be determined as part of the periodic review, identified in the filing required by Section 5.14.1.2.2.4.11 and remain fixed for the entire period covered by the periodic review, unless the specified data source is eliminated, replaced or otherwise terminated by the publisher thereof during the period covered by the periodic review. In such circumstance, the ISO shall utilize the replacement or successor data source established by the publisher, if any, or, in the absence of a replacement or successor data source, shall select as a replacement a substantially similar data source;

$VOM_{z,t}$  = variable operating and maintenance cost of the peaking plant for Load Zone  $z$  and time interval  $t$ , which cost shall be determined as part of the periodic review, identified in the filing required by Section 5.14.1.2.2.4.11 and remain fixed for the entire period covered by the periodic review;

$ASC_{z,t}$  = amortized start-up cost for the peaking plant for Load Zone  $z$  and time interval  $t$ . The model will ensure that the total value of this cost is recovered over the number of consecutive time intervals for which the model determines that the peaking plant should be committed or dispatched to produce Energy following each start of the peaking plant in the same market (Day-Ahead or real-time); provided, however, that in real-time, start-up costs must be recovered over a

period of no more than two consecutive hours following the time at which the model determines that the peaking plant should be dispatched to produce Energy;

$EC_{z,t}$  = the sum of CO<sub>2</sub>, NO<sub>x</sub> and SO<sub>2</sub> emissions allowance costs for the peaking plant for Load Zone  $z$  and time interval  $t$ , which shall be calculated as follows:

$$EC_{z,t} = (CO_2 \text{ emissions rate}_{z,t} * CO_2 \text{ allowance price}_{z,t}) + (NO_x \text{ emissions rate}_{z,t} * NO_x \text{ allowance price}_{z,t}) + (SO_2 \text{ emissions rate}_{z,t} * SO_2 \text{ allowance price}_{z,t})$$

where:

The applicable emissions rates for the peaking plant for Load Zone  $z$  and time interval  $t$  shall be determined as part of the periodic review, identified in the filing required by Section

5.14.1.2.2.4.11 and remain fixed for the entire period covered by the periodic review. The applicable allowance price for each emissions type shall be the price reported by the specified data source for each emissions type determined as part of the periodic review (unless such data source is revised for the reasons described below). The data sources for allowance prices shall be determined as part of the periodic review, identified in the filing required by Section 5.14.1.2.2.4.11 and remain fixed for the entire period covered by the periodic review, unless a specified data source is eliminated, replaced or otherwise terminated by the publisher thereof during the period covered by the periodic review. In such circumstance, the ISO shall utilize the replacement or successor data source established by the publisher, if any, or, in the absence of a replacement or successor data source, shall select as a replacement a substantially similar data source; and

$RS1_{z,t}$  = the applicable charges for the ISO annual budget and the annual FERC fee assessed to Injection Billing Units for Load Zone  $z$  and time interval  $t$  in accordance with Rate Schedule 1 of the ISO OATT.

The results of the model will be used to determine an average annual net revenue value earned by each peaking plant over the period encompassed by the model. Such value will be increased by an adder to account for the estimated annual value for each Capability Year covered by the periodic review of any applicable net Ancillary Services revenue each peaking plant is eligible to receive payment for and that is not determined by the model, which adder (or methodology for determining such adder) shall be determined as part of the periodic review, identified in the filing required by Section 5.14.1.2.2.4.11 and remain fixed for the entire period covered by the periodic review. The resulting value for each peaking plant shall be the updated net Energy and Ancillary Services revenue offset value to be used in establishing the ICAP Demand Curves for the applicable Capability Year.

#### **5.14.1.2.2.3 Annual Updates for ICAP Demand Curve Parameters**

The ISO shall use the updated peaking plant gross cost and the updated net Energy and Ancillary Services revenue offset values in determining the parameters of the ICAP Demand Curves for the applicable Capability Year.

The maximum value for each ICAP Demand Curve shall be established at 1.5 times the monthly value of the applicable updated peaking plant gross cost. Beginning with the ICAP Demand Curves applicable for the 2025/2026 Capability Year, the monthly value of the applicable updated peaking plant gross cost shall, in accordance with ISO Procedures, be determined in a manner consistent with the determination of the reference point for each ICAP Demand Curve to account for: (i) the seasonal amount of capacity available in ICAP Spot Market Auctions; and (ii) the percentage of reliability risks expected in each Capability Period.

