

## REVISED DRAFT FOR DISCUSSION

### NYISO COMPREHENSIVE RELIABILITY PLANNING PROCESS

#### Section 9.0(d)

**0 The NYISO, in conjunction with the ESPWG, will develop criteria for determining the cutoff date for a determination that a market-based solution will not be available to meet a Reliability Need on a timely basis.**

#### Proposed Criteria

- **In the first instance, the NYISO shall employ its procedures for monitoring the viability of a market-based solution to determine when it may no longer be viable.\***
- **Under the conditions where a market-based solution is proceeding after the date on which the NYISO would otherwise have invoked a regulated backstop solution, it becomes even more critical for the NYISO to conduct a continued analysis of the viability of such market-based projects.**
- **The developer of such a market-based project shall submit to the NYISO, on a periodic basis [period to be determined], updated information on the project's status, including:**
  - **Major milestone schedule**
  - **Status of final permits**
  - **Status of major equipment**
  - **Current status of construction schedule**
  - **Estimated in-service date**
  - **Any potential impediments to completion by the reliability need date**
  - **Any other information requested by the NYISO**
- **The developer shall immediately report to the NYISO when it has any indication of a material change\*\* in the project status or that the project in-service date may slip beyond the reliability need date**
- **Based upon the above information, the NYISO will perform an independent review of the development status of the market-based project to determine that it remains viable\* to meet the identified reliability need in a timely fashion.**

- **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 determines that the market-based project is no longer viable\*, it will immediately request the Responsible TO to invoke its regulated backstop solution, or to seek other measures to ensure the reliability of the system.**
- **If the NYISO determines that the market-based project is still viable\*, but that its in-service date is likely to slip beyond the reliability need date, the NYISO will request the Responsible TO to prepare a “gap solution” in accordance with the provisions of Attachment Y of the NYISO OATT.**

**Notes:**

**\* 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.**

**\*\* 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.**

**Jpb  
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