

19.1 Notice of Request for System Impact Study: Firm Transmission Service is available to an Eligible Customer, including a Transmission Owner, willing to pay Congestion Rent as described in this Tariff. A request for Firm Point-To-Point Transmission Service would not normally require a System Impact Study unless the Eligible Customer specifically requests that the ISO conduct such a study of facilities that could be constructed (for example, if the Eligible Customer requesting Firm Transmission Service determines that Congestion Rent or the cost of TCCs is too high and the customer is considering constructing new facilities to create incremental transfer capability resulting in incremental TCCs, or, if an Eligible Customer requests that transmission facilities be constructed to address reliability or other operational concerns) (a “Study Request”). When an Eligible Customer submits a Study Request it must give the ISO written notice of whether it intends to conduct all or part of the System Impact Study itself. After receiving a complete Study Request, the ISO shall, within thirty (30) days of the date that the Operating Committee approves the scope of the System Impact Study, ~~of receipt of a Study Request,~~ or such other time as is agreed upon by the ISO and the Eligible Customer, tender a System Impact Study agreement pursuant to which the Eligible Customer shall agree to reimburse the ISO, for performing the required System Impact Study. The ISO shall coordinate with all affected Transmission Owners in performing the System Impact Study. A description of the ISO’s methodology for completing a System Impact Study is provided in

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Attachment D. Before a Study Request is evaluated, the Eligible Customer shall execute the System Impact Study agreement and return it to the ISO within fifteen (15) days. If the Eligible Customer elects not to execute the System Impact Study agreement, its Study Request shall be deemed withdrawn.

19.2 System Impact Study Agreement and Cost Reimbursement:

The System Impact Study agreement will clearly specify the ISO's estimate of the actual cost, and time for completion of the System Impact Study. The charge shall not exceed the actual cost of the study. In performing the System Impact Study, the ISO shall rely, to the extent reasonably practicable, on existing transmission planning studies including applicable studies submitted by the Eligible Customer. The Eligible Customer will not be assessed a charge for such existing studies; however, the Eligible Customer will be responsible for charges associated with any modifications to existing planning studies that are reasonably necessary to evaluate the impact of the Eligible Customer's Study Request.

~~If, in response to multiple Eligible Customers requesting a similar study, a single System Impact Study is sufficient, the costs of that study shall be pro-rated among the Eligible Customers.~~

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For System Impact Studies that a Transmission Owner or the ISO conducts on its own behalf, the Transmission Owner or ISO shall record the cost of the System Impact Studies pursuant to Section 8.

If a Transmission Owner, on behalf of the ISO, performs all or part of a System Impact Study, the ISO shall reimburse the Transmission Owner for any costs that the Transmission Owner incurred.

19.3 System Impact Study Procedures: The ISO shall coordinate with all affected Transmission Owners in performing the System Impact Study.

_____ Upon receipt of an executed System Impact Study agreement, the ISO will

~~use due diligence to complete the required System Impact Study~~ as follows:

_____ (i) if the Study Request specified that the Eligible Customer would not perform any part of the study then the ISO shall use due diligence to complete the study, and to obtain all necessary stakeholder approvals, within a one hundred and twenty (120) ~~sixty (60)~~ day period, or a different period agreed to by the Eligible Customer and the ISO, starting on the date that the ISO receives the executed System Impact Study Agreement, or an alternative starting date agreed to by the Eligible Customer and the ISO; or

_____ (ii) if the Study Request specified that the ~~-~~Eligible Customer would perform all or part of the System Impact Study itself, then:

- (A) the ISO shall use due diligence to complete those portion(s) of the study that the Eligible Customer is not performing, and to obtain all necessary stakeholder approvals of those portions, within a one hundred and twenty (120) day period, or a different period agreed to by the Eligible Customer and the ISO, starting on the date that the ISO receives the executed System Impact Study Agreement, or an alternative starting date agreed to by the Eligible Customer and the ISO; and
- (B) the ISO shall use due diligence to review any portion(s) of a study performed by an Eligible Customer within a thirty (30) day period or a different period agreed to by the Eligible Customer and the ISO, starting on the date that the ISO receives a complete draft from the Eligible Customer of its portion(s) of the study, or an alternative starting date agreed to by the Eligible Customer and the ISO. If the ISO determines that the portion(s) of the study performed by the Eligible Customer are incomplete or that changes are required, the Eligible Customer shall make any necessary changes. The ISO shall then use due diligence to review a revised complete draft of the Eligible Customer's portion(s) of the study within thirty days, or a different period agreed to by the Eligible Customer and the ISO, starting on the date that the ISO receives a revised complete draft, or an alternative starting date agreed to by the Eligible Customer and the ISO.