The reference point for each ICAP Demand Curve shall be determined in accordance with ISO Procedures and, as described in Section 5.14.1.2.2 above, account for: (i) the seasonal

amount of capacity available in ICAP Spot Market Auctions; and (ii) beginning with the ICAP Demand Curves applicable for the 2025/2026 Capability Year, the percentage of reliability risk expected in each Capability Period. As described in Section 5.14.1.2.2 above, beginning with the ICAP Demand Curves applicable for the 2025/2026 Capability Year, the determination of the reference point for each ICAP Demand Curves shall be subject to maximum and minimum percentages of the allowable portion of the annual net revenue requirement recoverable in each Capability Period under the reference point assumed excess conditions.

Prior to the ICAP Demand Curves applicable for the 2025/2026 Capability Year, the ratio of the amount of capacity available in the ICAP Spot Market Auctions in the Winter Capability Period to the amount of capacity available in the ICAP Spot Market Auctions in the Summer Capability Period (the “winter-to-summer ratio”) shall be used in calculating the reference point for each ICAP Demand Curve.

Beginning with the ICAP Demand Curves applicable for the 2025/2026 Capability Year: (i) the winter-to-summer ratio shall be used in calculating the reference point for each ICAP Demand Curve applicable for the Winter Capability Period; and (ii) the ratio of the amount of capacity available in the ICAP Spot Market Auctions in the Summer Capability Period to the amount of capacity available in the ICAP Spot Market Auctions in the Winter Capability Period (the “summer-to-winter ratio”) shall be used in calculating the reference point for each ICAP Demand Curve applicable for the Summer Capability Period; provided, however, that if a winter-to-summer ratio or the summer-to-winter ratio is a value less than one, the value shall be deemed to be zero for purposes of determining the applicable reference point.

The seasonal amount of capacity available in ICAP Spot Market Auctions shall be updated annually based on the average amount of capacity available in the ICAP Spot Market

Auctions for the Summer Capability Period months and Winter Capability Period months in each 12-month period (measured from September through the following August) encompassed by the same historical period utilized by the net revenue model. The values used in determining the amount of capacity available in the ICAP Spot Market Auctions shall be the available Unforced Capacity values reported by the ISO and posted on its website for the relevant months, translated to Installed Capacity values based on the applicable translation factors reported by the ISO and posted on its website for each such month. For Resources other than Special Case Resources, the values posted by the ISO shall include the following adjustments to account for ICAP market entry and exit under certain circumstances: (i) if within any of the three 12-month periods (*i.e.*, September through the following August) encompassed by the data used in calculating the amount of capacity available in ICAP Spot Market Auctions, a Resource (other than a Resource returning to participate in the ICAP market from an Inactive Reserves state) begins to qualify as eligible to participate in the ICAP market in any month encompassed by such 12-month period and remains eligible to participate in the ICAP market for the subsequent months encompassed by that period, the ISO shall adjust the values for all months of that 12-month period to include the Resource's applicable available capacity; and (ii) if within any of the three 12-month periods (*i.e.*, September through the following August) encompassed by the data used in calculating the amount of capacity available in ICAP Spot Market Auctions, a Resource is Retired or enters a Mothball Outage or ICAP Ineligible Forced Outage state during any month encompassed by such 12-month period and remains ineligible to participate in the ICAP market for the subsequent months encompassed by that period, the ISO shall adjust the values for all months of that 12-month period to exclude the Resource's applicable available capacity.

The applicable capacity ratings for each peaking plant utilized in calculating the reference point and the point on each ICAP Demand Curve at which the price of ICAP declines to zero shall be determined as part of the periodic review and shall remain fixed for the entire period covered by the periodic review.

Notwithstanding anything to the contrary herein, for purposes of the annual updates for the 2018/2019, 2019/2020 and 2020/2021 Capability Years, the reference point for each ICAP Demand Curve shall not be permitted to increase by an amount greater than twelve percent (12%) or decrease by an amount greater than eight percent (8%) from one Capability Year to the next, compared to the then currently effective reference point for the relevant ICAP Demand Curve. If the reference point value for an ICAP Demand Curve, as calculated by the ISO pursuant to the annual update procedures, for one of the affected Capability Years exceeds the maximum allowable percentage increase or decrease, the reference point established by the ISO for that ICAP Demand Curve for the relevant Capability Year shall be an amount equal to the price that represents the applicable maximum allowable percentage increase or decrease. If an adjusted reference point value is applied to an ICAP Demand Curve for a Capability Year, the maximum allowable percentage increase or decrease for the next Capability Year shall be determined using the adjusted reference point value. As part of the required posting to establish the updated ICAP Demand Curves for each of the affected Capability Years, the ISO will provide the reference point values calculated by the ISO pursuant to the annual update procedures, as well the adjusted reference point values, if any, that result from the application of the limitation described herein. The limitation described above regarding the allowable annual change to the reference point values calculated by the ISO pursuant to the annual update

procedures shall not be applied to the reference point values for any ICAP Demand Curve after the 2020/2021 Capability Year.

