

# **NYISO Services Tariff**

## **Sections Relevant to the Transitional/Phase I ICAP Market Design**

(As Modified by the February 1 and April 28, 2000 FERC  
Compliance Filings)

**Marked (italics, double underline and strikethrough) by the NYISO to show proposed draft modifications for the general FERC August 2000 filing to address issues related to:**

- the extension of the Transitional Market Design to the Winter 2000-2001 Capability Period (see Section 5.9; see also Sections 5.12.5, 5.12.8b, 5.13.2, 5.13.3 and 5.14.1);
- the Recall Procedure (see Section 5.12.7); and
- other miscellaneous matters (see Sections 5.11.3, 5.12.2, 5.13.1, 5.13.1 and 5.13.3).

**NYISO will prepare and file in August a separate filing to reflect the MC-approved program that allows for a targeted rebate (see Section 5.14.2).**

*Document Prepared for the July 31, 2000 ICAP Working Group Meeting*

**July 25, 2000**

**I. Definitions**

The following definitions are relevant to the Transitional Installed Capacity Market Design.

**2.2a Adjusted Actual Peak Load**

Actual peak Load adjusted to reflect: (i) Load relief measures such as voltage reduction and Load Shedding; (ii) peak Load reductions provided by Interruptible Load Resources; and (iii) normalized design weather conditions, as necessary.

**2.15a Bidder**

An entity that bids to purchase Installed Capacity in an Installed Capacity auction.

**2.17 Capability Period**

Six month periods which are established as follows: (1) from May 1 through October 31 of each year (“Summer Capability Period”); and (2) from November 1 of each year through April 30 of the following year (“Winter Capability Period”).

**2.17a Capability Year**

A Summer Capability Period, followed by a Winter Capability Period (*i.e.*, May 1 - April 30).

**2.46a DMNC Test Period**

The period within a Capability Period during which a Generator’s, System Resource’s or Special Case Resource’s DMNC test must be conducted if that DMNC test is to be valid for purposes of determining the amount of Installed Capacity that resource is permitted to provide. Such periods will be established pursuant to the ISO Procedures.

**2.49a Energy Limited Resource**

Capacity resources that, due to design considerations, environmental restrictions on operations, cyclical requirements, such as the need to recharge or refill, or other non-economic reasons, are unable to operate continuously on a daily basis, but are able to operate for at least four consecutive hours each day.

**2.49b Excess Amount**

The difference, if any, between the amounts charged to purchasers of Installed Capacity in an ISO-administered Installed Capacity auction and the amounts paid to sellers of Installed Capacity in that ISO-administered Installed Capacity auction.

**2.68a In-City**

Located electrically within the New York City Locality (LBMP Load Zone J.)

**2.74 Installed Capacity**

External or Internal Capacity, in increments of 100 kW, that is continuously made available for the portion of an Obligation Procurement Period for which that Capacity is being sold for the purpose of satisfying the NYCA's Installed Reserve Requirement.

**2.74a Installed Capacity Marketer**

An entity which has signed this Tariff and which purchases Installed Capacity from qualified Installed Capacity Suppliers, either bilaterally or through ISO-administered auctions. Installed Capacity Marketers that purchase Installed Capacity through ISO-administered auctions may only resell Installed Capacity purchased in such auctions in the NYCA.

**2.74b Installed Capacity Supplier**

An Energy Limited Resource, Generator, Installed Capacity Marketer, Interruptible Load Resource, Special Case Resource or System Resource that satisfies the ISO's qualification requirements for selling Installed Capacity.

**2.102a Market-Clearing Price**

The price determined in an Installed Capacity auction for each ISO-defined Locality, the remainder of the NYCA and each adjacent External Control Area for which all offers to sell and bids to purchase Installed Capacity are in equilibrium.

**2.122a Obligation Procurement Period**

The period of time during which LSEs shall be required to satisfy their Installed Capacity requirements. Obligation Procurement Periods shall begin and end on the same dates as the Capability Periods defined by Section 2.17 of this Tariff.

**2.124a Offeror**

An entity that offers to sell Installed Capacity in an auction.

**2.172a Special Case Resource**

Loads capable of being interrupted upon demand, and distributed generators, rated 100 kW or higher, that are not visible to the ISO's Market Information System and that are subject to special rules, set forth in Section 5.12.8(a) of this Tariff and related ISO Procedures, in order to facilitate their participation in the Installed Capacity market as Installed Capacity Suppliers.

**2.177a System Resource**

A portfolio of Installed Capacity provided by Generators located in a single ISO-defined Locality, the remainder of the NYCA, or any single External Control Area, that is

owned by or under the control of a single entity and that is made available, in whole or in part, to the ISO. System Resources may be External or Internal to the NYCA.

## **II. Installed Capacity Tariff Provisions**

The following provisions are to be added to the ISO Services Tariff. Existing Sections 5.9 - 5.15 of the ISO Services Tariff are to be eliminated in their entirety.

### **5.9 Installed Capacity --- Transitional Implementation of Revised Installed Capacity Market Provisions**

During the ~~2000 Summer Obligation Procurement Period~~ Capability Year ending April 30, 2001, the provisions of Sections 5.10 - 5.15 and of other relevant Sections of this Tariff shall govern Installed Capacity requirements in the NYCA. If a permanent Installed Capacity market design cannot be implemented in time for the ~~2000-2001 Winter~~ Summer Capability Period, the ISO Board shall have the unilateral right to continue the provisions of Section 5.10 - 5.15 of this Tariff in effect until such time as a permanent Installed Capacity market design is in place.

### **5.10 NYCA Installed Capacity Requirement**

The Installed Capacity requirement is derived from the NYCA's Installed Reserve Margin, which is established each year by the NYSRC. The NYCA Installed Capacity requirement for the Capability Year beginning each May 1 will be established by multiplying the NYCA peak Load forecasted by the ISO by one plus the NYCA Installed Reserve Margin, expressed on a percentage basis. The ISO will calculate a NYCA peak Load each year by applying regional Load growth unit factors to the prior calendar year's Adjusted Actual Peak

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Load. Regional Load growth factors shall be proposed by the Transmission Owners and reviewed by the ISO pursuant to procedures agreed to by all Market Participants which shall be described in the ISO Procedures. Disputes concerning the development of regional Load growth factors shall be resolved through the ISO's Dispute Resolution Procedures.

The ISO shall determine the amount of Installed Capacity that must be sited within the NYCA, and within each Locality, and the amount of Installed Capacity that may be procured from areas External to the NYCA, in a manner consistent with the Reliability Rules.

