

Resolution of Disputes and Claims

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Resolution of Disputes and Claims

- ◆ Schedule 1 Section 3.A of the NYISO OATT allows for costs *“associated with the operation of the NYS Transmission System by the ISO and administration of this Tariff by the ISO, including without limitation, the following...Dispute Resolution”*.
- ◆ Schedule 1 Section 2 *“the responsibility for those costs listed in Section 3.A of this Rate Schedule that are neither (i) included in the ISO’s annual budget, nor (ii) FERC-assessed regulatory fees, shall be allocated 100% to all withdrawal billing units.”*

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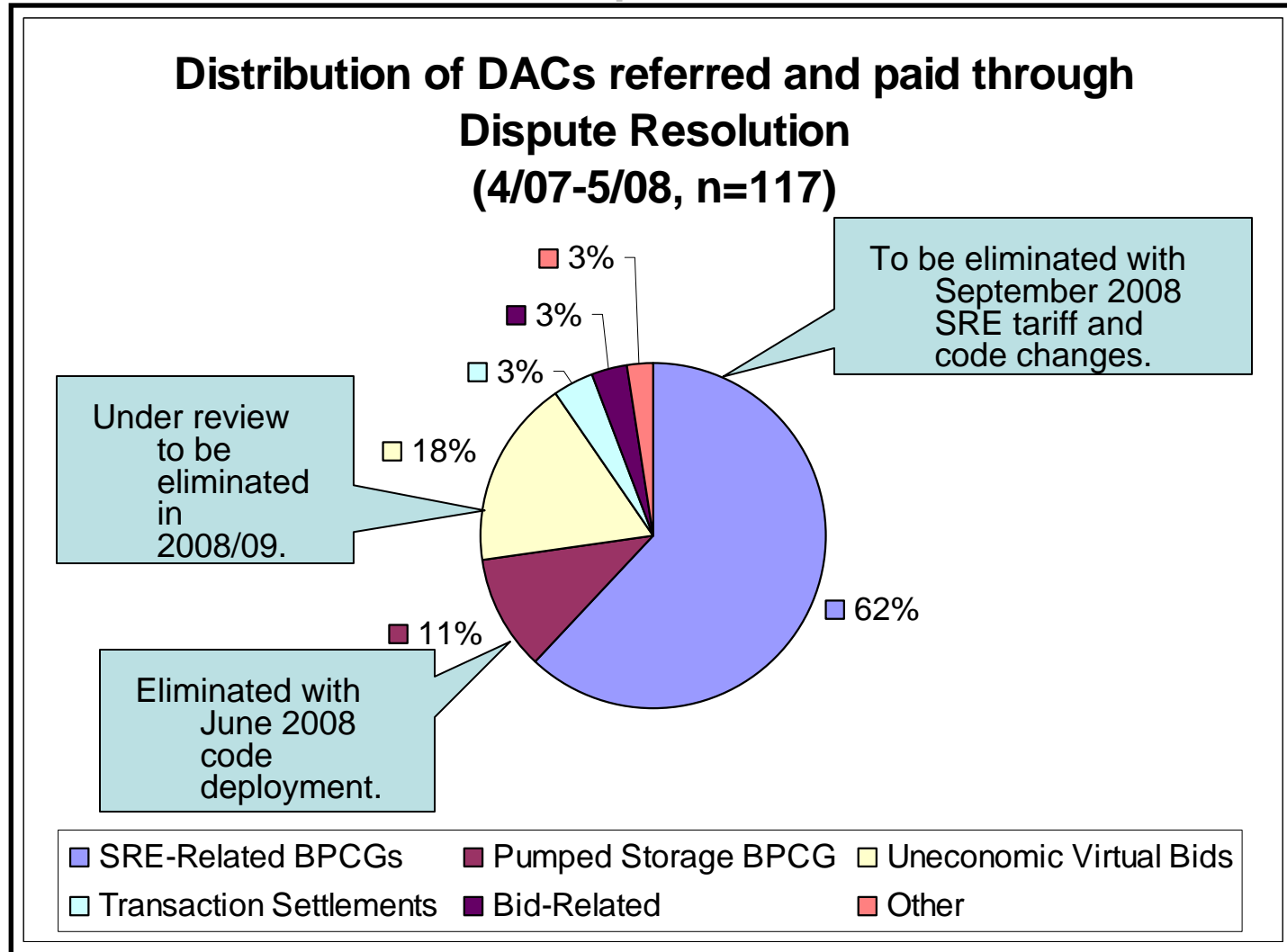
- The current form Settlement Agreement precludes the NYISO from providing details of a Settlement Agreement entered into between the NYISO and another party.