The peaking plant gross cost and net Energy and Ancillary Services revenue offset values for the 2021/2022 Capability Year ICAP Demand Curves utilized in determining the parameters of the ICAP Demand Curves applicable through June 30, 2023 are as follows:

	Peaking Plant Gross Cost (\$ per kW-year)	Net Energy and Ancillary Services Revenue Offset (\$ per kW-year)
NYCA	\$107.07	\$32.92
G-J	\$139.63	\$35.15
NYC	\$188.53	\$33.42
LI	\$148.97	\$54.15

The peaking plant gross cost and net Energy and Ancillary Services revenue offset values for the 2021/2022 Capability Year ICAP Demand Curves utilized in determining the parameters of the ICAP Demand Curves applicable beginning July 1, 2023 are as follows:

	Peaking Plant Gross Cost (\$ per kW-year)	Net Energy and Ancillary Services Revenue Offset (\$ per kW-year)
NYCA	\$114.75	\$32.92
G-J	\$149.78	\$35.15
NYC	\$196.41	\$33.42
LI	\$159.77	\$54.15

#### **5.14.1.2.2.4 Periodic Review Procedures**

The periodic review shall be conducted in accordance with the schedule and procedures specified in the ISO Procedures. A proposed schedule will be reviewed with the stakeholders not later than May 30th of the year prior to the year of the filing specified in Section 5.14.1.2(b).11. The schedule and procedures shall provide for:

5.14.1.2.2.4.1 ISO development, with stakeholder review and comment, of a request for proposals to provide independent consulting services to determine recommended

values for the factors specified above, and appropriate methodologies and inputs for such determination;

5.14.1.2.2.4.2 Selection of an independent consultant in accordance with the request for proposals;

5.14.1.2.2.4.3 Submission to the ISO and the stakeholders of a draft report from the independent consultant on the independent consultant's determination of recommended values for the factors specified above, including, as applicable, the methodologies and inputs for determining such values;

5.14.1.2.2.4.4 Stakeholder review of and comment on the data, assumptions and conclusions in the independent consultant's draft report, with participation by the responsible person or persons providing the consulting services;

5.14.1.2.2.4.5 An opportunity for the Market Monitoring Unit to review and comment on the draft request for proposals, the independent consultant's report, and the ISO's proposed: (i) methodologies and inputs used for determining the ICAP Demand Curves for the four Capability Years covered by the periodic review; and (ii) ICAP Demand Curves for the first Capability Year covered by the periodic review. The responsibilities of the Market Monitoring Unit that are addressed in this section of the Services Tariff are also addressed in Section 30.4.6.3.1 of Attachment O;

5.14.1.2.2.4.6 Issuance by the independent consultant of a final report;

5.14.1.2.2.4.7 Issuance of a draft of the ISO's recommended: (i) methodologies and inputs used for determining the ICAP Demand Curves for the four Capability Years covered by the periodic review; and (ii) ICAP Demand Curves for the first



Capability Year covered by the periodic review, for stakeholder review and comment;

5.14.1.2.2.4.8 Issuance of the ISO's proposed: (i) methodologies and inputs used for determining the ICAP Demand Curves for the four Capability Years covered by the periodic review; and (ii) ICAP Demand Curves for the first Capability Year covered by the periodic review, taking into account the report of the independent consultant, the recommendations of the Market Monitoring Unit, and the views of the stakeholders together with the rationale for accepting or rejecting any such inputs;

5.14.1.2.2.4.9 Submission of stakeholder requests for the ISO Board of Directors to review and adjust the ISO's proposed: (i) methodologies and inputs used for determining the ICAP Demand Curves for the four Capability Years covered by the periodic review; and (ii) ICAP Demand Curves for the first Capability Year covered by the periodic review;

5.14.1.2.2.4.10 Presentations to the ISO Board of Directors of stakeholder views on the ISO's proposed: (i) methodologies and inputs used for determining the ICAP Demand Curves for the four Capability Years covered by the periodic review; and (ii) ICAP Demand Curves for the first Capability Year covered by the periodic review; and

5.14.1.2.2.4.11 Filing with the Commission of: (i) a description of the methodologies and inputs used for determining the ICAP Demand Curves for the four Capability Years covered by the periodic review; and (ii) the ICAP Demand Curves for the first Capability Year covered by the periodic review, as approved

by the ISO Board of Directors incorporating the results of the periodic review.