The ISO will normally submit System Impact Studies to the Operating Committee before finalizing them. If the Operating Committee directs the ISO to modify a System Impact Study or to perform other study-related work before granting its approval, then the deadline for completing the study will be extended for an additional time agreed upon by the ISO and the Eligible Customer. If the ISO and the Eligible Customer are unable to agree on an additional time the deadline for completing the study will be extended for another sixty (60) days.

- _____ The System Impact Study shall identify any additional Direct Assignment Facilities or Network Upgrades required to comply with a Eligible Customer's or Transmission Owner's request. In the event that the ISO is unable to complete the required System Impact Study within such time period, it shall so notify the Eligible Customer and provide an estimated completion date along with an explanation of the reasons why additional time is required to complete the required studies. A copy of the completed System Impact Study and related work papers shall be made available to the Eligible Customer. The ISO will use the same due diligence in completing the System Impact Study for an Eligible Customer as it uses when completing

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studies for itself or a Transmission Owner. The ISO shall notify the Eligible Customer immediately upon completion of the System Impact Study if the Study Request can be completed at no additional cost (e.g., if the ISO is currently studying requests to construct similar facilities).

19.4 Facilities Study Procedures: After a System Impact Study indicates that additions or upgrades to the Transmission System could be constructed in response to the Eligible Customer's Study Request, the Transmission Owner(s) whose facilities may be modified in performing the upgrade or addition (the "affected" Transmission Owners) shall, within thirty (30) days of the later of: (i) the completion of the System Impact Study; (ii) the date on which the Eligible Customer provides the affected Transmission Owner(s) with written notice of whether it intends to perform all or part of the Facilities Study itself; or (iii) such other time as is agreed upon by the Transmission Owner(s) and the Eligible Customer, tender to the Eligible Customer a Facilities Study agreement. The ISO shall cooperate with the affected Transmission Owner(s) in performing any subsequent Facilities Studies. In the Facilities Study agreement, the Eligible Customer shall agree to reimburse the Transmission Owner(s) for performing the required Facilities Study and the ISO for its associated costs. If the Eligible Customer wants the Transmission Owner(s) to undertake the Facilities Study, the Eligible Customer shall execute the Facilities Study agreement and return it to the Transmission Owner(s) within fifteen (15) days. ~~Upon receipt of an executed Facilities Study agreement, the Transmission Owner(s) will use due diligence to complete the~~

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~~required Facilities Study within a sixty (60) day period.~~

_____ Upon receipt of an executed Facilities Study agreement, the affected
Transmission Owner(s) will use due diligence to complete the required Facilities
Study within a sixty (60) day period as follows:

_____ (i) if the Eligible Customer gave written notice that it would not perform any part
of the study then the affected Transmission Owners(s) shall use due diligence to
complete the study within a one hundred and twenty (120) day period, or a
different period agreed to by the Eligible Customer and the affected Transmission
Owner(s), starting on the date that the affected Transmission Owner(s) receive the
executed Facilities Study Agreement, or an alternative starting date agreed to by
the Eligible Customer and the affected Transmission Owner(s); or

_____ (ii) if the Eligible Customer gave written notice that it would perform all or part
of the Facilities Study itself, then:

(A) the affected Transmission Owner(s) shall use due diligence to complete
those portion(s) of the study that the Eligible Customer is not performing
within a one hundred and twenty (120) day period, or a different period
agreed to by the Eligible Customer and the affected Transmission
Owner(s), starting on the date that the affected Transmission Owner(s)
receive the executed Facilities Study Agreement, or an alternative starting
date agreed to by the Eligible Customer and the affected Transmission
Owner(s); and

