NYISO Business Issues Committee Meeting

January 25, 2001

The Desmond 660 Albany Shaker Road Albany, NY

MINUTES OF THE MEETING

I Welcome & Introduction

Mr. Garry Brown, Chairman of the Business Issues Committee (BIC), called the meeting to order at 9:40 AM and welcomed the members of the Business Issues Committee. The BIC members introduced themselves and the parties that they represent.

II Approval of Minutes

The minutes of the January 18, 2001 BIC meeting were not presented for approval at this meeting.

III Chairman's Report

Mr. Brown announced that the next BIC meeting was scheduled for February 15, 2001 and that Mr. James Scheiderich of Select Energy had agreed to accept the Chairmanship of the Market Structures Working Group (MSWG). Mr. Brown explained that the MSWG would address post summer and longer term issues and the Schedule and Pricing Working Group (S&PWG) would focus on short-term issues. Mr. Brown asked for a report to be presented at a later BIC meeting from the MSWG Chairman on post summer project priorities.

Mr. Brown outlined the objectives of the days meeting explaining that the Circuit Breaker, Expanded Rate Correction, and ISO-MOU Seams issues were to be addressed. Mr. Brown also called upon the sector membership to utilize the lunch break to discuss the ISO-MOU Seams Issue in an effort to expedite the afternoon meeting agenda.

IV Market Operations Update

Mr. Charles King, NYISO Vice President of Market Services, speaking on the ISO-MOU Seams Issue, explained that the ISO-MOU Seams Team had met on January 4, 2001 in Boston and had confirmed 8 high priority issues. He outlined the 8 Seams Issues and the Strawman proposals that NYISO staff had developed in response to Chairman Brown's request at the previous BIC meeting.

Mr. King stressed that the Strawman proposals were to be taken as a starting point for discussion and pointed out that the timeline was driven by preparation for an upcoming stakeholder meeting scheduled for March 13, 2001. Mr. King then introduced Mr. Walter Pfuntner, NYISO IT Manager, to provide a presentation on NYISO IT Strategic Initiatives.

Mr. Pfuntner announced the formation of the Information, Architecture, and Technologies Department within the NYISO, which was formed to address the IT Strategic Initiatives and introduced Sapient, of Cambridge MA, as an eBusiness company working with NYISO on the development of the NYISO IT strategy and plan. Mr. Pfuntner explained that a five week strategy workshop had been held during October and November of 2000 with the objective of understanding NYISO business priorities in order to create a long term IT vision for the future. Outcomes of the workshop included the development of business priorities, a two-year plus strategy/plan and the development of tools to measure progress.

Mr. Pfuntner identified some of the problems that the IT Initiatives are to address including customer issues in data accessibility, real time analysis of data, consistent navigation across the existing NYISO web site, and NYISO customer management issues. Mr. Pfuntner presented timelines for implementation of the various IT projects explaining that the schedule was a function of balancing the business value of the initiative with the time and cost of development and the technical feasibility. He reported that several features, defined as Phase 1 Deliverables, were planned for release by June 1, 2001. Mr. Pfuntner indicated that significant involvement from Market Participants would be solicited during the Business Design Phase and again in the User Testing Phase of the effort. Mr. Pfuntner concluded the presentation with a discussion about specific Market Participant involvement requirements in the near term referring to progress reviews, priorities, and the gathering of requirements with respect to the marketplace, real-time data, and billing. He also indicated that additional information would be forthcoming over the next few weeks.

Mr. Jonathan Mayo of the NYISO provided a brief status report on the BIC motion (BIC 9/22/00), which had requested the posting of selected NYISO system data. After presenting some background on the issue he briefly discussed the status of each specific item listed in the BIC motion. He explained that the NYISO IT strategic initiative is developing an Enterprise Application Integration (EAI) architecture that will allow access to real-time data for posting. In the End-State, all data-posting items will be orchestrated through EAI. He said that the NYISO is to determine what can be implemented by this summer. The implementation plan will set priorities where deliverables will be determined by level of complexity. At the 2/15/01 BIC meeting, the NYISO is to report on which data will be available through the structural improvements of the EAI project and which data will be available through alternative approaches (i.e. weekly posting of .csv files).

Mr. Mayo also stated that hourly zonal forecast & actual loads (with J&K zones combined) are to be provided weekly starting in February in a csv file format.