Such filing will be made not later than November 30<sup>th</sup> of the year prior to the year that includes the beginning of the first Capability Year covered by the periodic review. The filing will also specify the inflation rate that would have been used to calculate the general component of the escalation factor as if the escalation factor were applicable to the first Capability Year covered by the periodic review. Such inflation rate shall be equal to the twelve month percentage change in the applicable index for the general component, as determined in accordance with Section 5.14.1.2.2.1 utilizing the applicable values of the index as of October 1<sup>st</sup> in the same calendar year as the November 30<sup>th</sup> filing deadline specified above. For each of the subsequent three Capability Years encompassed by the periodic review, the value of this inflation rate shall be the twelve month percentage change in the applicable index for the general component of the escalation factor, as determined pursuant to Section 5.14.1.2.2.1, utilizing the most recently available finalized values established by the publisher for the index as of October 1<sup>st</sup> in the same calendar year as the applicable November 30<sup>th</sup> deadline for posting the updated ICAP Demand Curves for the Capability Year at issue and the applicable values for the corresponding period from the calendar year immediately preceding thereto.

The ICAP Demand Curves will be translated into Unforced Capacity terms in accordance with the ISO Procedures. Beginning with the 2024/2025 Capability Year, the aforementioned translation shall utilize the applicable derating factor of the peaking plant used to establish each ICAP Demand Curve, as determined during the periodic review conducted pursuant to Section

5.14.1.2.2. Nothing in this Tariff shall be construed to limit the ability of the ISO or its Market Participants to propose and adopt alternative provisions to this Tariff through established governance procedures.

#### 5.14.1.2.2.5 ICAP Demand Curves for the 2020/2021 Winter Capability Period

Notwithstanding anything to the contrary in the ISO Tariffs and ISO Procedures, the ICAP Demand Curves applicable for all months covered by the 2020/2021 Winter Capability Period shall be established at the following points:

ICAP Demand Curve	2020/2021 Winter Capability Period
NYCA	Max @ \$16.93 \$10.96 @ 100% \$0.00 @ 112%
NYC	Max @ \$27.92 \$23.63 @ 100% \$0.00 @ 118%
LI	Max @ \$26.03 \$17.93 @ 100% \$0.00 @ 118%
G-J	Max @ \$23.34 \$18.00 @ 100% \$0.00 @ 115%
NOTE: All dollar figures are in terms of \$/kW-month of ICAP and all percentages are in terms of the applicable NYCA Minimum Installed Capacity Requirement and Locational Minimum Installed Capacity Requirement. The defined points describe a line segment with a negative slope that will result in higher values for percentages less than 100% of the NYCA Minimum Installed Capacity Requirement or the Locational Installed Capacity Requirement ("reference point") with the maximum value for each ICAP Demand Curve established at 1.5 times the estimated localized levelized cost per kW-month to develop a new peaking unit in each Locality or in Rest of State, as applicable.	

#### 5.14.1.3 Supplemental Supply Fee

Any LSE that has not met its share of the NYCA Minimum Installed Capacity Requirement or its share of the Locational Minimum Installed Capacity Requirement after the

completion of an ICAP Spot Market Auction, shall be assessed a supplemental supply fee equal to the applicable Market-Clearing Price of Unforced Capacity determined in the ICAP Spot Market Auction multiplied by the number of MWs the LSE needs to meet its share of the NYCA Minimum Installed Capacity Requirement or its share of the Locational Minimum Installed Capacity Requirement.