**5.11 Requirements Applicable to LSEs**

**5.11.1 Allocation of the NYCA Installed Capacity Requirement to LSEs**

Each Transmission Owner and each municipal electric utility will submit to the ISO, for its review pursuant to mutually agreed upon procedures which shall be described in the ISO Procedures, a weather-adjusted Capability Year peak Load forecast for its Transmission District. The ISO Procedures shall authorize the ISO to approve each Transmission Owner's forecasting methodology. Each Transmission District's peak Load forecast shall assume, as a starting point, the relevant Transmission District's Adjusted Actual Peak Load during the prior calendar year, and shall incorporate regional Load growth factors developed pursuant to Section 5.10 of this Tariff. Each Transmission Owner must also submit aggregate peak Load data, coincident with the Transmission District peak, for all customers served by each LSE active within its Transmission District. The aggregate peak Load data may be derived from direct meters or Load profiles of the customers served. Each Transmission Owner shall be

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required to submit such forecasts and aggregate peak Load data, no later than February 15th each year, which shall reflect verified Load-shifting through December 31 of the previous year.

All aggregate peak Load data submitted by a Transmission Owner must be accompanied by documentation indicating that each affected LSE has been provided the data regarding the assignment of customers to the affected LSE. Any disputes between LSEs and Transmission Owners regarding such data or assignments shall be resolved pursuant to the ISO's Dispute Resolution Procedures, or the Transmission Owner's retail access procedures, as applicable.

The ISO shall allocate the NYCA Installed Capacity requirement among all LSEs serving Load in the NYCA prior to the beginning of each Capability Year. Each LSE's Installed Capacity requirement will equal the product of: (i) the NYCA Installed Capacity requirement; and (ii) the peak Load of that LSE's customers in each Transmission District, coincident with the Transmission District peak, adjusted for applicable regional Load growth, divided by the sum of the forecasted peak Loads located in all Transmission Districts.

The ISO shall calculate a preliminary Installed Capacity requirement estimate for each LSE, which will reflect documented Load-shifting adjustments through the end of February, and provide it to each LSE no later than March 22nd each year. Transmission Owners must submit the required Load-shifting information to the ISO and to each LSE affected by the Load-shifting no later than March 7th each year. The ISO shall notify each LSE of its final Installed Capacity requirement on April 10th each year. Each LSE's final Installed Capacity

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requirement shall reflect documented Load-shifts as of April 1st that are scheduled to occur before May 1st. Transmission Owners must submit the required Load-shifting information to the ISO and to each LSE affected by the Load-shifting no later than April 1 each year. In the event that there is a pending dispute regarding a Transmission Owner's forecast as of April 10th, the ISO shall nevertheless establish each LSE's final Installed Capacity requirement, subject to possible adjustments consistent with the ISO's Dispute Resolution Procedures.

Each month, as Transmission Owners report Customers gained and lost by LSEs through Load-shifting, the ISO will adjust the requirement for each LSE such that (a) the total Transmission District Installed Capacity requirement remains constant and (b) an individual LSE's requirement reflects the gains and losses. If an LSE loses a customer as a result of that customer leaving New York State, the Load-losing LSE shall be relieved of its obligation to procure Installed Capacity to cover the Load associated with the departing customer as of the date that the customer's departure is accepted by the ISO and shall be free to sell any excess Installed Capacity. In addition, when a customer leaves New York State, the ISO will adjust each LSE's Installed Capacity requirement so that the total Transmission District Installed Capacity requirement remains constant.

**5.11.2 LSE Obligations**

Each LSE must procure Installed Capacity in an amount equal to its Installed Capacity requirement from any Installed Capacity Supplier through Bilateral Transactions and/or purchases in ISO-administered Installed Capacity auctions. Each LSE must demonstrate that it has obtained a sufficient amount of Installed Capacity prior to the beginning of each Obligation

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Procurement Period, and again prior to the beginning of each month. To satisfy this requirement, each LSE must submit completed Installed Capacity certification forms to the ISO by the date specified in the ISO Procedures, which shall be no later than ten (10) days prior to the beginning of an Obligation Procurement Period, and again during each month by the date specified in the ISO Procedures, which shall be no later than the twentieth (20th) day of each month within an Obligation Procurement Period. The ISO shall develop appropriate certification forms which shall, at a minimum, require LSEs to: (i) designate the total amount of Installed Capacity they have procured; (ii) specify how much Installed Capacity is associated with resources located in each ISO-defined Locality, the remainder of the NYCA and each External Control Area; and (iii) identify any Installed Capacity Supplier from which they have procured Installed Capacity pursuant to Bilateral Transactions.

LSEs that fail to timely satisfy their Installed Capacity requirement, or that fail to make timely submissions of the required certification forms, shall be required to participate in a Deficiency Procurement Auction pursuant to Section 5.14.1 of this Tariff.

**5.11.3 Load-Shifting Adjustments**

The ISO shall account for Load-shifting among LSEs each month using the best available information provided to it and the affected LSEs by the individual Transmission Owners. The ISO shall, upon notice of Load-shifting by a Transmission Owner and verification by the relevant Load-losing LSE, increase the Load-gaining LSE's Installed Capacity requirement and decrease the Load-losing LSE's Installed Capacity requirement to reflect the Load-shifting. The Load-gaining LSE shall pay the Load-losing LSE a pro-rated

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portion of the Market-Clearing Price of Installed Capacity, as established at the most recent previous regular monthly Installed Capacity auction that successfully cleared, or, in the event that no such clearing price exists, the clearing price for that month in the Obligation Procurement Period Auction divided by 6 for each day that the Load-gaining LSE serves the Load, until the first day of the month after the next regular monthly Installed Capacity auction. The amount paid by a Load-gaining LSE shall be reduced by the Load-losing LSE's share of any rebate associated with the lost Load paid pursuant to Section 5.15 of this Tariff. By the time specified in the ISO Procedures, the Load-gaining LSE must procure sufficient Installed Capacity to meet its increased Installed Capacity requirement for the remainder of the Obligation Procurement Period, and the Load-losing LSE may sell Installed Capacity that it no longer needs to satisfy its Installed Capacity requirement.

