

34 Attachment BB – New York State Gas-Electric Coordination Protocol

For purposes of this New York State Gas-Electric Coordination Protocol (“Coordination Protocol”), the following terms shall have the meaning set forth below:

34.1 Definitions

“As Currently Required” shall mean as required by law and by the practices, protocols, and procedures reflected in the NYISO’s tariffs, agreements, manuals and technical bulletins, that were in effect between and among some or all of the Parties prior to the effective date of this Coordination Protocol, and as may be amended in the future.

“Bulk Critical Generator” shall mean a Generator that is needed by the NYISO in order to prevent the shedding of firm electric load and that has been derated by reason of a GSE.

“Critical Generators” shall mean Bulk Critical Generators and Local Critical Generators, collectively.

“Department of Public Service” or “DPS” shall mean the New York State Department of Public Service.

“Energy Emergency Alert” or “EEA” shall mean a Level 2 or Level 3 Energy Emergency Alert as defined in NERC Reliability Standard EOP-002-2, Capacity and Energy Emergencies, Attachment 1.

“Feasible Critical Generator” shall mean a Critical Generator that may be able to be supplied by an LDC with natural gas.

“Feasible Natural Gas” shall mean natural gas that an LDC may be able to make available to supply a Critical Generator.

“Gas System Event” or “GSE” shall mean a situation in which gas is unavailable to a Generator that is determined to be a Critical Generator, including when the unavailability of gas is due to the issuance of an OFO or other action taken by an LDC in accordance with its tariff and/or its Gas Transportation Operating Procedures for Power Generation Customers which results in the LDC having to restrict, interrupt, impose limits on or curtail the transportation of natural gas and/or balancing services to a Generator; *provided, however*, that a GSE shall not include a situation in which a Generator has derated for economic reasons in a non-emergency situation after being scheduled to run.

“Generator” shall mean any one of the electric generation units in New York State which use natural gas as a fuel and the owners of such generation units.

“Good Utility Practice” shall mean any of the practices, methods or acts engaged in or approved by a significant portion of the electric utility industry and/or the natural gas industry during the relevant time period, or any of the practices, methods or acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result at a reasonable cost consistent with good business practices, reliability, safety and expedition. Good Utility Practice is not intended to be limited to the optimum practice, method, or act to the exclusion of all others, but rather to delineate acceptable practices, methods, or acts generally accepted in the region.

“Local Critical Generator” shall mean a Generator that is determined to be needed by a TO in order to prevent shedding of firm electric load and that has been derated by reason of a GSE.

“Local Distribution Company” or “LDC” shall mean each of the natural gas companies or their successors in New York State which supply or deliver natural gas to Generators and that are not interstate natural gas pipelines (and collectively the “LDCs”).

“New York Independent System Operator” or “NYISO” is the New York not-for-profit corporation responsible for providing open access transmission service, maintaining bulk power system reliability, and administering wholesale electricity markets in New York State.

“OFO” shall mean an Operational Flow Order issued by an LDC.

“Parties” shall mean the New York Independent System Operator; the LDCs, the PPOs, the TOs and the DPS.

“PPO” shall mean any one of the entities who operate a power plant on behalf of a Generator in New York State.

“PSC” shall mean the New York State Public Service Commission.

“TO” shall mean each of the electric transmission system owners in New York State or their successors (and collectively the “TOs”).

34.2 General Application

34.2.1 This Coordination Protocol shall apply to circumstances in which the NYISO has determined (for the bulk power system) or a TO has determined (for the local power system) that the loss of a Generator due to a GSE would likely lead to the loss of firm electric load. This Coordination Protocol shall also apply to communications following the declaration of an OFO or an Emergency Energy Alert.

34.2.2 The purpose of this Coordination Protocol is to be one of mutual assistance. Accordingly, nothing in this Coordination Protocol creates any obligation for an LDC to modify an OFO or to make gas supplies available to a Critical Generator(s). The decision to modify or not modify an OFO or to make available or not make available Feasible Natural Gas to a Critical Generator(s) shall be the LDC's alone, in its sole discretion. Any supply of Feasible Natural Gas shall be made pursuant to the provisions of the LDC's PSC-approved gas tariffs or other applicable sales tariff. Moreover, nothing in this Coordination Protocol creates an obligation on the part of the LDC to modify the terms and conditions of the LDC's gas tariffs and operating procedures in order to make Feasible Natural Gas available to Critical Generators.

34.2.3 This Coordination Protocol creates no additional obligations for PPOs, Generators or TOs above and beyond those that already exist in the NYISO's approved tariffs, except to follow the coordination procedures set forth in this Coordination Protocol.

34.2.4 The Parties agree that they shall follow Good Utility Practice in carrying out their obligations under this Coordination Protocol.

34.2.5 It is understood that this Coordination Protocol is intended to be used in

emergency situations only and is not to be relied on to provide natural gas in a non-emergency situation to a Generator that has been derated for economic reasons after being scheduled to run.