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(B) the affected Transmission Owner(s) shall use due diligence to review any portion(s) of a study performed by an Eligible Customer within a thirty (30) day period or a different period agreed to by the Eligible Customer and the affected Transmission Owner(s), starting on the date that the affected Transmission Owner(s) receive a complete draft from the Eligible Customer of its portion(s) of the study, or an alternative starting date agreed to by the Eligible Customer and the affected Transmission Owner(s). If the affected Transmission Owner(s) determine that the portion(s) of the study performed by the Eligible Customer are incomplete or that changes are required, the Eligible Customer shall make any necessary changes. The affected Transmission Owner(s) shall then use due diligence to review a revised complete draft of the Eligible Customer's portion(s) of the study within thirty days, or a different period agreed to by the Eligible Customer and the affected Transmission Owner(s), starting on the date that the affected Transmission Owner(s) receive a revised complete draft, or an alternative starting date agreed to by the Eligible Customer and the affected Transmission Owner(s).

- _____ If the Transmission Owner(s) are unable to complete the Facilities Study in the allotted time period, the Transmission Owner(s) shall notify the Eligible Customer and provide an estimate of the time needed to reach a final

determination along with an explanation of the reasons that additional time is required to complete the study. When completed, the Facilities Study will include a good faith estimate of (i) the cost of Direct Assignment Facilities to be charged to the Eligible Customer, (ii) the Eligible Customer's appropriate share of the cost of any required Network Upgrades as determined pursuant to the provisions of Part II of this Tariff, and (iii) the time required to complete such construction. The Facilities Study shall contain a non-binding estimate as to the feasible TCCs resulting from the construction of the new facilities. After completion of the transmission upgrade and the first subsequent Centralized TCC Auction, the ISO shall determine the Incremental TCCs associated with the upgrade. The Incremental TCCs will be a set of point-to-point TCCs that derive from the increase or decrease in Total Transfer Capability, which includes, but is not limited to, the increase or decrease in the Total Transfer Capability across each affected Interface that is due to the transmission upgrade. If the Eligible Customer decides to proceed with the construction of the facilities described in the Facilities Study, the Eligible

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Tariff. In order to exercise this option, the Eligible Customer shall request in writing an Expedited Request covering all of the above-specified items within thirty (30) days of receiving the results of the System Impact Study identifying needed facility additions or upgrades or costs incurred in order to address the Transmission Customer's request. While the Transmission Owner(s) agree to provide the Eligible Customer with their best estimate of the new facility costs and other charges that may be incurred, such estimate shall not be binding and the Eligible Customer must agree in writing to compensate the Transmission Owner(s) for all costs incurred pursuant to the provisions of this Tariff. The Eligible Customer shall execute and return such an Expedited Service Agreement within fifteen (15) days of its receipt or the Eligible Customer's request for service will cease to be a completed application and will be deemed terminated and withdrawn.

19.9 Penalties for Failure to Meet Study Deadlines:

Sections 19.3 and 19.4 require the ISO, or the affected Transmission Owner, to use due diligence to meet ~~60-day study~~the completion deadlines for System Impact Studies and Facilities Studies, respectively.

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- (i) The ISO, or a Transmission Owner as appropriate, is required to file a notice with the Commission in the event that more than twenty (20) percent of ~~non-Affiliates'~~ System Impact Studies and non-Affiliates' Facilities Studies that it completes in any two consecutive calendar quarters are not completed within the ~~60-day~~ study completion deadlines. Such notice must be filed within thirty (30) days of the end of the calendar quarter triggering the notice requirement.
- (ii) For the purposes of calculating the percent of ~~non-Affiliates'~~ System Impact Studies and non-Affiliates' Facilities Studies processed outside of the ~~60-day~~ study completion deadlines, the ISO and the Transmission Owner(s) shall consider the total number of System Impact Studies and Facilities Studies for non-Affiliates that they collectively completed ~~for non-Affiliates~~ during the calendar quarter. The percentage should be calculated by dividing the number of those studies which are not completed on time by the total number of completed studies. The ISO or Transmission Owner may provide an explanation in its notification filing to the Commission if it believes there are extenuating circumstances that prevented it from meeting the ~~60-day~~ study completion deadlines.