By the seventh (7th) day of each month, each Transmission Owner shall report to the ISO and to each LSE serving Load in its Transmission District the updated, aggregated LSE Loads documented as of the end of the prior month. By the tenth (10th) day of the current month, the ISO shall provide each LSE with a revised Installed Capacity requirement for the following month, which shall reflect all documented Load-shifts as of the end of the current month. Any disputes among Market Participants concerning Load-shifting shall be resolved pursuant to the ISO's Dispute Resolution Procedures or the Transmission Owner's retail access procedures, as applicable. In the event of a pending dispute concerning a Load-shift, the ISO shall make its monthly Installed Capacity adjustments as if the Load-shift reported by the Transmission Owners had occurred, or if the dispute pertains to the timing of a Load-shift, as if

the Load-shift occurred on the effective date reported by the Transmission Owner, but will retroactively modify these allocations, as necessary, based on determinations made pursuant to ~~its~~ the ISO's Dispute Resolution Procedures, or the Transmission Owner's retail access procedures, as applicable.

#### **5.11.4 LSE Locational Capacity Requirements**

The ISO will determine the Locational Installed Capacity requirement, stated as a percentage of the Locality's forecasted Capability Year peak Load, that shall be uniformly applicable to each LSE serving Load within a Locality. In establishing Locational Installed Capacity requirements, the ISO will take into account all relevant considerations, including the total NYCA Installed Capacity requirement, the NYS Power System transmission Interface Transfer Capability, the Reliability Rules and any other FERC-approved Locational Installed Capacity requirements.

Any Locational Installed Capacity requirements operative at the commencement of ISO operations adopted by LIPA or under settlement agreements approved by the PSC shall continue in effect in accordance with their terms unless and until the ISO implements new or modified Locational Installed Capacity requirements.

Each LSE will secure the required amount of Installed Capacity for the upcoming Obligation Procurement Period from resources consistent with the locational requirements established by the ISO. Installed Capacity associated with Generators located in the New York City Locality that are subject to market mitigation measures may not be sold at a price greater

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than the locational price cap, except as explicitly provided in Sections 5.13.2, 5.13.3 and 5.14.1 of this Tariff.

In addition, any Customer that purchases Installed Capacity associated with any Generator that is subject to market mitigation measures in an ISO-administered auction may not resell that Installed Capacity in a subsequent auction for a price higher than the price it paid for it. The ISO shall inform Customers that purchase Installed Capacity in an ISO-administered auction of the number of MWs they have purchased that are subject to market mitigation measures.

The ISO shall have the right to audit all executed Installed Capacity contracts and related documentation of arrangements by an LSE to use its own Generation to meet its Locational Installed Capacity requirement for an upcoming Obligation Procurement Period.

## **5.12 Requirements Applicable to Installed Capacity Suppliers**

### **5.12.1 Installed Capacity Supplier Qualification Requirements**

In order to qualify as an Installed Capacity Supplier in the NYCA, Energy Limited Resources, Generators, Installed Capacity Marketers, Interruptible Load Resources or System Resources rated 1 MW or greater, other than entities purchasing Installed Capacity from External System Resources located in External Control Areas that have agreed to certain curtailment conditions (see below), and other than Special Case Resources which are subject to the information requirements of Section 5.12.8 of this Tariff, must: (i) provide information reasonably requested by the ISO including the name and location of Generators and Interruptible Load Resources; (ii) provide documentation to the ISO, of DMNC testing for the previous like Capability Period, or historical production data for the previous like Capability

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Period, no more than twelve (12) months old, except in the case of new Generators, or, in the case of Interruptible Load Resources, documentation of sustained disconnection for one (1) hour or longer that is no more than one (1) year old, in accordance with ISO Procedures; (iii) abide by the ISO Generator maintenance coordination procedures; (iv) provide the expected return date from any outages (including partial outages) to the ISO; (v) provide documentation demonstrating that it will not utilize the same Installed Capacity for more than one (1) buyer at the same time; (vi) if the resource is an Energy Limited Resource, Generator or System Resource it must commit to bid into the Day-Ahead Energy Market, unless the Energy Limited Resource, Generator or System Resource is unable to do so due to a maintenance or forced outage or due to temperature related de-ratings; (vii) if the resource is an Interruptible Load Resource, it must commit that it will bid, at the price at which it is willing to be interrupted, in the Day-Ahead Market, for both Energy and Operating Reserves; and (viii) abide by ISO Procedures.

The ISO shall inform each potential Installed Capacity Supplier that is required to submit DMNC data of its approved DMNC ratings for the Summer Capability Period no later than February 15th, and for the Winter Capability Period no later than August 15th.

In the case of entities purchasing Installed Capacity from External System Resources located in External Control Areas that have agreed not to curtail the Installed Capacity or to afford it the same curtailment priority that they afford their own Control Area Load, the ~~information submission~~ requirements for certification as an Installed Capacity Supplier shall be established in the ISO Procedures. **[Note: NYISO deleted the reference to “information submission.”]**

**5.12.2 Additional Provisions Applicable to External Installed Capacity Suppliers**

External Generators and entities purchasing from them may qualify as Installed Capacity Suppliers if they demonstrate that their Installed Capacity is deliverable to the NYCA and will not be recalled or curtailed by an External Control Area to satisfy its own Control Area Loads.

Alternatively, an entity that purchases Installed Capacity from an External System Resource located in an External Control Area may qualify to sell Installed Capacity in the NYCA if it demonstrates that the External Control Area will afford NYCA Load the same curtailment priority that it affords its own Control Area ~~Area~~ Native Load. Installed Capacity supplied by such entities will be de-rated by the ISO, pursuant to ISO Procedures, to reflect the possibility of curtailment.

LSEs with External Installed Capacity as of the effective date of the ISO Services Tariff will be entitled to designate External Installed Capacity at the same NYCA Interface with another Control Area, in the same amounts in effect on the effective date of the Tariff. To the extent such External Installed Capacity corresponds to Existing Transmission Capacity for Native Load as reflected in Table 3 to Attachment L to the ISO OATT, these External Installed Capacity rights will continue without term and shall be allocated to the LSE's retail access customers in accordance with the LSE's retail access program on file with the PSC and subject to any necessary filings with the Commission. External Installed Capacity rights existing as of September 17, 1999 that do not correspond to Table 3 of Attachment L to the ISO OATT shall survive for the term of the relevant External Installed Capacity contract or until the relevant External Generator is retired.

### **5.12.3 Installed Capacity Supplier Maintenance Scheduling Requirements**

All Installed Capacity Suppliers, except for Interruptible Load Resources, External System Resources that are Control Areas and Special Case Resources, intending to supply Installed Capacity to the NYCA must submit a confidential notification to the ISO of their proposed outage schedules for the next three calendar years no later than July 1<sup>st</sup> of the current calendar year, except for the 2000-2001 Capability Year in which case the deadline for submission of proposed outage schedules will be February 29, 2000. Transmission Owners will be notified of these and subsequently revised outage schedules. Based upon a reliability assessment, if Operating Reserve deficiencies are projected to occur in certain weeks for the upcoming calendar year, the ISO will request voluntary maintenance re-scheduling. In the case of Generators actually supplying Installed Capacity to the NYCA, if voluntary re-scheduling is ineffective, the ISO will invoke forced re-scheduling of their outages to ensure that projected Operating Reserves over the upcoming year are adequate. The re-scheduling process will be described in detail in the ISO Procedures.