34.3 Notifications

- 34.3.1 Upon the declaration of an OFO by an LDC, the LDC shall notify the DPS and the PPOs affected by the OFO, As Currently Required. In addition, the LDC shall notify the affected TOs and the NYISO. The declaration shall specify the date(s) and time(s) that the OFO will be effective and the specific service, receipt point(s) and delivery point(s) affected. The TOs shall notify the NYISO of the OFO.
- 34.3.2 Upon the declaration of an EEA by the NYISO due to a capacity shortage affecting the bulk power system, the NYISO shall notify the TO of such through normal communication channels, As Currently Required, and the TO shall notify the LDCs. The NYISO shall also notify the LDCs of the EEA.
- 34.3.3 Upon the occurrence of a GSE requiring a PPO to derate a Generator, the PPO shall notify the TO of the derating, As Currently Required. The TO shall in turn notify the NYISO, As Currently Required.

34.4 Assessment of the Electric System Following a Generator Derating

34.4.1 Upon the notification of the derating of a Generator by a PPO, the TO shall assess the reliability of the local power system, As Currently Required. The TO shall assess whether any Generator that is derated due to a GSE is a Local Critical Generator. If any Generator is determined to be a Local Critical Generator, the TO shall assess, by hour, the amount of electric energy needed to avoid the shedding of firm electric load. The TO shall then communicate its findings to the NYISO, As Currently Required.

34.4.2 Upon receiving notification from the TO that the derating of a Generator due to a GSE results in a reliability concern, the NYISO shall assess the reliability of the bulk power system, As Currently Required. The NYISO shall determine whether any Generator derated due to a GSE is a Bulk Critical Generator. If any Generator is determined to be a Bulk Critical Generator, the NYISO shall determine, for each hour, the amount of electric energy needed to avoid the shedding of firm electric load.

34.5 Assessment of Energy Requirements

34.5.1 The NYISO shall notify the TO that one or more Bulk Critical Generators has been identified and shall notify the TO of the amount of electric energy needed for each hour from each of the Bulk Critical Generators.

34.5.2 The TO shall notify the NYISO that one or more Local Critical Generators has been identified and shall notify the NYISO of the amount of electric energy needed for each hour from each of the Local Critical Generators.

34.5.3 The TO shall notify the PPO of each of the Critical Generators of the amount of electric energy needed for each hour from each of the Critical Generators.

34.5.4 The PPO of each Critical Generator shall notify each of the relevant LDCs delivering natural gas to the Critical Generators that one or more Critical Generators has been identified, and shall notify the LDCs of the amount of natural gas needed for each hour by each of the Critical Generators.

34.6 Assessment of Gas Requirements

- 34.6.1 The PPO of each Critical Generator or, if appropriate, its designated fuel manager, shall attempt to procure natural gas and shall notify the LDC of the amount of natural gas that it has procured, if any, and the proposed delivery point(s) it plans to use, subject to confirmation by the relevant interstate pipeline. The PPO also shall inform the LDC of the estimated amount of natural gas, if any, still needed to operate in accordance with the NYISO's schedule for each hour that the Critical Generator is required.
- 34.6.2 The LDC shall communicate to the PPO whether or not it is able to receive and deliver the volumes procured by the PPO or its fuel manager and, if it is not able to receive and deliver the procured gas at the identified delivery point(s), whether it is able to identify an alternative point(s) of delivery to meet the Critical Generator's natural gas requirement in whole or in part.
- 34.6.3 If an OFO is in effect, the LDC shall evaluate whether it is able to modify such OFO in a manner that would accommodate the delivery of all or any of the natural gas procured by the PPO or its designated fuel manager. The LDC shall notify the PPO of each Critical Generator and the DPS whether it can receive and deliver all, any or none of the gas procured by the PPO. The PPO shall notify the TO of the available gas that can be received or delivered by the LDC and the expected generation capability of the PPO with such natural gas.

34.7 Coordination of Gas Usage

34.7.1 Upon receiving notification from the TO of the Critical Generators' electric energy requirements, and from each of the PPOs of the Critical Generators of the results of its natural gas procurement efforts, and any unfilled natural gas and delivery requirements, the LDC shall assess its ability to meet the remaining natural gas needs of the Critical Generators. The LDC shall determine, for each hour, which of the Critical Generators can be feasibly supplied with natural gas and, for each hour, the quantity of natural gas that can be feasibly made available and delivered to the Critical Generators beyond the level that the Critical Generators have been able to procure for themselves.

34.7.2 The LDC shall notify the PPOs of the Critical Generators, the TO and the DPS of the amount, if any, of Feasible Natural Gas that can be made available and delivered in each hour to each of the Feasible Critical Generators. The PPO of each Feasible Critical Generator or, if appropriate, its designated fuel manager, shall notify the LDC of the portion of its Feasible Natural Gas that it expects to use.

34.7.3 The PPO of each Feasible Critical Generator shall contact the TO and modify the Generator's derating to reflect its capabilities with the Feasible Natural Gas. The TO shall notify the NYISO of changes in the derating of each Feasible Critical Generator, As Currently Required.

34.7.4 In the event that no additional natural gas can be made available or delivered to one or more Critical Generators by the LDC, the LDC shall inform the TO and the TO shall inform the NYISO.

34.7.5 An LDC providing Feasible Natural Gas shall be compensated by the Critical

Generator(s) in accordance with the provision of the LDC gas tariff determined to
be applicable by the DPS.

34.8 Form of Communications

34.8.1 All communications between the Parties specified above shall use pre-existing communication channels which shall be by official telephone contact or by e-mail.

34.8.2 The Parties shall be responsible for updating each other with any changes in contact details.