The ISO will attempt to use these supplemental supply fees to procure Unforced Capacity at a price less than or equal to the applicable Market-Clearing Price of Unforced Capacity determined in the ICAP Spot Market Auction from Installed Capacity Suppliers that are capable of supplying Unforced Capacity including: (1) Installed Capacity Suppliers that were not qualified to supply Capacity prior to the ICAP Spot Market Auction; (2) Installed Capacity Suppliers that offered Unforced Capacity at levels above the ICAP Spot Market Auction Market-Clearing Price; and (3) Installed Capacity suppliers that did not offer Unforced Capacity in the ICAP Spot Market Auction. In the event that different Installed Capacity Suppliers offer the same price, the ISO will give preference to Installed Capacity Suppliers that were not qualified to supply capacity prior to the ICAP Spot Market Auction.

Offers from Installed Capacity Suppliers are subject to review pursuant to the Market Monitoring Plan that is set forth in Attachment O to the Services Tariff, and the Market Mitigation Measures that are set forth in Attachment H to the Services Tariff. Installed Capacity Suppliers selected by the ISO to provide capacity after the ICAP Spot Market Auction will be paid a negotiated price, subject to the standards, procedures and remedies in the Market Mitigation Measures.

The ISO will not pay an Installed Capacity Supplier more than the applicable Market-Clearing Price of Unforced Capacity determined in the ICAP Spot Market Auction per MW of

Unforced Capacity, or, in the case of In-City generation that is subject to Capacity market mitigation measures, the annual mitigated price cap per MW of Unforced Capacity, whichever is less, pro-rated to reflect the portion of the Obligation Procurement Period for which the Installed Capacity Supplier provides Unforced Capacity. Any remaining monies collected by the ISO pursuant to this section will be applied in accordance with Section 5.14.3 of the Services Tariff.

## **5.14.2 Installed Capacity Supplier Shortfalls and Deficiency Charges**

### **5.14.2.1 General Provisions**

In the event that an Installed Capacity Supplier sells in the Capability Period Auctions, in the Monthly Auctions, or through Bilateral Transactions more Unforced Capacity than it is qualified to sell in any specific month due to a de-rating or other cause, the Installed Capacity Supplier shall be deemed to have a shortfall for that month. To cover this shortfall, the Installed Capacity Supplier shall purchase sufficient Unforced Capacity in the relevant Monthly Auction or through Bilateral Transactions, and certify to the ISO consistent with the ISO Procedures that it has covered such shortfall. If the Installed Capacity Supplier does not cover such shortfall or if it does not certify to the ISO in a timely manner, the ISO shall, to the extent the ISO is aware of the shortfall, prospectively purchase Unforced Capacity on behalf of that Installed Capacity Supplier in the appropriate ICAP Spot Market Auction or through post ICAP Spot Market Auction Unforced Capacity purchases to cover the shortfall.

The ISO shall submit a Bid, calculated pursuant to Section 5.14.1 of this Tariff, in the appropriate ICAP Spot Market Auction on behalf of an Installed Capacity Supplier deemed to have a shortfall as if the Installed Capacity Supplier were an LSE. Such Installed Capacity Supplier shall be required to pay to the ISO the applicable Market-Clearing Price of Unforced Capacity established in that ICAP Spot Market Auction. Immediately following the ICAP Spot

Market Auction, the ISO may suspend the Installed Capacity Supplier's privileges to sell or purchase Unforced Capacity in ISO-administered Installed Capacity auctions or to submit Bilateral Transactions to the NYISO. Once the Installed Capacity Supplier pays for or secures the payment obligation that it incurred in the ICAP Spot Market Auction, the ISO shall reinstate the Installed Capacity Supplier's privileges to participate in the ICAP markets.

In the event that the ICAP Spot Market Auction clears below the NYCA Minimum Installed Capacity Requirement or the Locational Minimum Installed Capacity Requirement, whichever is applicable to the Installed Capacity Supplier, and the Installed Capacity Supplier is deemed to have a shortfall, the Installed Capacity Supplier shall be assessed the applicable deficiency charge equal to the applicable Market-Clearing Price of Unforced Capacity determined using the applicable ICAP Demand Curve for that ICAP Spot Market Auction, times the amount of its shortfall.

If an Installed Capacity Supplier is found, at any point during a Capability Period, to have had a shortfall for that Capability Period, *e.g.*, when the amount of Unforced Capacity that it supplies is found to be less than the amount it was committed to supply, the Installed Capacity Supplier shall be retrospectively liable to pay the ISO the monthly deficiency charge equal to one and one-half times the applicable Market-Clearing Price of Unforced Capacity determined using the applicable ICAP Demand Curve for that ICAP Spot Market Auction times the amount of its shortfall for each month the Installed Capacity Supplier is deemed to have a shortfall. If the Installed Capacity Supplier is a RIP or an Aggregator, it may experience a shortfall when, among other reasons, it sells ineligible or unavailable capacity MW associated with a properly or improperly enrolled SCR or Distributed Energy Resource.