- (iii) The ISO or Transmission Provider is subject to an operational penalty if it completes ten (10) percent or more of ~~non-Affiliates'~~ System Impact Studies and non-Affiliates' Facilities Studies outside of the ~~60-day~~ study completion deadlines for each of the two calendar quarters immediately following the quarter that triggered its notification filing to the Commission. The operational penalty will be assessed for each calendar quarter for which an operational penalty applies, starting with the calendar quarter immediately following the quarter that triggered the ISO's or Transmission Owner's notification filing to the Commission. The operational penalty will continue to be assessed each quarter until the ISO or Transmission Owner, as applicable, completes at least ninety (90) percent of all ~~non-Affiliates'~~ System Impact Studies and non-Affiliates' Facilities Studies within the ~~60-day~~ deadline.
- (iv) For penalties assessed in accordance with subsection (iii) above, the penalty amount for each System Impact Study or Facilities Study shall be equal to \$500 for each day that the ISO or Transmission Owner takes to complete that study beyond the ~~60-day~~ deadline.

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or other aspects of its facilities or operations affecting the ISO's ability to provide
reliable service.

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32.0 Additional Study Procedures For Network Integration Transmission Service

Requests

The FERC Order No. 888 provisions for initiating a Transmission System expansion are contained in this Section. Additional ISO responsibilities for Transmission System expansion are contained in Section 32A. Study procedures associated with new Interconnections to the NYS Power System are contained in Section 32B. Section 19C addresses prioritization of network and point-to-point transmission expansion and interconnection studies. Nothing in this Tariff shall preclude the Transmission Owners from proposing or constructing transmission facilities in the public interest in accordance with all applicable regulatory requirements.

32.1 Notice of Request for System Impact Study: Network Integration

Transmission Service is available to an Eligible Customer, including a Transmission Owner, willing to pay Congestion Rent as described in this Tariff.

A request for Network

Integration Transmission Service would not normally require a System Impact Study unless the Eligible Customer specifically requests that the ISO conduct such a study of facilities that could be constructed (for example, if the Eligible

Customer requesting Network Integration Transmission Service determines that Congestion Rent or the cost of TCCs is too high and that customer is considering constructing new facilities to create incremental transfer capability resulting in incremental TCCs, or, if an Eligible Customer requests that transmission facilities be constructed to address reliability or other operational concerns) (a “Study Request”). When an Eligible Customer submits a Study Request it must give the ISO written notice of whether it intends to conduct all or part of the System Impact Study itself. After receiving a complete Study Request-, the ISO shall, within thirty (30) days of the date that the Operating Committee approves the scope of the System Impact Study—of receipt of a Study Request, or such other time as is agreed upon by the ISO and the Eligible Customer, tender a System Impact Study agreement pursuant to which the Eligible Customer shall agree to reimburse the ISO for performing the required System Impact Study.

The ISO shall coordinate with the affected Transmission Owners in performing the System Impact Study. A description of the ISO's methodology for completing a System Impact Study is provided in Attachment D. Before a Study Request is evaluated, the Eligible Customer shall execute the System Impact Study agreement and return it to the ISO within fifteen (15) days. If the Eligible Customer elects not to execute the System Impact Study agreement, its Study Request shall be deemed withdrawn.

32.2 System Impact Study Agreement and Cost Reimbursement:

The System Impact Study agreement will clearly specify the ISO's estimate of the actual cost, and time for completion of the System Impact Study.

The charge shall not exceed the actual cost of the study. In performing the System Impact Study, the ISO shall rely, to the extent reasonably practicable, on existing transmission planning studies including applicable studies submitted by the Eligible Customer. The Eligible Customer will not be assessed a charge for such existing studies; however, the Eligible Customer will be responsible for charges associated with any modifications to existing planning studies that are reasonably necessary to evaluate the impact of the Eligible Customer's Study Request.

