

# NYISO Management Committee Meeting

August 1, 2005

## Special Conference Call

10:00 a.m. – 11 A.M.

### Draft MINUTES OF THE MEETING

#### 1. Introductions, Meeting Objectives & Chairman's Report

Larry Dewitt of Pace Energy, Chairman, called the meeting to order at 10:07 AM and welcomed the members of the Management Committee ("MC"). The meeting objective is to:

- Act on the proposal regarding the New York State ("NYS") Sales Tax.

#### 2. Proposal Regarding New York State Sales Tax

Robert Fernandez, General Counsel of the NYISO, presented the proposed tariff changes to address the issue of New York State Sales Tax to the members of the MC. Mr. Fernandez stated that the Tax Department has determined that the NYISO is a co-vendor for sales tax purposes and must register with the State. If the NYISO is unable to collect sales tax from its customers, it would be forced to pay the taxes, which would then be recovered from the market through Rate Schedule 1. Unless the NYISO can demonstrate by collecting and producing exemption documents that its sales are not taxable, it would be required to collect and remit sales taxes to the State.

Howard Fromer, of PSEG, asked if the process of collecting the certificate of exemption from MPs begins prior to, or after, the FERC's approval. Mr. Fernandez replied that the NYISO would wait for the FERC's approval and would request that the MP's exemption documents be provided by 12/31/2005.

Glenn Haake of IPPNY requested that the minutes reflect that the State Tax provision will be effective January 1<sup>st</sup>, 2006, assuming timely approval by the FERC.

Mr. Fromer requested that the minutes reflect that this motion supersedes any and all prior Management Committee action on this issue. Mr. Fromer also requested clarification that the tariff reference of non-NYS purchaser refers to states other than New York and any foreign country. Mr. Fernandez confirmed that the term refers to non-NYS or non-United States entities.

#### **Motion #1:**

**Motion to approved was moved by Robert Loughney and seconded by Howard Fromer**

The NYISO Management Committee (MC) approves the proposed revisions to the NYISO Market Services Tariff to address New York State sales tax requirements, as presented to the MC at the August 1st meeting, and requests that the Board authorize a filing to the FERC pursuant to Section 205 of the Federal Power Act.

***(Motion passed unanimously with abstentions)***

**3. Adjourn**

Meeting was adjourned at 10: 28

## Management Committee Meeting

August 1, 2005  
Teleconference Meeting

### **SUMMARY OF MOTIONS**

#### **Motion #1:**

The NYISO Management Committee (MC) approves the proposed revisions to the NYISO Market Services Tariff to address New York State sales tax requirements, as presented to the MC at the August 1 st meeting, and requests that the Board authorize a filing to the FERC pursuant to Section 205 of the Federal Power Act.

