

NYISO Proposed Revisions to the Planning Process Tariff

5.3 Needs Assessment Disputes

Notwithstanding any provision to the contrary in this Attachment, the NYISO OATT, or the NYISO Services Tariff, in the event that a Market Participant raises a dispute **solely within the NYSPSC's jurisdiction** relating to the final conclusions or recommendations of the RNA, a Market Participant may refer such dispute to the NYPSC for resolution. The NYPSC's final determination of such disputes shall be binding, subject only to judicial review in the courts of the State of New York pursuant to Article 78 of the NYCPLR.

8.3 Reliability Disputes

Notwithstanding any provision to the contrary in this Attachment, the NYISO OATT, or the NYISO Services Tariff, in the event that a Market Participant raises a dispute **solely within the NYSPSC's jurisdiction concerning** NYISO's final determination in the CRP that a proposed solution will or will not meet a Reliability Need, a Market Participant seeking further review shall refer such dispute to the NYPSC for resolution. The NYPSC's final determination of such disputes shall be binding, subject only to judicial review in the courts of the State of New York pursuant to Article 78 of the New York Civil Practice Law and Rules.

12.0 FERC Role in Dispute Resolution

Disputes directly relating to the NYISO's compliance with its tariffs that are not resolved in the internal NYISO appeals process, and all disputes relating to matters that fall within the exclusive jurisdiction of the Federal Energy Regulatory Commission ("Commission") shall be reviewed at the Commission pursuant to the Federal Power Act if such review is sought by a Market Participant. **The NYPSC or any party to a dispute regarding matters over which both the NYPSC and the Commission have jurisdiction and responsibility for action may submit a request to the Commission for a joint or concurrent hearing to resolve the dispute.**

Deleted: Federal Energy Regulatory

6.4 Alternative Regulated Responses

a. In the event that no market-based solution qualified under section 6.3 is proposed, the NYISO will initiate the second step of the solicitation process by requesting alternative regulated responses to Reliability Needs. Such proposals may include reasonable alternatives that would effectively address the identified Reliability Need.

Issued by: William J. Museler, President
Issued on: August 20, 2001

Effective: October 19, 2004

b. In response to the NYISO's request, Other Developers may develop alternative regulated proposals for generation, demand side alternatives, and/or other solutions to address a Reliability Need **and submit such proposals to the NYISO.** Transmission Owners, at their option, may submit additional proposals for regulated solutions to the NYISO. **Transmission Owners and Other Developers may submit such proposals to the NYDPS for review at any time.** Subject to the execution of appropriately drawn confidentiality agreements and FERC's standards of conduct, the NYISO and the appropriate Transmission Owner or Owners shall provide Other Developers access to the data that is needed to develop their proposals. Such data shall be used only for purposes of preparing an alternative regulated proposal in response to a Reliability Need.

EAG
2/4/05