~~If, in response to multiple Eligible Customers requesting a study in relation to the same competitive solicitation; a single System Impact Study is sufficient for the ISO to accommodate the study requests, the costs of that study shall be pro-rated among the Eligible Customers.~~

For System Impact Studies that a Transmission Owner or the ISO conducts on its own behalf, the Transmission Owner or ISO shall record the cost of the System Impact Studies pursuant to Section 8.

If a Transmission Owner, on behalf of the ISO, performs all or part of a System Impact Study, the ISO shall reimburse the Transmission Owner for any costs that the Transmission Owner incurred.

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32.3 System Impact Study Procedures:

The ISO shall coordinate with all affected Transmission Owners in performing the System Impact Study.

Upon receipt of an executed System Impact Study agreement, the ISO will complete the required System Impact Study as follows:

(i) if the Study Request specified that the Eligible Customer would not perform any part of the study then the ISO shall use due diligence to complete the study, and to obtain all necessary stakeholder approvals, within a one hundred and twenty (120) day period, or a different period agreed to by the Eligible Customer and the ISO, starting on the date that the ISO receives the executed System Impact Study Agreement, or an alternative starting date agreed to by the Eligible Customer and the ISO; or

(ii) if the Study Request specified that the Eligible Customer would perform all or part of the System Impact Study itself, then:

(A) the ISO shall use due diligence to complete those portion(s) of the study that the Eligible Customer is not performing, and to obtain all necessary stakeholder approvals of those portions, within a one hundred and twenty (120) day period, or a different period agreed to by the Eligible Customer and the ISO, starting on the date that the ISO receives the executed System Impact Study Agreement, or an alternative starting date agreed to by the Eligible Customer and the ISO; and

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(B) the ISO shall use due diligence to review any portion(s) of a study performed by an Eligible Customer within a thirty (30) day period or a different period agreed to by the Eligible Customer and the ISO, starting on the date that the ISO receives a complete draft from the Eligible Customer of its portion(s) of the study, or an alternative starting date agreed to by the Eligible Customer and the ISO. If the ISO determines that the portion(s) of the study performed by the Eligible Customer are incomplete or that changes are required, the Eligible Customer shall make any necessary changes. The ISO shall then use due diligence to review a revised complete draft of the Eligible Customer's portion(s) of the study within thirty days, or a different period agreed to by the Eligible Customer and the ISO, starting on the date that the ISO receives a revised complete draft, or an alternative starting date agreed to by the Eligible Customer and the ISO.

The ISO will normally submit System Impact Studies to the Operating Committee before finalizing them. If the Operating Committee directs the ISO to modify a System Impact Study or to perform other study-related work before granting its approval, then the deadline for completing the study will be extended for an additional time agreed upon by the ISO and the Eligible Customer. If the ISO and the Eligible Customer are unable to agree on an additional time the deadline for completing the study will be extended for another **sixty (60)** days.

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~~Upon receipt of an executed System Impact Study agreement, the ISO will use due diligence to complete the required System Impact Study within a sixty (60) day period.~~ The System Impact Study shall identify any additional Direct Assignment Facilities or Network Upgrades required to comply with an Eligible Customer's or Transmission Owner's request. In the event that the ISO is unable to complete the required System Impact Study within such time period, it shall so notify the Eligible Customer and provide an estimated completion date along with an explanation of the reasons why additional time is required to complete the required studies. A copy of the completed System Impact Study and related work papers shall be made available to the Eligible Customer as soon as the System Impact Study is complete. The ISO will use the same due diligence in completing the System Impact Study for an Eligible Customer as it uses when completing studies for itself or a Transmission Owner. The ISO shall notify the Eligible Customer immediately upon completion of the System Impact Study if the Study Request can be completed at no additional cost (e.g., if the ISO is currently studying requests to construct similar facilities).