A Supplier that intends to supply Installed Capacity in a given month that did not qualify as an Installed Capacity Supplier prior to the beginning of the Obligation Procurement Period must notify the ISO no later than the first day of the prior month so that it may be subject to forced re-scheduling of its proposed maintenance outages in order to qualify as an Installed Capacity Supplier.

Interruptible Load Resources shall notify the ISO at least thirty (30) days prior to the beginning of an Obligation Procurement Period of scheduled maintenance that would reduce their ability to interrupt. Interruptible Load Resources must also submit to the ISO, and, at the

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ISO's discretion, also submit to the local Transmission Owner, a written commitment that any scheduled maintenance that would reduce their ability to interrupt without reducing their Load a corresponding amount will only be conducted from November 1 through March 31.

In the case of an External System Resource located in an External Control Area, maintenance schedules for interconnections linking such External System Resources to the NYCA shall be coordinated by the External Control Area and the ISO.

**5.12.4 Required Certification That Installed Capacity Has Not Been Resold**

Each Installed Capacity Supplier must submit certification forms to the ISO, no later than the dates specified in the ISO Procedures demonstrating that the Installed Capacity it has sold has not been sold elsewhere. The ISO shall develop appropriate certification forms.

**5.12.5 Installed Capacity Sales**

Installed Capacity Suppliers will be authorized to sell an amount of Installed Capacity in each month of an Obligation Procurement Period equal to the total of the seasonal DMNCs of its resources for the corresponding Capability Period. Installed Capacity may be sold in a six-month strip, or in monthly, or multi-monthly segments.

If an Energy Limited Resource's, Generator's, Installed Capacity Marketer's or System Resource's DMNC is determined to have increased during an Obligation Procurement Period, pursuant to testing procedures described in the ISO Procedures, the amount of Installed Capacity that it shall be authorized to sell during that Obligation Procurement Period shall also be increased on a prospective basis. *If a Generator's 1999 Summer Capability Period DMNC rating was derated from its 1998 Summer Capability Period DMNC rating, the Generator may sell Installed Capacity up to the level demonstrated in 1998 for the entire 2000 Summer*

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*Capability Period based upon a temperature adjusted DMNC test that is performed and reported to the ISO between March 1 and March 24, 2000. The Generator will be required to verify the claimed DMNC rating by performing an additional test during the 2000 Summer DMNC Test Period. Any shortfall between the amount of Installed Capacity sold by the Generator for the 2000 Summer Capability Period and the amount verified during the 2000 Summer DMNC Test Period will be subject to deficiency charges pursuant to section 5.14.2 of this ~~tariff~~ Tariff. The deficiency charges will be applied to no more than the difference between the Generator's 1999 summer period DMNC rating and the amount of Installed Capacity the Generator sold for the 2000 Summer Capability Period. If a new Generator enters service during an Obligation Procurement Period it may qualify as an Installed Capacity Supplier, pursuant to ISO Procedures, and sell Installed Capacity in the NYCA. [Note: NYISO proposes to amend Section 5.12.5 to allow Generators—whose 1999-2000 Winter Capability Period DMNC ratings were derated from their 1998-1999 Winter Capability Period DMNC rating—to sell ICAP under the conditions described in the paragraph above. The ICAP WG also may prefer to adopt a different approach.]*

Subsequent to the sale of Installed Capacity, each Installed Capacity Supplier must, except as noted in Section 5.12.8 of this Tariff, demonstrate that the amount of Energy which it schedules, bids, or declares to be unavailable on that day is not less than the amount of Installed Capacity that it sold for that day, rounded down to the nearest whole MW. If an entity other than the owner of an Energy Limited Resource, Generator, Interruptible Load Resource or System Resource that is providing Installed Capacity is responsible for bidding and scheduling it, the owner and that entity must designate which of them will be responsible for complying

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with the requirements of this paragraph. The designated bidding and scheduling entity will be subject to sanctions pursuant to Section 5.12.9(b) of this Tariff, if the bidding ~~and~~ scheduling or notification requirements are violated.

**5.12.6 System Resources Sales**

An Installed Capacity Supplier offering to sell Installed Capacity associated with Internal System Resources must submit the DMNC testing data described in Section 5.12.1 for all of its Generators. The amount of Installed Capacity that a System Resources Installed Capacity Supplier may offer will be determined pursuant to ISO Procedures. Installed Capacity Suppliers offering to sell System Resources may only aggregate resources on the basis of ISO-defined Localities, the remainder of the NYCA, or on an individual External Control Area basis, as per the ISO Procedures.

**5.12.7 External Transactions and Recall Procedures**

All Installed Capacity, whether associated with External or Internal Installed Capacity resources, that is not out on maintenance or a forced outage, or scheduled in the Day-Ahead Market may be used to supply Energy for use outside of the NYCA but will be subject to recall at any time by the ISO. A transaction is an ICAP recall transaction if: (1) the transaction was scheduled either Day Ahead or Hour Ahead and was ultimately curtailed within the hour (real time curtailment) to address a reserve shortage; and (2) the transaction was capable of being served by the capacity associated with the ICAP Supplier, after accounting for internal bilaterals and scheduled Energy sales. Transactions scheduled Day Ahead by SCUC and cut by BME, or those that are scheduled by BME and fail the inter-control area check out process are not ICAP recall transactions.

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Installed Capacity Suppliers that supply Energy outside of the NYCA must submit recall Bids defining the price at which the ISO may recall the Energy associated with the Installed Capacity they have sold to the NYCA. External Installed Capacity Suppliers that supply Energy for use outside of the NYCA must comply with the notice and information requirements set forth in the ISO Procedures.