V <u>Circuit Breaker Methodology</u>

Chairman Brown began the Circuit Breaker session with a brief review of the evolution of the Circuit Breaker concept within the Circuit Breaker Working Group and announced that there would be three Circuit Breaker presentations.

Messrs. William Golemboski, Robert de Mello and Ricardo Gonzales of NYISO presented the NYISO Circuit Breaker proposal. Mr. Golemboski described the NYISO Circuit Breaker as a selective bid mitigation mechanism that is automatically activated when conditions are not workably competitive. He explained that the Circuit Breaker is not intended to be a price cap pointing out that the Circuit Breaker must allow for scarcity pricing and that the Circuit Breaker is effectively the automation of the existing mitigation process. He also discussed the conduct and impact tests of the existing Market Monitoring Plan.

Mr. de Mello defined the "conduct test and impact test" thresholds for energy, start-up costs, and minimum generation cost that would be used by the Circuit Breaker, pointing out that these threshold values were taken from the existing Market Monitoring Plan. Mr. de Mello explained that mitigation in the west (Zones A-E) would mitigate prices throughout the state, mitigation in the Hudson Valley (Zones F-I) would mitigate prices throughout the east (Zones F-K), and that mitigation in New York City and Long Island would mitigate only prices in their respective areas. Mr. de Mello concluded the presentation with a summary of the Circuit Breaker threshold values.

Responding to a question, Mr. de Mello explained that the Market Advisor had selected the \$150 threshold for activation of the Circuit Breaker and that it was the point at which the supply curve becomes steep. Discussion included the methodology for developing reference bids, application to the Hour Ahead Market, and application to Non-ICAP suppliers. Mr. William Young of Hunton and Williams responded to a question about the need for a Tariff filing by stating that it was his understanding that a Tariff filing would not be required since the Circuit Breaker proposal utilized measures from the current Market Monitoring Plan. Mr. King added that the question of filing requirements is still open. Mr. Tim Bush of Sithe Energy commented that the Circuit Breaker concept constitutes a fundamental change in the operation of the markets in New York, and also has nation wide interest as a market mitigation technique adding that it is in the ISO's best interests to file this at FERC, even if the letter of the law would say that a filing is not necessary. He added that it is his opinion that the importance of this change warrants formal discussion of the pro's and con's in the FERC arena.

A few attendees expressed concern about late changes made to the Circuit Breaker "Concept of Operations" document that was distributed to meeting attendees. Mr. de Mello subsequently distributed and reviewed a blacklined document that defined the changes in question.

Mr. Michael Cadwalader of LECG, representing a group of Transmission Operators, presented the TO Proposal "Proposed Modifications to the NYISO Market Monitoring Procedures". Mr. Cadwalader

stated that it was the intent of the proposal to stay as close as possible to the NYISO proposal while implementing desired changes. He also explained that the proposal was not the first choice of each TO entity represented but that it would be an acceptable compromise to all sponsors.

Mr. Cadwalader's proposed changes to the current Market Monitoring Plan included reducing the level of the thresholds employed, changing the way reference prices were calculated, and, as a measure for assessing the sufficiency of market mitigation, that the ISO regularly monitor the extent to which prices realized in the market differ from prices that would have been expected in a competitive market.

Mr. Cadwalader summarized the proposed changes to the NYISO Circuit Breaker proposal as: changes to be threshold levels, elimination of the \$150.00 "price test", the performance of a minimum capacity withdrawal test, the addition of an exemption for minimum generator down time, extension of the Circuit Breaker to include HAM and Ancillary Services markets, and the development of a more meaningful impact test for start-up and minimum generation costs. Mr. Cadwalader also pointed out that the proposal would include non-ICAP suppliers to address the potential case where an entity may own both ICAP and non-ICAP resources and are able to use the non-ICAP resources to exert market power.

Mr. Robert Stoddard of PA Consulting Group presented a Circuit Breaker proposal on behalf of Consolidated Edison (ConEd Proposal). Mr. Stoddard began by stating that his proposal shared the same objectives of the Circuit Breaker Working Group and that its components consisted of a triggering mechanism and a reference bid determination. Mr. Stoddard defined the proposed triggering mechanisms as a market tightness test and a market concentration test. He explained a proposal for a market tightness test and then illustrated the proposed concentration test through the use of a Herfindahl-Hirschman Index (HHI) example.

