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New York Independent System Operator

Comprehensive Reliability Planning Process (“CRPP”)

Confidentiality Policy to be placed in the CRPP Manual

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., Generator specific 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. 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. For a Market-Based 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. The NYISO shall maintain the confidentiality of the specific project and the developer's identity during the CRPP and in the Comprehensive Reliability Plan. The following limited information, however, may be disclosed by the NYISO during the CRPP and in the Comprehensive Reliability Plan: 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 be served by that resource; 3. the responsible TO within the zone 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 submitted a proposal for interconnection with the NYISO, the NYISO shall be permitted to disclose the identity of the market-based developer and the specific project during the CRPP and in the Comprehensive Reliability Plan.