

July 20, 2006

New York Independent System Operator

Comprehensive Reliability Planning Process (“CRPP”)

Confidentiality Policy to be placed in the NYISO OATT, Attachment Y

The Code of Conduct, which is contained in Attachment “F” to the Open Access Transmission Tariff (“OATT”) of the New York Independent System Operator (“NYISO”) states that the NYISO shall not disclose “Confidential Information” to any Market Participant. The term “Confidential Information” is defined by Section 4.0 of Attachment F to include “any commercially sensitive information including, without limitation, trade secrets, equipment specific information (e.g., Generatorspecific data such as heat rates, etc.), and business strategies, affirmatively designated as Confidential Information by its supplier or owner.” The term Confidential Information” shall include all types of solutions to Reliability Needs that are submitted to the NYISO as a response to Reliability Needs identified in any Reliability Needs Assessment (“RNA”) issued by the NYISO as part of the CRPP if the supplier or owner of that solution designates such reliability solutions as “Confidential Information.” For Regulated Backstop Solutions and Plans submitted by the Responsible Transmission Owners, the NYISO shall maintain the confidentiality of same until the NYISO and the Responsible Transmission Owners have agreed that the Responsible Transmission Owners have submitted sufficient Regulated Backstop Solutions and Plans to meet the Reliability Needs identified in an RNA. Thereafter, the NYISO shall disclose the Regulated Backstop Solutions and Plans to the Market Participants; provided, however, that any preliminary cost estimates that may have been provided to the NYISO shall not be disclosed. For an Alternative Regulated

Response, the NYISO shall determine, after consulting with the owner or supplier thereof, whether the response would meet part or all of the Reliability Needs identified in an RNA, and thereafter disclose the Alternative Regulated Response to the Market Participants; provided, however, that any preliminary cost estimates that may have been provided to the NYISO shall not be disclosed. For a Market-Based Response, the NYISO shall maintain the confidentiality of same during the CRPP and in the Comprehensive Reliability Plan, except for the following information which may be disclosed by the NYISO: 1. the type of resource proposed (e.g., generation, transmission, demand side); 2. the size of the resource expressed in Megawatts (“MW”) of equivalent load that would served by that resource; 3. the subzone in which the resource would interconnect or otherwise be located; and 4. the proposed in-service date of the resource. In the event that the developer has made a public announcement of its project or has submitted a proposal for interconnection with the NYISO, the NYISO shall disclose the identity of the market-based developer and the specific project during the CRPP and in the Comprehensive Reliability Plan.