*(Motion passed unanimously with abstentions)*

# New York Independent System Operator - Committee Membership

## Management Committee - Attendance August 1, 2005 - Albany, NY - Parties Checked in Attendance

Organization	Sector	Representative	Alternate1	Alternate2	Alternate3	Alternate4	Alternate5	Proxy	Guest
NYS Energy Research & Develop. Auth. The City of New York	End Use - Gov. Agency/Aggr. End Use - Gov. Agency/Aggr.	Paul DeCotis Michael Delaney	David Coup Gil Quiniones	Erin Hogan Thomas Simpson	Chris Hall Jonathan Wallach	John Spath Tim Daniels			
Alcoa/Reynolds Metals Company Helmsley-Spear Inc.	End Use - Large Consumer End Use - Large Consumer	✓ Robert Loughney David Bomke	Michael Mager George Diamantopoulos	Morgan Parke Edward Strauss	Herb Rose				
IBM Corporation Occidental Chemical Corp. Praxair Inc.	End Use - Large Consumer End Use - Large Consumer End Use - Large Consumer	✓ Robert Loughney ✓ Robert Loughney ✓ Robert Loughney	Michael Mager Michael Mager Michael Mager	Morgan Parke Morgan Parke Morgan Parke					
Xerox Corporation Metropolitan Transportation Authority American Sugar Refining, Inc.	End Use - Large Consumer End Use - Large Cons. Gov. End Use - Small Consumer	✓ Robert Loughney Jesse Samberg John Gebhard	Michael Mager Gary Caplan Quintin George	Morgan Parke Walter McCarroll Catherine Luthin	✓ John Dowling	Jennifer Kearney			
Association for Energy Affordability, Inc. Beth Israel Health Care System Building and Realty Institute	End Use - Small Consumer End Use - Small Consumer End Use - Small Consumer	David Hepinstall Catherine Luthin Herb Rose	✓ Larry DeWitt ✓ John Dowling Judith Mondre	Jennifer Kearney Ted Lee	✓ Tariq Niazi ✓ Tariq Niazi	Doug Elfner			
Columbia University Mount Sinai Medical Center New York Presbyterian Hospital	End Use - Small Consumer End Use - Small Consumer End Use - Small Consumer	Catherine Luthin Catherine Luthin Catherine Luthin	✓ John Dowling ✓ John Dowling ✓ John Dowling	Jennifer Kearney Jennifer Kearney Jennifer Kearney	✓ Tariq Niazi ✓ Tariq Niazi ✓ Tariq Niazi	Doug Elfner Doug Elfner Doug Elfner			
New York University NY State Consumer Protection Board AES NY	End Use - Small Consumer End Use - State Agency Generation Owners	Catherine Luthin ✓ Tariq Niazi ✓ Christopher Wentlent	✓ John Dowling Doug Elfner Rick Santorski	Jennifer Kearney Jennifer Kearney Charles Sjoberg					
American National Power, Inc. Astoria Energy LLC Calpine	Generation Owners Generation Owners Generation Owners	Dorothy Capra Joseph Swift Thomas Kaslow	Bill Henson Leonard Singer Tracee Bersani	Richard Felak Kathy Benini					
East Coast Power Linden Holding LLC Edison Mission Marketing & Trading Energy Nuclear Northeast	Generation Owners Generation Owners Generation Owners	Thomas Hoatson ✓ William Roberts Marc Potkin	Robert Licato Jeffrey Ellis Angelo Vai	✓ Peter Brown Ron Mackowiak	Rich Mooney				
Indeck Energy Services KeySpan Ravenswood, LLC Mirant New York, Inc.	Generation Owners Generation Owners Generation Owners	Mike Ferguson Jim Brennan James Mayhew	John Schrage Rich Hohlman ✓ Doreen Saia	✓ Mark Younger Joe Vignola Vicki Lynch	✓ Jim D'Andrea	Madison Milhous	Rich Rapp		
Orion Power New York Selkirk Cogen Partners, L.P. Sithe Energies, Inc.	Generation Owners Generation Owners Generation Owners	Liam Baker Tim Bittig Scott Silverstein	Bill Berg Steve Kamppila Joe Klimaszewski		Jim Verna				
TransCanada Power Marketing Advantage Energy, Inc. Amerada Hess Corporation	Generation Owners Other Suppliers Other Suppliers	William Taylor Kyle Storie Hemant Jain	Elaine Beaudry		Blas Hernandez	George Braulke			
Brascan Energy Marketing Inc. Cinergy Capital and Trading Con Edison Energy Con Edison Solutions	Other Suppliers Other Suppliers Other Suppliers Other Suppliers	Robert Ricketts Jason Barker Ken Bekman Ken Bekman	Daniel Whyte Walt Yeager Ivan Kimball Stephen Wemple						
Conectiv Constellation New Energy Inc. Constellation Power Source Coral Power, LLC	Other Suppliers Other Suppliers Other Suppliers Other Suppliers	Bill Fehr Peter Duprey Daniel Allegretti Matt Picardi	John Foreman Carrie CullenHitt ✓ Glen McCartney Marc Overdyk		Sara O'Neill Susan Chamberlin Carrie CullenHitt				
DC Energy Dominion Energy Marketing, Inc. Duke Energy North America, LLC Dynergy ECONergy	Other Suppliers Other Suppliers Other Suppliers Other Suppliers Other Suppliers	Bruce Bleiweis Wes Walker Stacy Dimou Barry Huddleston Saul Horowitz	Dean Wilde Lou Oberski Del Disher Jason Cox Tom Halleran	Andrew Stevens Michael Bekker	Kevin White				
Epic Merchant Energy Exelon Generation - Power Team Fortistar/Lockport Energy Associates, L.P. FPL Energy Galt Power	Other Suppliers Other Suppliers Other Suppliers Other Suppliers Other Suppliers	Mike Kinsey Scott Silverstein Roger Kelley ✓ David Applebaum Rick Mancini	Erik Abend Joe Klimaszewski Tom Gesicki Fernando DaSilva Stephen Fernands	Wade Sullivan Jim Verna ✓ Mark Younger Ron Scheirer	✓ Glenn Haake				
HQ Energy Services KeySpan Energy Services Morgan Stanley Capital Group NRG Power Marketing NU / Select Energy Ontario Power Generation Inc. PPM Energy	Other Suppliers Other Suppliers Other Suppliers Other Suppliers Other Suppliers Other Suppliers Other Suppliers	Michel Prevost Terrence Kain Patrick Murray ✓ Tim Foxen Gunnar Jorgensen Barry Green Donald Winslow	Paul Norris ✓ Jim D'Andrea Karen Kochonies Katie Sullivan ✓ Jim Scheiderich Murray O'Neil	Erik Bellavance Edwin Kichline Levon Kazarian Peter Chamberlain	James Cross Doron Ezickson	John Vaughn Nikolai Markarian			
				Ken Lacivita	Scott McArthur	David Barr	✓ Glenn Haake		