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- ◆ Language in Settlement Agreements:

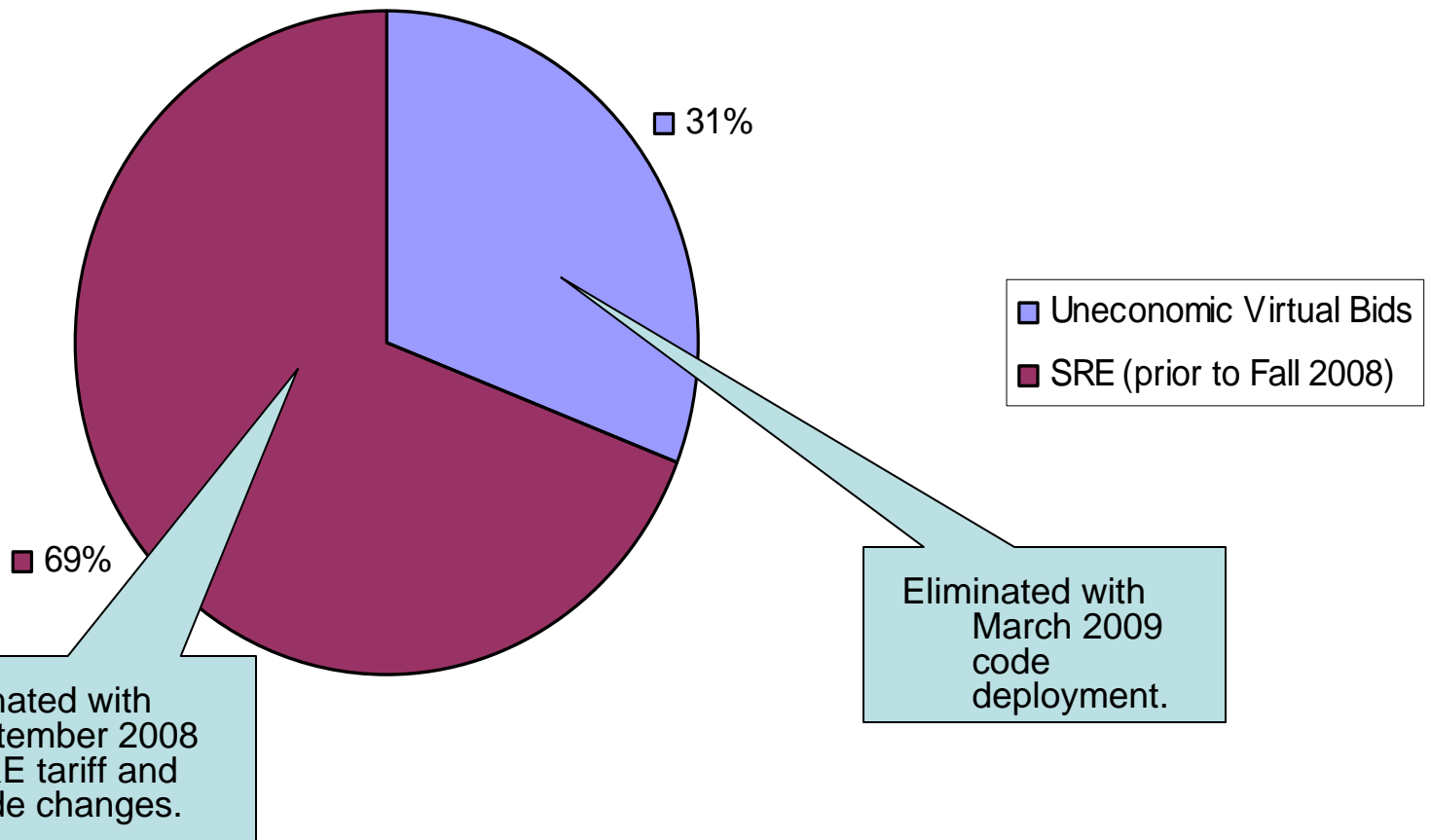
“The NYISO and [other settling party] agree that the existence and content of this Settlement Agreement, all related documents, materials, and information, and the discussions between the parties that resulted in this Settlement Agreement are and shall remain confidential and shall not be disclosed or discussed publicly unless such disclose is compelled pursuant to legal process; provided, however, that the NYISO may disclose information related to this Settlement Agreement as required by the NYISO tariffs.”

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Distribution of DACs referred and paid through Dispute Resolution
June 08 through June 09 (N=39)



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- ◆ Discussion/ Proposal
 - *Settlement Agreement language will need to be modified to allow for high-level disclosure of categories and timeframes to provide greater transparency.*
 - *Define Categories for disclosure.*
 - *Define timeframes and structure for disclosure of Data.*

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- ◆ Discussion/ Proposal (con't)
 - *Proposed categories*
 - BPCG/ Start-up
 - Demand Response
 - TCC
 - ICAP
 - Virtual Trading
 - Transactions (Bilateral, Wheels, Import, & Export)
 - Other/ Miscellaneous

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- ◆ Discussion/ Proposal (con't)

- *Proposed Settlement Agreement language:*

“...with the exception of disclosure of the subject matter of the underlying dispute and the financial consideration paid under this dispute resolution [ICAP, TCC, etc.], all related documents, materials, and information, and the discussions between the parties that resulted in this Settlement Agreement are and shall remain confidential and shall not be disclosed or discussed publicly unless such disclose is compelled pursuant to legal process; provided, however, that the NYISO may disclose information related to this Settlement Agreement as required by the NYISO tariffs.”

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- ◆ Discussion/ Proposal (con't)
 - *Proposed Timing of Disclosure*
 - All disputes paid on the initial invoice will be discussed in terms of the previously defined broad categories at the next BAWG meeting following the invoice issuance.
 - Disclosure will identify dollar value and number of disputes related to the identified categories included on the most recent invoices.

The New York Independent System Operator (NYISO) is a not-for-profit corporation that began operations in 1999. The NYISO operates New York's bulk electricity grid, administers the state's wholesale electricity markets, and provides comprehensive reliability planning for the state's bulk electricity system.

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