

Procedural Rules for Appeals to the ISO Board

Article I. Scope of Rules; Grounds for Appeal; Support and Opposition

- 1.01 These procedural rules for appeals to the ISO Board (“Procedural Rules”) are created pursuant to the ISO Agreement, Sections 5.07 and 7.03. The Procedural Rules shall apply to all appeals of Management Committee Decisions to the ISO Board (the “Board”).
- 1.02 Decisions of the Management Committee require a 58% vote of that Committee for passage.¹ Any Party on the Management Committee and the non-voting ISO representative to the Management Committee (in either case, for purposes of these Procedural Rules, the “Appellant”) may appeal a final decision of that Committee to the Board.²
- 1.03 Any Member of the Committee may file a motion in support of the appeal (a “Motion in Support”) or a motion in opposition to the appeal (a “Motion in Opposition”).
- 1.04 Appeals taken from decisions of the Management Committee shall be handled by the Governance Committee. The Governance Committee may assign one member of that Committee to act as a case manager for each appeal brought before it, to be responsible for conducting the appeal. The Governance Committee shall report to the full Board at each Board meeting and make recommendations regarding any appeals then pending. The Board shall accept or reject recommendations made by the Governance Committee, either individually or together, as appropriate.
- 1.05 Review of Management Committee actions may also be made by the Board on its own motion.³ In such instance, the Board shall give notice to the Management Committee, and Parties may file Motions in Opposition or Support, as provided in these Procedural Rules.

Article II. Notice of Appeal

¹ ISO Agreement, Section 7.10(b).

² ISO Agreement, Sections 7.02, 7.03.

³ ISO Agreement, Section 5.07.

- 2.01 Required documentation for appeal (the “Notice of Appeal”) shall be filed, in triplicate, within 10 business days of the Management Committee decision of which review is sought.⁴ To be timely filed, papers must be received within the time fixed for filing.
- 2.02 Notice of Appeal shall be addressed to the Chair of the Board, care of the President of the ISO. Delivery shall be by Certified, Return-Receipt U.S. Mail, or by a reputable commercial courier service employing a parcel tracking system.
- 2.03 A copy of the Notice of Appeal shall be sent to all Members of the Management Committee at the same time as the original, by U.S. Mail, reputable commercial courier, electronic mail, or other reasonable means.
- 2.04 Notice of Appeal shall not exceed 10 pages, including exhibits and a covering summary page. The summary, not to exceed one page in length, shall clearly indicate the decision being appealed, the date of the Management Committee meeting at which the decision was made final, the identity of the Party or Parties appealing, and a short, plain statement of the grounds or argument for appeal. Each copy filed under these Procedural Rules shall bear an original signature of an authorized agent of the Appellant.
- 2.05 Extensions of the time required for filings under these Procedural Rules shall be granted at the discretion of the Governance Committee. An application for extension must be filed in the same manner and within the same time ordinarily prescribed for filing a Notice of Appeal. Additional applications for extension shall be filed in a timely fashion, and in no case shall extensions be granted which would permit initial filing of an appeal more than 30 days after the Management Committee decision from which appeal is sought. Applications for extension should contain a complete description, not to exceed five pages, of the reason for requesting an extension.
- 2.06 Any Party filing a Notice of Appeal, a Motion in Support, or a Motion in Opposition (a “Party”) may request expedited process for the appeal. Any Party may file a motion supporting or opposing a request for expedited process. In considering whether to grant a motion for expedited process, the Governance Committee shall consider, without limitation, the following: whether a stay of action (a “Stay”) is available, whether expedited process would prejudice any Party or otherwise adversely affect the appeal process, and the Governance Committee’s capacity for processing expedited appeals.
- 2.07 If an Appellant fails to timely respond to any deadline, the Management Committee may dismiss the Notice of Appeal with prejudice for failure to proceed. In the event of a dismissal with prejudice, the Appellant may not again file a Notice of Appeal regarding the same Management Committee decision.

⁴ Management Committee By-Laws, Section 13.02.

Article III. Stay of Action

- 3.01 An Appellant may request a Stay, or the Governance Committee may impose a Stay on its own motion, in the event that a Management Committee decision is to take effect prior to the final resolution of appeal.⁵ Request for a Stay of action should be filed with the Governance Committee as soon as practicable, and in no case less than 48 hours before a Management Committee decision is to become effective. Any Party may file a motion supporting or opposing a request for a Stay.
- 3.02 Requests for Stay shall be granted when irreparable harm is likely to occur in the absence of a Stay and no overriding, countervailing issues regarding reliability, system integrity, prejudice to other Parties, or other similar matters are present.

Article IV. Responses

- 4.01 Members of the Management Committee may file Motions in Support and Motions in Opposition as set forth in Section 2.02 of these Procedural Rules. Such motions shall be filed no later than 5 business days after receiving notice of appeal, or after the filing of the notice of the appeal, which ever is later.
- 4.02 Amendments to the Notice of Appeal or any Motions in Support or Motions in Opposition shall be received at the sole discretion of the Governance Committee.

Article V. Proof

- 5.01 Evidence other than the 10 page filing described at Section 3.04 shall be received by the Governance Committee at its discretion. The Governance Committee may, at its discretion, direct the ISO Staff or counsel to provide additional information for review.
- 5.02 A hearing before the Governance Committee may be requested by any Member and may be granted at the sole discretion of the Governance Committee. A hearing may also be called by the Governance Committee on its own motion. The Governance

⁵ ISO Agreement, Section 5.07.

Committee may, at its discretion, consolidate hearings on the same or related matters. Minutes shall be kept of all hearings.

Article VI. Record

- 6.01 A record of each appeal (the “Record”) shall be maintained by the Governance Committee. The Record shall contain the Notice of Appeal, all Motions in Support and Motions in Opposition, minutes, and exhibits. Once prepared, the Record shall also contain a record of the final disposition by the Board.
- 6.02 The Governance Committee shall take reasonable steps to ensure the confidentiality of sensitive information contained in the Record.
- 6.03 The Record shall be preserved according to the usual records retention policies and practices of the Board. Storage of Records shall be at the discretion of the Governance Committee, but Records shall be available upon reasonable request.

Article VII. Decisions

- 7.01 The Governance Committee shall report its recommendation for disposition of the appeal to the Board. The Governance Committee may, at its discretion, compile and submit a written report to the Board. In addition, the Governance Committee shall forward to the Board the complete Record.
- 7.02 The Board shall, in its sole discretion, make a final determination of all appeals. The Board shall issue a decision, which may be oral, and which shall be recorded in the minutes of the Board meeting.