

Section 9.0(b)

0 The NYISO will monitor and report on the status of regulated solutions to ensure their continued viability to meet Reliability Needs on a timely basis in the CRP. The NYISO will develop criteria, in conjunction with the ESPWG, to assess the continued viability of such projects.

Proposed Criteria

- **Beginning with the first round of the Comprehensive Reliability Planning Process, the NYISO will develop a list of potential regulated solutions that it has determined would, if implemented, satisfy an identified reliability need.**
- **Such solutions will include backstop regulated solutions proposed by the Responsible TO, as well as alternative regulated solutions proposed by Other Developers that have satisfied the DPS.**

Regulated Backstop Solutions Proposed by the Responsible TO

- **In order to remain on the CRP list as a potential regulated backstop solution, the Responsible TO shall provide to the NYISO, on an annual basis, verification that the proposed project remains its choice for the regulated backstop solution. Such verification shall also include a statement that the implementation schedule is still valid.**
- **Following the first year that a regulated project is proposed, such verification shall be provided during the Request for Solutions phase of each subsequent CRP process**
- **TP shall immediately notify the NYISO in the event that a regulated backstop solution may not longer be viable** upon which the NYISO shall determine whether another regulated backstop solution is needed outside of the normal CRP cycle.**
- **If the Responsible TO determines that there is another project it wishes to propose as its regulated backstop solution, it shall notify the NYISO during the Request for Solutions phase of a subsequent CRP process.**
- **Subject to a determination by the NYISO that the new project will meet the identified reliability need, such project shall be included in the CRP, in place of the original proposal.**

Alternative Regulated Solutions Proposed by Other Developers

- **In order to remain on the CRP list as a potential alternative regulated solution, the Other Developer shall provide to the NYISO, on an annual basis, updated information on the proposed project, including:**
 - **Verification that the proposed project is still acceptable to the DPS**
 - **Verification that the proposed implementation schedule is within the timeframe of the regulated backstop solution (BM)**
- **Following the first year that an alternative regulated project is proposed, such verification shall be provided during the Request for Solutions phase of each subsequent CRP process.**
- **Failure to provide any data requested by the NYISO within a reasonable period of time (not to exceed 60 days from the date of the NYISO request) will result in the rejection of the proposed alternative project from further consideration in that round of the Comprehensive Reliability Planning Process. Such project shall be removed from that year's CRP.**
- **Other Developer will immediately notify the NYISO when it has any indication of a material change* in the status of its project.**
- **If the NYISO, at any time, learns of a material change* in the project status of a market-based proposal, it may, at that time, make a determination as to the continued viability** of such project.**
- **The NYISO, prior to making a determination about the viability** of a specific proposed solution, will communicate its intended determination to the project sponsor along with the basis for its intended determination. The NYISO shall provide sponsor a reasonable period (not more than 2 weeks) to respond to the NYISO's intended determination, including an opportunity to provide additional information to the NYISO to support the continued viability of the proposed solution.**
- **If the NYISO, following its analysis, determines that a project is no longer viable** to meet an identified reliability need, that project will be removed from the list of potential alternate regulated solutions in the next CRP.**
- **If the Other Developer determines that there is another project it wishes to propose as its regulated backstop solution, it shall submit such proposal to the DPS for consideration prior to submission to the NYISO.**
- **Subject to a determination by the NYISO that the new project will meet the identified reliability need, such project shall be included in the CRP, in place of the original proposal.**

Notes:

*** In the context of the Comprehensive Reliability Planning Process, the term “material change” shall include, but not be limited to: (a) a change in the financial viability of the developer; (b) a change in the siting status; or (c) a change in a major element of the project development.**

**** In the context of the Comprehensive Reliability Planning Process, the term “viable” shall mean that there is a reasonable likelihood that the proposed project will effectively address the identified reliability need in a timely fashion.**

Jpb

9/2/04

R10/16/04

R11/10/04