Mr. Stoddard discussed two approaches that are used to determine reference prices explaining that both approaches are currently used by NYISO to establish bid prices for the NYC market power mitigation measures. He defined the process indicating when and how the proposed market tightness and concentration tests would be implemented stating that it should be run in the HAM as well as the DAM Markets. Mr. Stoddard pointed out that the proposed Circuit Breaker did not try to detect gaming, but that it would adjust prices when triggers detected that the market was not workably competitive pointing out that PJM employed a similar system in its first year of operation. Mr. Stoddard concluded his presentation by stating that the proposed Circuit Breaker was simple, easy to understand, immune from gaming, and that it will provide fair and justified prices.

A question was raised concerning ConEd participation in the previously presented TO proposal and Mr. Stoddard responded that ConEd would support the TO proposal but that they felt that the ConEd proposal was a better proposal. Other questions included references to thresholds, exercise of market power, the impact on non-ICAP resources, and the HHI example presented.

A motion was presented calling for the BIC to adopt the NYISO proposal as presented and a friendly amendment regarding redress issues was accepted. Following a brief discussion concerning clarification of the intent of the redress topic Motion #1 was called to a vote.

Motion # 1:

Motion to have the BIC adopt the NYISO proposal as presented, and any redress made to incorrectly mitigated suppliers will be cost allocated on a locationally based uplift charge such that zones that originally benefited will be charged back proportionally to the benefits incorrectly received.

(The vote on this motion followed votes on Motions #2 and #3 and failed with 41.60 % affirmative)

Chairman Brown announced that a request for secret balloting had been made with respect to the Circuit Breaker issue adding that he had discussed the issue with counsel and that it was his understanding that the committee by-laws provided the BIC Chairman the authority to grant the request at the Chairman's discretion. He advised the members that paper ballots would be used for voting on the Circuit Breaker issue and that telephone participants would vote by email.

Prior to a vote on Motion #1, an amendment calling for the NYISO Circuit Breaker proposal to be modified to conform to the ConEd proposal was presented resulting in Motion 2. Prior to the vote on Motion 2 a question was raised concerning whether the Circuit Breaker proposals under discussion applied to load bids. Following a brief clarification it was requested that the minutes state that the Circuit Breaker proposals under discussion will not apply to load bids.

Motion # 2:

Motion to amend Motion #1 to modify the NYISO Circuit Breaker proposal to conform with the Con Ed proposal.

(Motion failed with 39.50 % affirmative votes)

Following the vote on Motion #2, several questions arose concerning reference prices and thresholds. Mr. Golemboski pointed out that he understood the opinion of the Market Advisor (Dr. David Patton of Capitol Economics) to be that a lowering of the threshold approaches price controls ultimately creating higher prices due to the risk premium of possible mitigation. He also expressed the Market Advisor's concern for generator flight adding that the Market Advisor would recommend to the Board that the proposal be rejected if the thresholds were reduced.

Motion #3 was then presented which proposed that the NYISO proposal be amended to conform to the TO proposal as presented.

Motion # 3:

Motion to amend Motion #1 to modify the NYISO Circuit Breaker proposal to conform with the Transmission Owners proposal as presented to the BIC on 1/25/01 (Motion failed with 57.81% affirmative votes)

Following the vote on Motion #3, the original motion, Motion #1, was voted. Chairman Brown then stated that he would report to the Management Committee that after three BIC votes on the Circuit Breaker issue no circuit breaker proposal passed.

VI Expanded Rate Correction Authority

Messrs. William Young of Hunton and Williams and Steven Balser of NYISO led a panel discussion on the Expanded Rate Correction Authority issue. Mr. Young presented a brief overview of the NYISO proposed program, referencing the document "Framework for Expanded Rate Correction Authority" that had previously been distributed to members. Messrs. Young and Balser, responding to a number of questions on how the proposal relates to Real-Time prices pointed out that the intent was to capture the most significant part of the market, which is the DAM. To a question concerning the adequacy of the "one day" window proposed for price correction Mr. Young replied that the one-day window was not a technical issue but a policy issue aimed at addressing price certainty concerns.

Following the discussion on Expanded Rate Correction Authority, Chairman Brown asked if anyone wished to make a motion on the subject. No motion was presented and Mr. Brown stated that he would report this result to the Management Committee.