32.4 Facilities Study Procedures: After a System Impact Study indicates that additions or upgrades to the Transmission System could be constructed in

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response to the Eligible Customer's Study Request, the Transmission Owner(s) whose facilities may be modified in performing the upgrade or addition (the "affected" Transmission Owner(s)) shall, within thirty (30) days of the later of: (i) the completion of the System Impact Study; (ii)- the date on which the Eligible Customer provides the affected Transmission Owner(s) with written notice of whether it intends to perform all or part of the Facilities Study itself, or (iii) such other time as is agreed upon by the Transmission Owner(s) and the Eligible Customer, tender to the Eligible Customer a Facilities Study agreement. The ISO shall cooperate with the affected Transmission Owner(s) in performing any subsequent Facilities Studies. In the Facilities Study agreement, the Eligible Customer shall agree to reimburse the Transmission Owner(s) for performing the required Facilities Study and the ISO for its associated costs. If the Eligible Customer wants the affected Transmission Owner(s) to undertake the Facilities Study, the Eligible Customer shall execute the Facilities Study agreement and return it to the affected Transmission Owner(s) within fifteen (15) days.

_____ Upon receipt of an executed Facilities Study agreement, the affected Transmission Owner(s) will ~~use due diligence~~ to complete the required Facilities Study ~~within a sixty (60) day period as follows:~~

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(i) if the Eligible Customer gave written notice that it would not perform any part of the study then the affected Transmission Owners(s) shall use due diligence to complete the study within a one hundred and twenty (120) day period, or a different period agreed to by the Eligible Customer and the affected Transmission Owner(s), starting on the date that the affected Transmission Owner(s) receive the executed Facilities Study Agreement, or an alternative starting date agreed to by the Eligible Customer and the affected Transmission Owner(s); or

(ii) if the Eligible Customer gave written notice that it would perform all or part of the Facilities Study itself, then:

(A) the affected Transmission Owner(s) shall use due diligence to complete those portion(s) of the study that the Eligible Customer is not performing within a one hundred and twenty (120) day period, or a different period agreed to by the Eligible Customer and the affected Transmission Owner(s), starting on the date that the affected Transmission Owner(s) receive the executed Facilities Study Agreement, or an alternative starting date agreed to by the Eligible Customer and the affected Transmission Owner(s); and

(B) the affected Transmission Owner(s) shall use due diligence to review any portion(s) of a study performed by an Eligible Customer within a thirty (30) day period or a different period agreed to by the Eligible Customer

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and the affected Transmission Owner(s), starting on the date that the affected Transmission Owner(s) receive a complete draft from the Eligible Customer of its portion(s) of the study, or an alternative starting date agreed to by the Eligible Customer and the affected Transmission Owner(s). If the affected Transmission Owner(s) determine that the portion(s) of the study performed by the Eligible Customer are incomplete or that changes are required, the Eligible Customer shall make any necessary changes. The affected Transmission Owner(s) shall then use due diligence to review a revised complete draft of the Eligible Customer's portion(s) of the study within thirty days, or a different period agreed to by the Eligible Customer and the affected Transmission Owner(s), starting on the date that the affected Transmission Owner(s) receive a revised complete draft, or an alternative starting date agreed to by the Eligible Customer and the affected Transmission Owner(s).

Upon receipt of an executed Facilities Study agreement, the Transmission Owner(s) will use due diligence to complete the required Facilities Study within a sixty (60) day period. If the Transmission Owner(s) are unable to complete the Facilities Study in the allotted time period, the Transmission Owner(s) shall notify the Transmission Customer and provide an estimate of the time needed to reach a final determination along with an explanation of the reasons that additional time is required to complete the study.

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than the Transmission Owner(s)), and guarantee to compensate the Transmission Owner(s) and constructing entity (if other than the Transmission Owner(s)) for all costs incurred associated with the construction, and (2) provide each Transmission Owner with a letter of credit or other reasonable form of security acceptable to the Transmission Owner equivalent to the costs of new facilities or upgrades consistent with commercial practices as established by the Uniform Commercial Code. The construction contract shall contain terms and obligations of the Transmission Customer to pay for the facilities modifications or addition pursuant to the contract.

32.5 Penalties for Failure to Meet Study Deadlines: Section 19.9 defines penalties that apply for failure to meet the ~~60-day study completion~~ due diligence deadlines for System Impact Studies and Facilities Studies under Part II of the Tariff. These same requirements and penalties apply to service under Part III of the Tariff.

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