The ISO, when evaluating whether an Installed Capacity Supplier has a shortfall, may use either Unforced Capacity data or Installed Capacity data; provided, however, that the ISO shall convert any shortfall MWs based on Installed Capacity data to its Unforced Capacity equivalent prior to calculating the amount of any deficiency charge. All shortfalls shall be measured in MWs in increments of 0.1 MW.

Any remaining monies collected by the ISO pursuant to Section 5.14.1 and 5.14.2 will be applied as specified in Section 5.14.3.

#### **5.14.2.2 Additional Provisions Applicable to External Installed Capacity Suppliers**

In addition to the general provisions set forth in Section 5.14.2.1 above that are applicable to External Installed Capacity Suppliers as Installed Capacity Suppliers, the following provisions shall also apply to External Installed Capacity Suppliers.

In the event that an External Installed Capacity Supplier fails to deliver to the NYCA the Energy associated with the Unforced Capacity it committed to the NYCA due to a failure to obtain appropriate transmission service or rights, the External Installed Capacity Supplier shall be deemed to have a shortfall from the last time the External Installed Capacity Supplier “demonstrated” delivery of its Installed Capacity Equivalent (“ICE”), or any part thereof, until it next delivers its ICE or the end of the term for which it certified the applicable block of Unforced Capacity, whichever occurs first, subject to the limitation that any prior lack of demonstrated delivery will not precede the beginning of the period for which the Unforced Capacity was certified. An External Installed Capacity Supplier deemed to have a shortfall shall be required to pay to the ISO a deficiency charge equal to one and one-half times the applicable Market-Clearing Price of Unforced Capacity determined in the ICAP Spot Market Auction for the applicable month, prorated for the number of hours in the month that External Installed Capacity

Supplier is deemed to have a shortfall (i.e.,  $((\text{deficiency charge} \div 12 \text{ months}) \div \text{total number of hours in month when shortfall occurred}) * \text{number of hours the shortfall lasted}) * \text{number of MWs of shortfall}$ ).

### **5.14.2.3 Additional Provisions Applicable to RIPs**

In addition to the general provisions set forth in Section 5.14.2.1 above that are applicable to RIPs as Installed Capacity Suppliers, this Section 5.14.2.3 establishes the following four specific shortfalls applicable to RIPs: 1. shortfall for Provisional ACL; 2. shortfall for Incremental ACL; 3. shortfall for SCR Change of Status; and 4. shortfall for RIP portfolio performance. The deficiency charge for any such shortfall shall be equal to the Unforced Capacity equivalent of the shortfall multiplied by one and one-half times the applicable Market-Clearing Price of Unforced Capacity determined using the applicable ICAP Demand Curve for the ICAP Spot Market Auction for each month the RIP is deemed to have a shortfall.

There are three distinct measures of shortfall that are applicable to a RIP, described in this Section 5.14.2.3, where individual SCRs that have been enrolled with a Provisional ACL or an Incremental ACL, or that experience a SCR Change of Status may result in a shortfall. When a RIP is subject to multiple deficiency charges for the same SCR for the same Capability Period, the ISO shall assess to the RIP only the greatest deficiency charge related to such SCR. In addition, if the shortfall results in a reduction in the performance of a SCR, the ISO may recover from the RIP any energy payments for which the SCR was ineligible to receive.

#### **5.14.2.3.1 Shortfall for Provisional ACL**

Prior to the Summer 2014 Capability Period if the Installed Capacity Supplier is a Responsible Interface Party, after each Special Case Resource with a Provisional Average Coincident Load has its Average Coincident Load determined for the Capability Period in which



it had a Provisional Average Coincident Load (such determination in accordance with ISO Procedures and without regard to whether the resource was registered to the same Responsible Interface Party at the time of the ACL determination), the ISO shall determine if there is a shortfall due to the Provisional Average Coincident Load being higher than the Average Coincident Load. This shortfall will be equal to the value, if positive, of (x) the sum of (i) the amount of UCAP a Responsible Interface Party sold in an Monthly or an ICAP Spot Market Auction or certified Bilateral Transactions for a Special Case Resource and (ii) the Special Case Resource's actual metered demand for the month in accordance with ISO Procedures, minus (y) the Special Case Resource's Average Coincident Load. If the ISO does not receive data to determine the Average Coincident Load in accordance with ISO Procedures, for each Capability Period a Special Case Resource had a Provisional Average Coincident Load, for purposes of determining the shortfall, the Average Coincident Load shall equal zero.