The ISO will recall Energy, in accordance with ISO Procedures, to resolve shortages of total operating reserves after exhausting all other available Energy Bids. ~~In the event that the ISO recalls Energy it will do so on a least-cost bid basis, taking into consideration recall Bids and External Proxy Generator Bus prices consistent with the need to maintain the reliability of the New York State Transmission System.~~

If an Installed Capacity Supplier's Energy is recalled, it ~~will~~ shall be paid the higher of its recall Bid or the Real-Time LBMP at the relevant Proxy Generator Bus. Recall Bids ~~shall be treated in the same manner as any other bid for purposes of the ISO's BME and SRE, but shall not be considered by the ISO's SCD and SCUC, and thus shall not set Real-Time or Day-Ahead LBMPs.~~ Installed Capacity Suppliers must submit their recall Bids at the same time that they enter into arrangements to supply Energy for use outside of the NYCA. [Note: NYISO proposes to the ICAP WG that the payment for recalled ICAP energy be changed to "the higher of the real-time LBMP at the relevant Proxy Generator Bus or the recall bid, unless the recall bid exceeds the price that the NYISO paid or would have paid for Emergency Energy during the hour in which the recall procedures are used. If the recall bid exceeds the price of Emergency Energy purchase, the ICAP Supplier will be paid the

higher of the real-time LBMP a the relevant Proxy Generator Bus or the price of  
Emergency Energy.”]

#### **5.12.8 Special Case Resources and Other Installed Capacity Suppliers**

##### **5.12.8(a) Special Case Resources**

Special Case Resources may qualify as Installed Capacity, without having to comply with the daily bidding and scheduling requirement set forth in Section 5.12.5 of this Tariff, if:

(i) they are available to operate for a minimum of four (4) hours each day, at the direction of the ISO, except for those subject to operating limitations established by environmental permits, which will not be required to operate in excess of two (2) hours and which will be derated by the ISO pursuant to ISO Procedures to account for the Load serving equivalence of the hours actually available, following notice of the potential need to operate twenty four (24) hours in advance, and a notification to operate two (2) hours ahead; and (ii) they were not operated as a Load modifier coincident with the peak upon which the Installed Capacity requirement of the LSE that serves that customer is based, unless that LSE’s Installed Capacity requirement is adjusted upwards to prevent double-counting. The ISO will have discretion, pursuant to ISO Procedures, to exempt distributed generators that are incapable of starting in two (2) hours from the requirement to operate on two (2) hours notification. Distributed generators and Loads capable of being interrupted upon demand that are not available on certain hours or days will be derated by the ISO, pursuant to ISO Procedures, to reflect the Load serving equivalence of the hours they are actually available. Distributed generators and Loads capable of being interrupted upon demand will be required to comply with verification and validation procedures, to be developed by the ISO, in consultation with interested Market Participants, by

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March, 2000. Such procedures will not require metering other than interval billing meters on customer Load or testing other than DMNC or sustained disconnect, as appropriate, unless agreed to by the customer.

Installed Capacity sold to an LSE by a Special Case Resource pursuant to this subsection may not be resold by that LSE.

Transmission Owners that require assistance from distributed generators larger than 100 kW and Loads capable of being interrupted upon demand for Load relief purposes or as a result of a Local Reliability Rule, shall direct their requests for assistance to the ISO for implementation consistent with the terms of this Section.

**5.12.8(b) Existing Municipally-Owned Generation**

*During the 2000 Summer Obligation Procurement Period, a municipal utility that owns existing generation in excess of its Installed Capacity requirement, net of NYPA-provided capacity, may offer the excess capacity for sale as Installed Capacity provided that it is willing to operate the generation at the ISO's request, and provided that the Energy produced is deliverable to the New York State Power System. Such a municipal utility shall not be required to comply with the requirement of Section 5.12.5 of this Tariff that an Installed Capacity Supplier bid into the Energy market or enter into bilateral transactions. Municipal utilities shall, however, be required to submit their typical physical operating parameters, such as their start-up times, to the ISO. This subsection is only applicable to Generators that were in service or under construction as of December 31, 1999. [Note: NYISO proposes to amend subsection 5.12.8(b) to allow a municipal utility that owns existing generation in excess of its ICAP requirement to offer such capacity for sale during the Winter 2000-2001*

**Capability Period under the conditions provided above. The ICAP WG also may decide to take a different approach.]**

**5.12.8(c) Energy Limited Resources**

An Energy Limited Resource may qualify as an Installed Capacity Supplier if it bids into the Day-Ahead Market for twenty four (24) hours each day and if it is able to provide the Energy equivalent of the claimed Installed Capability for four (4) hours of Energy each day. After an Energy-Limited Resource has provided the Energy equivalent of the claimed Installed Capacity for four (4) hours, the ISO will avoid calling on it during those hours in which the ISO knows it will be recharging, or replacing depleted resources. Nevertheless, the ISO may call on Energy Limited Resources at any time during emergencies.

**5.12.9 Sanctions Applicable to Installed Capacity Suppliers**

Pursuant to this Section, the ISO may impose financial sanctions on Installed Capacity Suppliers that fail to comply with certain provisions of this Tariff. The ISO shall notify Installed Capacity Suppliers prior to imposing any sanction and shall afford them a reasonable opportunity to demonstrate that they should not be sanctioned and/or to offer mitigating reasons why they should be subject to a lesser sanction. The ISO may impose a sanction lower than the maximum amounts allowed by this Section at its sole discretion. Installed Capacity Suppliers may challenge any sanction imposed by the ISO pursuant to the ISO Dispute Resolution Procedures.

Any sanctions collected by the ISO pursuant to this Section will be applied to reduce the Rate Schedule 1 charge under this Tariff.

**5.12.9(a) Sanctions for Failing to Provide Required Information**

If an Installed Capacity Supplier fails to provide the information required by Section 5.12.1(i) - 5.12.1(iv) of this Tariff in a timely fashion, the ISO may take the following actions. On the first day that required information is late, the ISO shall notify the Installed Capacity Supplier that required information is past due and that it reserves the right to impose financial sanctions if the information is not provided by the end of the next day. Starting on the third day that the required information is late, the ISO may impose a daily financial sanction up to the higher of \$500 or \$5 per MW of Installed Capacity that the Generator, Interruptible Load Resource or System Resource in question is capable of providing. Starting on the tenth day that the required information is late, the ISO may impose a daily financial sanction up to the higher of \$1000 or \$10 per MW of Installed Capacity that the Generator, Interruptible Load Resource or System Resource in question is capable of providing.

**5.12.9(b) Sanctions for Failing to Comply with Scheduling and Bidding  
Requirements**

On any day in which an Installed Capacity Supplier fails to comply with the scheduling and bidding requirements of Sections 5.12.1(vi) and (vii) of this Tariff or with the ISO Procedures pursuant to Section 5.12.1, the ISO may impose a financial sanction up to the product of a deficiency charge, calculated pursuant to the Table in Section 5.14.1 of this Tariff (pro-rated on a daily basis), and the maximum number of MWs that the Installed Capacity Supplier failed to schedule or bid in any hour in that day. [Note: NYISO added “or with the ISO Procedures pursuant to Sections 5.12.1.”]