# New York Independent System Operator - Committee Membership

## Management Committee - Attendance August 1, 2005 - Albany, NY - Parties Checked in Attendance

Organization	Sector	Representative	Alternate1	Alternate2	Alternate3	Alternate4	Alternate5	Proxy	Guest
PP&L Energy Plus	Other Suppliers	Tom Hyzinski	John Brodbeck	✓ Joseph Langan	Sharon Weber				
PSEG Energy Resources & Trade	Other Suppliers	✓ Howard Fromer	Michael LaFalce						
Reliant Energy Services, Inc.	Other Suppliers	Liam Baker	Mark Sudbey	John Orr				✓ Glenn Haake	
Sempra Energy Trading	Other Suppliers	Dan Staines	Maria Agovino	Scott Englander	Barry Trayers				
SESCO Enterprises, LLC	Other Suppliers	✓ Mike Schubiger	Jim Thoresen						
Strategic Energy LLC	Other Suppliers	Francis Pullaro	Michael Swider	Jeffrey Knox	Brian Vayda				
Strategic Power Management, Inc.	Other Suppliers	✓ Mario DiValentino	Thomas Folchi						
TransEnergie U.S. Ltd.	Other Suppliers	José Rotger	Michael Jacobs						
Williams Power Company	Other Suppliers	David Singer	Mark Lassman	Robert O'Connell					
Long Island Power Authority	Public Power - Authorities	✓ Kevin Jones	Jim Wittine	Dave Clarke					
New York Power Authority	Public Power - Authorities	Robert Hiney	William Palazzo	✓ Kim Byham					
American Wind Energy Association	Public Power - Environmental	Valerie Strauss	✓ Larry DeWitt	Douglas Ward	Mike Jacobs				
Environmental Advocates	Public Power - Environmental	Anne Reynolds	✓ Larry DeWitt						
Natl Resources Defense Council	Public Power - Environmental	Dale Bryk	✓ Larry DeWitt						
Pace University	Public Power - Environmental	Edward Smeloff	✓ Larry DeWitt						
Scenic Hudson	Public Power - Environmental	✓ Larry DeWitt							
Bath Electric, Gas & Water Systems	Public Power - Munis & Co-ops	Tim Bush	Jim Hamilton	Matthew Benesh	Ken Moore	Jack Brown			
City of Jamestown Board of Pub. Util.	Public Power - Munis & Co-ops	David Gustafson	Wally Haase	✓ Tom Rudebusch					
Lake Placid Village	Public Power - Munis & Co-ops	Peter Kroha	Tim Bush						
Municipal Commission of Boonville	Public Power - Munis & Co-ops	Kenneth Stabb	Tim Bush						
Plattsburgh Municipal Lighting Dept.	Public Power - Munis & Co-ops	Jack Brown	Tim Bush						
Village of Arcade	Public Power - Munis & Co-ops	Larry Kilburn	Tim Bush						
Village of Fairport	Public Power - Munis & Co-ops	Ken Moore	Tim Bush	Paul Pallas					
Village of Freeport	Public Power - Munis & Co-ops	Hubert Bianco	Anthony Fiore	✓ Tom Rudebusch					
Village of Rockville Centre	Public Power - Munis & Co-ops	Paul Pallas	Jim Hamilton	Matthew Benesh	Jim Hamilton	Jack Brown	Ken Moore	✓ Tom Rudebusch	
Village of Solway	Public Power - Munis & Co-ops	Anthony Modafferi	Tim Bush						
Village of Westfield	Public Power - Munis & Co-ops	Jim Hamilton	Tim Bush	Matthew Benesh	Jack Brown	Ken Moore			