Mr. King briefly reported on discrepancies between posted and billing data and introduced Mr. Steven Balser of NYISO to present a report on "Interval Price Reposting Impact on Weighted Hourly Prices". Mr. Balser discussed the reasons for interval reposting and explained that discrepancies between proxy bus and load bus prices accounted for the great majority of repostings. Utilizing a series of graphs, Mr. Balser explained that the number of hours subject to price reposting and the magnitude of the reposted prices had dropped significantly over the past year pointing out that most of the reposting took place early in the existence of the NYISO.

Mr. Balser provided an overview of new price reposting measures now in place explaining that, to the extent reposting can be done without reconstruction, it will be posted as soon as possible and, in the event price reconstruction is required it would be performed within five days. He added that software fixes have addressed several of the reasons for reposting and, going forward, the number of changes should be minimal.

VII ISO-MOU Seams Issue

Chairman Brown determined that the ISO-MOU seams issues would not be covered at the meeting due to time constraints. It was suggested that the eight individual issues be discussed at the appropriate working group and that comments be forwarded to Ms. Kristen Kranz of NYISO for distribution via the BIC email list. Mr. King added that both of the Agenda Item #7 documents distributed at the meeting should be studied.

VIII New Business

Mr. Tariq Niazi of the NYS Consumer Protection Board requested that the recommendations of the NYS Department of Public Service report entitled "Interim Pricing Report on New York State's Independent System Operator" concerning market power mitigation matters with respect to the return of profits, penalties, and public disclosure be considered by the Market Structures Working Group. Mr. Scheiderich, Chairman of the MSWG, agreed to incorporate these issues into the working group's agenda.

Chairman Brown requested that the BIC Working Groups, with the support of the BIC Liaison, prepare a list of items that they are working on for presentation at the next BIC meeting.

IV Administrative Matters

No administrative matters were raised at this meeting.

IX Adjournment

A motion to adjourn the meeting was made and seconded. The meeting was adjourned at approximately 3:50 PM.

Motion

Motion to adjourn the BIC meeting. (Motion passed unanimously by show of hands)

Respectfully submitted,
Peter K. Lemme
Recording Secretary, Business Issue Committee

Business Issues Committee – Action Item Listing

Number	Action Items	Assigned to
BIC.01.25.01-1	List BIC WG assignments for next BIC meeting.	B. Kranz
BIC.01.25.01-2	Clarification requested from ISO for reference price structure for	M. Lampi
	NYC vs. rest of state.	_

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MOTIONS OF THE MEETING

Motion # 1

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(Motion failed with 41.60 % affirmative votes following Motions #2 and #3)

Motion # 2

Motion to amend Motion #1 to modify the NYISO Circuit Breaker proposal to conform with the Con Ed proposal.

(Motion failed with 39.50 % affirmative votes)

Motion #3

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New York Independent System Operator - Committee Membership

Business Issues Committee - Attendance January 25, 2000 Meeting in Albany - Parties Checked in Attendance

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Orange & Rockland, Inc. Transmission Owners Rochester Gas & Electric Co. New Member Gary Rozmus ✓ Laurie King-Pirchner Gerald Walter				David Kimiecik/RIC		Scott Leutnauser			✓ Ray Kinney, Gary Freeland
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Market Relations 03/05/01

New York Independent System Operator - Committee Membership

Business Issues Committee - Attendance January 25, 2000 Meeting in Albany - Parties Checked in Attendance

Organization	Sector	Representative	Proxy	Alternate1	Alternate2	Alternate3	Alternate4	Guest

NYISO and Hunton & Williams Members in Attendance:

✓ Steve Balser	NYISO
✓ Peter Lemme	NYISO
✓ Mollie Lampi	NYISO
✓ Bill Young	Hunton & Williams
✓ Brad Kranz	NYISO
✓ Bob de Mello	NYISO
✓ Chuck King	NYISO
✓ Jonathan Mayo	NYISO
✓ Rick Gonzales	NYISO
✓ Leigh Bullock	NYISO
✓ Kristen Kranz	NYISO
✓ Pete Morrison	NYISO
✓ Walt Pfuntner	NYISO
✓ John Cutting	NYISO
✓ Mike Kramek	NYISO
✓ Andrew Hartshorn	LECG
✓ Paula Clairmont Poss	Sapient
✓ Dennis Natale	Sapient

- **Key:**✓ = In attendance
 ✓ = In attendance by teleconferencing

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