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In addition, if an Installed Capacity Supplier fails to comply with the scheduling and bidding requirements of Sections 5.12.1(vi) and (vii) of this Tariff during an hour in which the ISO recalls Energy associated with NYCA Installed Capacity Suppliers, the ISO may impose an additional financial sanction equal to the product of the number of MWs the Installed Capacity Supplier failed to schedule during that hour and the corresponding Real-Time LBMP at the applicable Proxy Generator Bus. An Installed Capacity Supplier that is subjected to the aforementioned sanction, and which has supplied Energy for use outside of the NYCA, shall not be paid its recall Bid, and shall receive no other compensation for recalled Energy, if the ISO recalls Energy associated with its Installed Capacity during the hour in which the aforementioned sanction is imposed.

**5.13 Installed Capacity Auctions**

**5.13.1 General Auction Requirements**

The ISO will administer Installed Capacity auctions to accommodate LSEs' and Installed Capacity Suppliers' efforts to enter into Installed Capacity transactions and to give LSEs an opportunity to satisfy their Installed Capacity requirements. The ISO shall conduct regular auctions, *at the request of an LSE*, at the times specified in this Section and the ISO Procedures. [Note: NYISO proposes to delete the reference to "at the request of an LSE."]

Installed Capacity Suppliers, LSEs and Installed Capacity Marketers that are Customers under this Tariff will be allowed to participate in Installed Capacity auctions, provided that they satisfy the creditworthiness requirements set forth in Section 11.0 of the ISO OATT. Installed Capacity purchased in Installed Capacity auctions may not be sold to External Control Areas. Offers to sell and bids to purchase Installed Capacity shall be made in \$/kW for the time period

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appropriate to the auction. The ISO shall impose no limits on bids or offers in any auction, except to the extent required by any applicable market mitigation measures.

Installed Capacity Suppliers that wish to participate in an ISO-administered auction must submit completed certification forms to the ISO no later than ten days prior to the beginning of an Installed Capacity auction in which they intend to offer Installed Capacity, demonstrating that their Installed Capacity has not been committed to a Bilateral Transaction.

In-City Generators that are subject to FERC-approved market mitigation measures are required to offer to sell all such Installed Capacity into the ISO-administered Installed Capacity auctions. All other Installed Capacity Suppliers may offer to sell into the ISO-administered Installed Capacity auctions at their discretion.

The ISO Procedures shall specify the dates by which the ISO will post the results of Installed Capacity auctions. The ISO Procedures shall ensure that there are at least four business days between the time that auction results are posted and the dates that LSEs are required to demonstrate that they have procured sufficient Installed Capacity to cover their Installed Capacity requirements pursuant to Section 5.11.2 of this Tariff. [Question from NYISO: should the Tariff include other provisions governing the treatment of ICAP Buyers and Sellers who default in an ICAP Auction?]

**5.13.2 The Obligation Procurement Period Auction**

An Obligation Procurement Period Auction will be conducted, *at the request of an LSE*, no later than thirty (30) days prior to the start of each Obligation Procurement Period in which Installed Capacity will be purchased and sold for the entire duration of the Obligation Procurement Period. The exact date of the Obligation Procurement Period Auction shall be

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established in the ISO Procedures. The Obligation Procurement Period Auction is intended to establish Market-Clearing Prices for each ISO-defined Locality, the remainder of the NYCA and adjacent External Control Areas. **[Note: NYISO proposes to delete the reference to “at the request of an LSE.” This issue is the same as the one raised in subsection 5.13.1 above.]**

Each Obligation Procurement Period Auction shall consist of two phases which shall be conducted on the same day. Participation in the first phase shall be limited to: (i) LSEs located in the New York City Locality seeking to make locational Installed Capacity purchases in order to satisfy their In-City Locational Installed Capacity requirement; (ii) any other entity seeking to purchase In-City locational Installed Capacity; (iii) qualified In-City Generators; and (iv) any other Installed Capacity Supplier that owns excess Installed Capacity associated with qualified In-City Generators. In the first phase of the Obligation Procurement Period Auction, LSEs that are awarded Installed Capacity shall pay the Market-Clearing Price of Installed Capacity determined in that phase. Installed Capacity Suppliers that are selected to provide Installed Capacity shall receive the Market-Clearing Price determined in that phase, except in the case of In-City Generators that are subject to mitigation measures, which shall receive the lesser of the Market-Clearing Price or the applicable locational price cap. Any entity that resells Installed Capacity associated with In-City Generators that are subject to market mitigation measures shall receive the lesser of the Market-Clearing Price or the price that it paid for that Installed Capacity. If the Market-Clearing Price exceeds the total amount paid to Installed Capacity Suppliers, the ISO shall rebate the Excess Amount pursuant to Section 5.15 of this Tariff.

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All Installed Capacity Suppliers and LSEs may participate in the second phase of the Obligation Procurement Period Auction, except with respect to any Installed Capacity associated with In-City Generators that are subject to market mitigation measures, which may sell in the second phase only if it has been established by the ISO that all LSEs located in the New York City Locality have satisfied their In-City Locational Installed Capacity requirements. LSEs awarded Installed Capacity in the second phase shall pay the applicable Market-Clearing Price determined in that phase. Installed Capacity Suppliers, with the exception noted below, including In-City Generators otherwise subject to market mitigation measures, that are selected to provide Installed Capacity shall receive the applicable Market-Clearing Price determined in that phase. Any entity that resells Installed Capacity associated with In-City Generators subject to market mitigation measures shall receive the lesser of the applicable Market-Clearing Price or the price it paid for that Installed Capacity. The ISO shall rebate any Excess Amount pursuant to Section 5.15 of this Tariff. *During the 2000 Summer Obligation Procurement Period, In-City Generators that are permitted to offer to sell in the second phase shall be permitted to make separate offers in the first and second phases of the Obligation Procurement Period Auction.* **[Note: NYISO proposes to amend this last sentence to allow, in the 2000-2001 Capability Period, In-City Generators that can offer to sell in the second phase to make separate offers in both phases of the OPP Auction.]**

The results of the Obligation Procurement Period Auction will be made available to Market Participants at the time specified in the ISO Procedures which shall be prior to the start of the Monthly Installed Capacity Auctions held prior to the beginning of each Obligation Procurement Period.