Beginning with the Summer of 2014 Capability Period if the Installed Capacity Supplier is a Responsible Interface Party, after each SCR with a Provisional ACL has its Verified ACL determined for the Capability Period in which it had a Provisional ACL (such determination in accordance with Section 5.12.11.1 and ISO Procedures) the ISO shall determine if there is a shortfall due to the Provisional ACL being greater than the Verified ACL. This shortfall shall be equal to the value, if positive, of (x) the Provisional ACL of the SCR, minus (y) the Verified ACL of the SCR. The shortfall calculated for the SCR for a month shall not exceed the amount of Installed Capacity associated with the SCR that was sold for that month. If the ISO does not receive data to determine the SCR's Verified ACL for the Capability Period for which the SCR was enrolled with a Provisional ACL the Verified ACL shall equal zero.

#### **5.14.2.3.2 Shortfall for Incremental ACL**

If the Installed Capacity Supplier is a RIP that reported an Incremental ACL, the ISO shall determine there is a shortfall when the Net ACL is greater than the Verified ACL. This shortfall shall be equal to the value, if positive, of (x) the enrolled Net ACL of the SCR, minus (y) the Verified ACL of the SCR for each month in which the RIP sold the SCR's Installed Capacity. The shortfall calculated for the SCR for a month shall not exceed the amount of Installed Capacity associated with the SCR that was sold for that month. If the ISO does not receive data to determine the Verified ACL for each month within the Capability Period that the SCR was enrolled with an Incremental ACL, the Monthly ACL for each unreported month shall equal zero (0) and be used in the calculation of the Verified ACL in accordance with Section 5.12.11.1.5.

#### **5.14.2.3.3 Shortfall for SCR Change of Status**

If the Installed Capacity Supplier is a RIP, and a SCR Change of Status occurs, the ISO shall determine if a shortfall exists, based on the RIP's reporting of the SCR Change of Status.

When a SCR Change of Status is reported by the RIP in advance and no Installed Capacity associated with the SCR has been sold, a shortfall has not occurred. If the SCR Change of Status is reported by the RIP, but the Installed Capacity associated with the SCR has already been sold for one or more months a shortfall exists for these months, the shortfall shall be equal to the reduction to the ACL reported in the SCR Change of Status, but shall not exceed the amount of Installed Capacity sold for each month.

When the RIP fails to report the SCR Change of Status during the Capability Period, for each month in which the SCR's Installed Capacity was sold and the SCR Change of Status was in effect, the ISO shall determine the shortfall MW using the maximum one hour metered Load

for the month. The shortfall amount for each month in which the SCR Change of Status was in effect shall equal the value of SCR ACL minus the maximum one hour metered Load for the month, but shall not exceed the SCR's Installed Capacity sold for the month.

#### **5.14.2.3.4 Shortfall for RIP Portfolio Performance**

In addition to the shortfall evaluations based on individual SCRs, a RIP is subject to a shortfall evaluation, by Load Zone, for its entire SCR portfolio. In this evaluation the shortfall shall be determined for each Load Zone separately. A shortfall will occur if the total of the amount of UCAP sold by the RIP for a month in a Capability Period Auction or a Monthly Auction and certified prior to that month's ICAP Spot Market Auction, the UCAP sold in that month's ICAP Spot Market Auction, and the UCAP sold as a Bilateral Transaction and certified prior to that month's ICAP Spot Market Auction is greater than the greatest quantity MW reduction achieved during a single hour in a test or event called by the ISO in the Capability Period as confirmed by data by the ISO in accordance with ISO Procedures (or the value of zero if data is not received by the ISO in accordance with such procedures).

#### **5.14.2.3.5 Shortfall for Failure to Validate or Maintain Elected Firm Fuel Capability**

Starting with the Capability Year beginning May 1, 2026, if an Installed Capacity Supplier elects to demonstrate any amount of firm fuel capability, receives a Capacity Accreditation Factor reflecting such firm fuel capability, and (i) does not satisfy the applicable requirements of Section 5.12.15 of the Services Tariff and the ISO Procedures to validate its unit's fuel supply by December 1 of the subject Capability Year, or (ii) is unable to maintain the confirmed level of firm fuel supply during December, January, and February of the Winter Capability Period in the subject Capability Year, the Installed Capacity Supplier shall be subject

to a deficiency charge for each month within the Capability Year in which there was a shortfall calculated as set forth below.