Central Hudson Gas & Electric	Transmission Owners	Charles Freni	John Watzka						✓ Richard Wright
Consolidated Edison	Transmission Owners	Terry Agriss	✓ Stuart Nachmias	Neil Butterklee					
National Grid	Transmission Owners	✓ Jerry Ancona	Wes Yeomans	Janet Gail Besser	Herb Schrayshuen	Bart Franey	Terron Hill		
NY State Electric Gas (NYSEG)	Transmission Owners	Ray Kinney	Patti Caletka	Hank Masti	Cliff Olson	Denis Wickham			
Orange & Rockland, Inc.	Transmission Owners	None Assigned							
Rochester Gas & Electric	Transmission Owners	Ray Kinney	Patti Caletka	Hank Masti	Cliff Olson	Denis Wickham			
Boundless Energy, L.L.C	Non-voting	John Tompkins	Brian Chernack	Chuck Gilbert					
Caithness Energy, L.L.C	Non-voting	Ross Ain	Jack Feinstein						
Cianbro	Non-voting	Chuck Hewitt	John Tompkins						
Customized Energy Solutions	Non-voting	Rick Mancini	Stephen Fernands	Bill Schofield					
Ecogen, L.L.C	Non-voting	Tom Hagner							
Energetix, Inc.	Non-voting	Barney Farnsworth							
Fluent Energy	Non-voting	Michael Mastroianni	✓ David Koplas	Margie Miller					
Hudson River Energy Group	Non-voting	Frank Radigan	Richard Canfield						
Hydro-Quebec TransEnergie	Non-voting	Glenn Sylvain	Mario Boucher						
NYS Department of Public Service	Non-voting	Penny Rubin	Rajendra Addepalli						
Stealth Energy	Non-voting	Gad Cohen							
The Structure Group	Non-voting	Bob Furry	Alex Lago						
Tom Halleran	Non-voting	Tom Halleran							
William P. Short	Non-voting	William Short	Marc Schaefer	Joe DeVito	John Brodbeck	Ron Matlock	Paul Savage	Roberto Denis	
zNew Member	Non-voting								
zNew Member	Non-voting								
zNew Member	Non-voting								
zNew Member	Non-voting								
zNew Member	Non-voting								
zNew Member	Non-voting								
zNew Member	Non-voting								
zNew Member	Non-voting	None Assigned							

**NYSEG and Hunton & Williams Members in Attendance:**

Ira Freilicher                      Hunton & Williams  
 Kevin Jones                        Hunton & Williams

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✓ Michael Whiteman	Hunton & Williams								
✓ Rob Fernandez	NYISO								
✓ Mark Lynch	NYISO								
✓ Chuck King	NYISO								
Mollie Lampi	NYISO								
✓ Brad Kranz	NYISO								
✓ Garry Brown	NYISO								
✓ Elaine Robinson	NYISO								
✓ Brad Kranz	NYISO								
✓ Leigh Bullock	NYISO								
✓ Ray Stalter	NYISO								
✓ Jacquie Ponds	NYISO								
✓ Charles Garber	NYISO								
Dave Evanoski	NYISO								
Frank Francis	NYISO								
John Cutting	NYISO								
Jane Lathrop	NYISO								
✓ Ernie Cardone	NYISO								
John Charlton	NYISO								
Kathy Whitaker	NYISO								
Andrew Hartshorn	NYISO/LECG								
Belinda Thornton	NYISO								

**Key:**

✓ = In attendance