### **5.13.3 Monthly Auctions**

Monthly Auctions will be held, *at the request of an LSE*, no later than fifteen (15) days prior to the start of each Obligation Procurement Period, and, *at the request of an LSE*, no later than the fifteenth (15th) day of each month during an Obligation Procurement Period, during which Installed Capacity may be purchased and sold for any one or more remaining months in the Obligation Procurement Period. The exact dates of each Monthly Auction shall be established in the ISO Procedures. Each Monthly Auction is intended to establish Market-Clearing Prices for each ISO-defined Locality, the remainder of the NYCA and all adjacent External Control Areas. **[Note: NYISO proposes to delete the references to “at the request of an LSE.” This issue is the same as the one raised in subsections 5.13.1 and 5.13.2.]**

Each Monthly Auction held prior to the beginning of an Obligation Procurement Period shall consist of two phases which shall be conducted on the same day. Participation in the first phase shall be limited to: (i) LSEs located in the New York City Locality seeking to make locational Installed Capacity purchases in order to satisfy their In-City Locational Installed Capacity requirement; (ii) any other entity seeking to purchase In-City locational Installed Capacity; (iii) qualified In-City Generators; and (iv) any other Installed Capacity Supplier that owns excess Installed Capacity associated with qualified In-City Generators. In the first phase of each Monthly Auction, LSEs that are awarded Installed Capacity shall pay the Market-Clearing Price of Installed Capacity determined in that phase. Installed Capacity Suppliers that are selected to provide Installed Capacity shall receive the Market-Clearing Price determined in that phase, except in the case of In-City Generators that are subject to mitigation measures, which shall receive the lesser of the Market-Clearing Price or the applicable locational price

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cap. Any entity that resells Installed Capacity associated with In-City Generators that are subject to market mitigation measures shall receive the lesser of the Market-Clearing Price or the price that it paid for that Installed Capacity. If the Market-Clearing Price exceeds the total amount paid to Installed Capacity Suppliers, the ISO shall rebate the Excess Amount pursuant to Section 5.15 of this Tariff.

All Installed Capacity Suppliers and LSEs may participate in the second phase of each pre-Obligation Procurement Period Monthly Auction, except with respect to any Installed Capacity associated with In-City Generators that are subject to market mitigation measures, which may sell in the second phase only if it has been established by the ISO that all LSEs located in the New York City Locality have satisfied their In-City Locational Installed Capacity requirements. LSEs awarded Installed Capacity in the second phase shall pay the applicable Market-Clearing Price determined in that phase. Installed Capacity Suppliers, with the exception noted below, including In-City Generators otherwise subject to market mitigation measures, that are selected to provide Installed Capacity shall receive the applicable Market-Clearing Price determined in that phase. Any entity that resells Installed Capacity associated with In-City Generators subject to market mitigation measures shall receive the lesser of the applicable Market-Clearing Price or the price it paid for that Installed Capacity. The ISO shall rebate any Excess Amount pursuant to Section 5.15 of this Tariff. *During the 2000 Summer Obligation Procurement Period, In-City Generators that are permitted to offer to sell in the second phase shall be permitted to make separate offers in the first and second phases of the auction.* **[Note: As with subsection 5.13.2, NYISO proposes to amend this last sentence to**

**allow, in the 2000-2001 Capability Period, In-City Generators that can offer to sell in the second phase to make separate offers in both phases of the Monthly Auctions.]**

Monthly Auctions held during an Obligation Procurement Period shall be phased unless the ISO has established that all LSEs with Locational Installed Capacity requirements located in the New York City Locality have satisfied their Locational requirements. If the ISO establishes that these LSEs have not satisfied their Locational Installed Capacity requirements, that Monthly Auction will be conducted as if it were being held prior to the beginning of an Obligation Procurement Period (*i.e.*, it shall consist of two phases.) If, however, the ISO establishes that LSEs have satisfied their Locational Installed Capacity requirements, that Monthly Auction will not be phased and will be conducted as if it were the second phase of a pre-Obligation Procurement Period Monthly Auction.

The results of each Monthly Auction will be made available to Market Participants no later than thirteen (13) days prior to the beginning of the next month.

**5.13.4 Detailed Installed Capacity Auction Description**

Additional detail concerning the ISO's Installed Capacity auction procedures are provided in the ISO's detailed "Installed Capacity Auction Description," which is on file with the Commission.

**5.14 Installed Capacity Deficiencies and Deficiency Procurement Auctions**

**5.14.1 LSE Deficiencies**

If an LSE violates Sections 5.11.2 or 5.11.3 of this Tariff by failing to procure sufficient Installed Capacity to cover its Installed Capacity requirement for an Obligation Procurement Period, or, as a result of Load-shifting, for any month within an Obligation Procurement

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Period, the ISO shall procure sufficient Installed Capacity to cover the remainder of the LSE's Installed Capacity requirement for that Obligation Procurement Period, or month, through Deficiency Procurement Auctions.

The ISO shall conduct the initial Deficiency Procurement Auction no later than the twenty third (23rd) day of the month immediately preceding the start of an Obligation Procurement Period. The exact date of the initial Deficiency Procurement Auction shall be established in the ISO Procedures. The initial Deficiency Procurement Auction will consist of six (6) separate two-phase monthly auctions. Both phases of each initial Deficiency Procurement Auction shall be conducted on the same day. In each phase of each initial Deficiency Procurement Auction the ISO shall submit deficiency bids on behalf of deficient LSEs at a level per MW determined by dividing the appropriate number specified in the following Table by six.

**Deficiency Bids and Charges**

<b>LOCATION</b>	<b>INTERIM FIRST THREE YEARS AFTER ISO COMMENCES OPERATIONS</b>	<b>END-STATE AFTER THREE YEARS OF ISO OPERATIONS</b>
<b>In-City New York City (LBMP Load Zone J)</b>	<b>\$75/kW per Obligation Procurement Period</b>	<b>3 Times Localized Levelized Embedded Cost of GT</b>
<b>Long Island (LBMP Load Zone K)</b>	<b>Year 1: \$60/kW per Obligation Procurement Period Year 2: \$65/kW per Obligation Procurement Period Year 3: \$70/kW per</b>	<b>3 Times Localized Levelized Embedded Cost of GT</b>

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	Obligation Procurement Period	
<b>All Other LBMP Load Zones in the NYCA</b>	<b>Year 1: \$52.5/Kw per Obligation Procurement Period Year 2: \$57.5 Year 3: \$62.5</b>	<b>3 Times Localized Levelized Embedded Cost of GT</b>