A shortfall shall be deemed to occur when the total amount of Unforced Capacity that an Installed Capacity Supplier sold in a Capability Period Auction, Monthly Auction, ICAP Spot Market Auction, and/or certified as sold through one or more Bilateral Transactions in any specific month is greater than the Unforced Capacity that the Installed Capacity Supplier would have been qualified to supply based upon the firm fuel capability the Installed Capacity Supplier is able to validate or maintain. In the event that the unit's fuel supply is not validated by December 1 of the subject Capability Year, the Installed Capacity Supplier will be evaluated for a shortfall for the entire subject Capability Year. In the event the unit's fuel supply is validated by December 1 of the subject Capability Year, but subsequently some or all of the firm fuel supply cannot be maintained, the Installed Capacity Supplier will be evaluated for a shortfall for the months in the Capability Year for which some or all of the firm fuel supply was not maintained and the Installed Capacity Supplier was unable to reestablish its firm fuel supply in accordance with ISO Procedures.

When an Installed Capacity Supplier is deemed to have such a shortfall, the deficiency charge assessed to the Installed Capacity Supplier shall be calculated as equal to one and one-half times the applicable Market-Clearing Price of Unforced Capacity determined using the applicable ICAP Demand Curve for that ICAP Spot Market Auction times the amount of its shortfall for each month the Installed Capacity Supplier is deemed to have a shortfall; provided however, if such shortfall is due to the actions of a third party that are outside the Installed Capacity Supplier's control, and the NYISO is able to confirm that the shortfall is the result of actions of a third party that are outside the Installed Capacity Supplier's control in accordance

with the ISO Procedures, the deficiency charge assessed to the Installed Capacity Supplier shall be calculated as equal to the applicable Market-Clearing Price of Unforced Capacity determined using the applicable ICAP Demand Curve for that ICAP Spot Market Auction times the amount of its shortfall for each month the Installed Capacity Supplier is deemed to have a shortfall.

### **5.14.3 Application of Installed Capacity Supplier Deficiency Charges**

Any remaining monies collected by the ISO through supplemental supply fees or Installed Capacity Supplier deficiency charges pursuant to Section 5.14.1 but not used to procure Unforced Capacity on behalf of LSEs or Installed Capacity suppliers deemed to have a shortfall shall be applied as provided in this Section 5.14.3.

#### **5.14.3.1 General Application of Deficiency Charges**

Except as provided in Section 5.14.3.2, remaining monies will be applied to reduce the Rate Schedule 1 charge in the following month.

#### **5.14.3.2 Installed Capacity Rebates**

##### **(i) New York City**

If an Unforced Capacity shortfall exists during any month, the ISO shall rebate any remaining unspent deficiency charges or supplemental supply fees collected for that month for the New York City Locality allocated among all LSEs in that Locality in proportion to their share of the applicable Locational Minimum Installed Capacity Requirement. Rebates shall include interest accrued between the time payments were collected and the time that rebates are paid.

**(ii) Long Island**

If an Unforced Capacity shortfall exists during any month, the ISO shall rebate any remaining unspent deficiency charges or supplemental supply fees collected for that month for the Long Island Locality, allocated among all LSEs in that Locality in proportion to their share of the applicable Locational Minimum Installed Capacity Requirement. Rebates shall include interest accrued between the time payments were collected and the time that rebates are paid.

**(iii) G-J**

If an Unforced Capacity shortfall exists during any month, the ISO shall rebate any remaining unspent deficiency charges or supplemental supply fees collected for that month for the G-J Locality, allocated among all LSEs in that Locality in proportion to their share of the applicable Locational Minimum Installed Capacity Requirement. Rebates shall include interest accrued between the time payments were collected and the time that rebates are paid.

**(iv) Rest of State**

If an Unforced Capacity shortfall exists during any month, the ISO shall rebate any remaining unspent deficiency charges or supplemental supply fees collected for that month for the Rest of State requirements, allocated among all LSEs in each of the Localities and in Rest of State, in proportion to each LSE's share of the NYCA Minimum Installed Capacity Requirement less that LSE's Locational Minimum Installed Capacity Requirement. Rebates shall include interests accrued between the time payments were collected and the time that rebates are paid.