

Procedures Related to the Resolution of Disputes Arising Under the Comprehensive Reliability Planning Process

Subject to the provisions of the Public Service Law, applicable regulations and any relevant procedures that may be adopted by the Public Service Commission, the following guidelines shall apply to a dispute arising under section 5.3 or section 8.3 of Attachment Y of the NYISO OATT that is referred to the PSC by a market participant:

1. The Market Participant referring the dispute shall file and serve a petition pursuant to 16 NYCRR § 3.5.
2. The NYISO shall participate in the dispute resolution proceeding and shall make available in the proceeding the studies and analyses upon which the NYISO decision in dispute was based.
3. The Market Participant referring the dispute shall request utilization of the Department of Public Service's dispute resolution processes, and request the assignment of an Administrative Law Judge.
4. Market Participants may seek adjudication only of issues that have previously been raised within the NYISO governance process.
5. Issues litigated in the proceeding shall not be subject to an evidentiary hearing, unless the ALJ determines that there is a factual issue that requires a hearing.
6. The Market Participant who referred the dispute shall have the burden of going forward and challenging the NYISO decision in dispute.
7. If more than one Market Participant challenges the same NYISO decision, the Market Participants will consent to the consolidation of the disputes, subject to the approval of the presiding ALJ.

8. The NYISO and all Market Participants participating in the proceeding shall make a good faith effort to complete the process as promptly as reasonably possible.