During the first phase of an initial Deficiency Procurement Auction the ISO shall submit deficiency bids on behalf of deficient LSEs located in the New York City Locality that are required to make locational Installed Capacity purchases in order to satisfy their In-City Locational Installed Capacity requirement. The ISO shall solicit bids from qualified In-City Generators, and from any other entity that owns excess In-City Locational Installed Capacity. LSEs that are awarded Installed Capacity in the first phase auction shall pay to the ISO the lesser of the Market-Clearing Price of Installed Capacity determined in that phase or the deficiency bid. The ISO shall pay Installed Capacity Suppliers that are selected to provide Installed Capacity the Market-Clearing Price determined in that phase which can be no greater than the deficiency bid, except in the case of Installed Capacity associated with In-City Generators that are subject to mitigation measures, which shall receive the lesser of the Market-Clearing Price or the applicable locational price cap. Any entity that resells Installed Capacity associated with In-City Generators that are subject to market mitigation measures shall receive the lesser of the Market-Clearing Price or the price that it paid for that Installed Capacity. If the Market-Clearing Price exceeds the total amount paid to Installed Capacity Suppliers, the ISO shall rebate the Excess Amount pursuant to Section 5.15 of this Tariff.

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In the second phase of each initial Deficiency Procurement Auction, the ISO shall submit deficiency bids on behalf of all remaining deficient LSEs and shall solicit bids from all qualified Installed Capacity Suppliers, including Installed Capacity associated with In-City Generators otherwise subject to mitigation measures that has not been sold, provided that all LSEs located in the New York City Locality have satisfied their In-City Locational Installed Capacity requirements. Deficient LSEs that are awarded Installed Capacity shall pay to the ISO the lesser of the applicable Market-Clearing Price of Installed Capacity determined in that phase, or the deficiency bid. The ISO will use these deficiency payments to pay the applicable Market-Clearing Price determined in that phase of Installed Capacity, except as noted below, to Installed Capacity Suppliers that are selected to provide Installed Capacity, including participating In-City Generators otherwise subject to market mitigation measures. Any entity that resells Installed Capacity associated with In-City Generators that are subject to market mitigation measures shall receive the lesser of the Market-Clearing Price or the price that it paid for that Installed Capacity. The ISO shall rebate any Excess Amount pursuant to Section 5.15 of this Tariff. *During the 2000 Summer Obligation Procurement Period, In-City Generators that are permitted to offer to sell in the second phase shall be permitted to make separate offers in the first and second phases of the initial Deficiency Procurement Auction.*

**[Note: As with subsections 5.13.2 and 5.13.3, NYISO proposes to amend this last sentence to allow, in the 2000-2001 Capability Period, In-City Generators that can offer to sell in the second phase to make separate offers in both phases of the initial Deficiency Procurement Auction.]**

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In addition to the initial Deficiency Procurement Auction, the ISO shall conduct a monthly Deficiency Procurement Auction no later than the twenty third (23rd) day of any month in which a Load-gaining LSE fails to procure Installed Capacity to cover new Load it has gained. The exact date of each monthly Deficiency Procurement Auction shall be established in the ISO Procedures. If In-City LSEs are required to participate in a monthly Deficiency Procurement Auction in order to satisfy their In-City Locational Installed Capacity requirement the auction will be conducted as if it were an initial Deficiency Procurement Auction (*i.e.*, it shall consist of two phases.) If In-City LSEs are not required to participate in a monthly Deficiency Procurement Auction in order to satisfy their In-City Locational Installed Capacity requirement the auction will not be phased but will instead be conducted as if it were the second phase of an initial Deficiency Procurement Auction.

Any LSEs that are still deficient after the completion of a Deficiency Procurement Auction must pay a monthly deficiency charge to the ISO based on the deficiency charges set forth in the Table above, divided by six, and multiplied by the number of MWs by which they are deficient. The ISO will attempt to use these deficiency charges to procure Installed Capacity from Generators that are capable of selling Installed Capacity but that failed to qualify to sell it prior to the Deficiency Procurement Auction, *e.g.*, recently upgraded Generators, new Generators and existing Generators that were otherwise not able to qualify. The ISO shall not procure Installed Capacity from previously qualified Installed Capacity Suppliers that withheld their Installed Capacity. The ISO will not pay an Installed Capacity Supplier, more than the applicable deficiency charge per MW of Installed Capacity, or the applicable locational price cap per MW of Installed Capacity, whichever is less, pro-rated to reflect the portion of the

Obligation Procurement Period for which the Installed Capacity Supplier provides Installed Capacity. Any remaining monies collected by the ISO pursuant to this paragraph will be applied to reduce the Schedule 1 charge.

The ISO shall not reveal the number of MWs that LSEs are deficient prior to a Deficiency Procurement Auction.

**5.14.2 Installed Capacity Supplier Deficiencies**

In the event that the amount of Installed Capacity that an Installed Capacity Supplier is authorized to sell in a given month is determined to have been less than the amount that the Installed Capacity Supplier actually sold for that month, the ISO shall prospectively purchase Installed Capacity on behalf of that deficient Installed Capacity Supplier in the appropriate Deficiency Procurement Auction.

The ISO shall submit a deficiency bid, calculated pursuant to Section 5.14.1 of this Tariff in the appropriate Deficiency Procurement Auction on behalf of a deficient Installed Capacity Supplier as if it were a deficient LSE. The deficient Installed Capacity Supplier shall be required to pay to the ISO the Market-Clearing Price of Installed Capacity established in that Deficiency Procurement Auction.

If an Installed Capacity Supplier is found, at any point during an Obligation Procurement Period, to have been deficient for any prior portion of that Obligation Procurement Period, *e.g.*, when the amount of Installed Capacity that it sells is found to be less than the amount it was authorized to sell, the Installed Capacity Supplier shall be

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retrospectively liable to pay the ISO the monthly deficiency charge, calculated pursuant to Section 5.14.1 of this Tariff.

*Any deficiency charges collected by the ISO pursuant to this Section will be applied to reduce the Rate Schedule 1 charge under this Tariff. [Note: In August, NYISO will submit to the FERC a separate filing to amend Section 5.14 to reflect the MC-approved program that allows for a targeted rebate of monies paid by In-City LSEs in certain circumstances.]*

**5.15 Payment and Allocation of Installed Capacity Auction Rebates**

The ISO shall rebate to all LSEs with Locational Installed Capacity requirements in the New York City Locality any Excess Amount that remains after the completion of an auction. Such rebates shall be allocated among all New York City LSEs in proportion to their share of the locational New York City Installed Capacity requirement, regardless of whether they actually took part in the first phase of the relevant auction. The ISO shall allocate such rebates among In-City LSEs on a monthly basis. Rebates shall include interest accrued between the time they were collected and the time that they are paid.