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nyiso Installed Capacity Manual

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For Discussion at the January 17, 2002 ICAPWG Meeting

3.0 Unforced Capacity Requirements of Load Serving Entities

[...]

3.5 Customer-Switching

3.5.1 General Requirements for Customer-Switching within a Capability Year

Establishment of Preliminary and Final Unforced Capacity Requirements

Each year (Attachment A provides specific dates), Transmission Owners shall submit an initial forecast with supporting data, which will reflect verified customer-switching that occurred during the prior calendar year. In addition to the initial forecasts and data submitted to the ISO, the Transmission Owner must provide to the ISO the electronic version of the notification letters sent to the affected LSEs demonstrating that such LSEs have received data regarding the customer changes assigned to them.

Each Transmission Owner shall also submit to the ISO aggregate peak Load data, coincident with the Transmission District peak, for all customers served by each LSE within its Transmission District, excluding those served by the municipal electric systems (see Attachment A). This data shall reflect verified customer-switching through December 31 of the previous year and may be derived from direct meters or Load profiles of customers served. This information shall also be submitted to each LSE affected by the customer-switching.

Based on documented customer-switching adjustments through the end of February, the ISO shall calculate a preliminary Unforced Capacity requirement for each LSE. The ISO will provide each LSE with its preliminary Unforced Capacity requirement estimate. The ISO will notify each LSE of its final Unforced Capacity requirement for each year, which shall reflect documented customer shifts as of April 1st that are scheduled to occur before May 1st. In the event of a dispute as of April 10th regarding a Transmission Owner's forecast, the ISO shall nevertheless establish each LSE's final Unforced Capacity requirement, subject to possible adjustments required from a resolution of the dispute.

Monthly Adjustments to Final Unforced Capacity Requirement

The Transmission Owners will update the ISO and affected LSEs on a monthly basis concerning customer-switching. Each Transmission Owner will provide updated aggregated LSE reports to the ISO and to each LSE serving Load in the Transmission District by the date provided in Attachment A of this Manual. The updated aggregated LSE reports, which are submitted early in each month, shall reflect all customer-switching through the end of the submittal month which were reported to Transmission Owners as of the last day of the previous month. In addition to customer switches

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scheduled for the month in which the report is submitted, the report will include previously unreported customer switches that occurred in past months and corrections for customer switches that were incorrectly reported in an earlier report.

As an example, a Transmission Owner will submit a LSE update report on July 7th which represents all customer-switching changes occurring through July 31st that the Transmission Owner received notice of by June 30th. This report might include the following customer switches: a customer switch scheduled to occur on July 20th, notification of a switch that occurred on June 5th that the Transmission Owner was unaware of when it submitted its report in June, and a date correction for a switch that occurred in May.

Based on customer-switching, the ISO will make monthly adjustments to each LSE's Unforced Capacity requirement for the month or months remaining in the Capability Year which follow the month in which the Transmission Owner's report was submitted. These adjustments will reflect each individual LSE's gain and loss of customers. The adjustments will be made in such a way as to keep the total Unforced Capacity requirement for the Transmission District constant.

To continue the example, in response to the Transmission Owners customer-switching report submitted in early July (based on changes reported to the Transmission Owner by June 30), the ISO will recalculate affected LSEs' Unforced Capacity requirement for the months of August through April (the last month of the Capability Year). The ISO will inform affected LSEs of their new Unforced Capacity requirement prior to the Monthly Auction occurring in July, allowing those LSEs affected ample time to acquire, as necessary, sufficient Unforced Capacity for the month of August.

See the Capability Period Timeline in Attachment A for details concerning the schedule of updates and notification requirements related to monthly customer-switching.

3.5.2 Assignment of Installed Capacity Obligation for a New Customer in a Transmission District

A new customer is defined as any entity with a new service connection for which the Transmission Owner cannot identify the entity's contribution to the relevant prior peak period. The Unforced Capacity requirements related to new customers are estimated by Transmission Owners and are reflected in the Load growth assumptions of the Capability Year forecasts provided by the Transmission Owners and approved by the ISO. Load growth assumptions typically include a component for new customers and a component for existing customers.

The Unforced Capacity requirements of LSEs in each Transmission District shall initially reflect all Load growth for such Transmission District. Two different methods shall be used to adjust the Unforced Capacity requirements of LSEs serving Load when new Loads enter that Transmission District.

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- To the extent that a Transmission Owner has the ability to assign an estimated peak Load coincident with the Transmission District peak Load to a new customer in its Transmission District, it shall be permitted to do so. The LSE serving that new customer shall assume the Unforced Capacity obligation. The Unforced Capacity requirement of each LSE serving Load within that Transmission District shall then be reduced by its share of the new customer's total Unforced Capacity obligation which is assumed by the LSE serving that new customer. The ISO will notify each affected LSE of its new Unforced Capacity requirement in accordance with the dates provided in Attachment A.
- In the absence of a direct assignment mechanism, the Unforced Capacity requirement of each LSE serving Load within that Transmission District will not be normalized.

The following procedures will be used to account for the direct assignment of an Unforced Capacity obligation for a new customer within the Capability Period.

- The relevant Transmission Owner shall notify the ISO and the relevant LSE of the new customer's Load based on its estimated peak Load coincident with the TD peak Load.
- The ISO shall normalize the Unforced Capacity requirements of all LSEs serving Load in the Transmission District at the time of the new customer's assignment to the relevant LSE such that the total Unforced Capacity requirement for the Transmission District remains constant. The ISO will notify each affected LSE of its new Unforced Capacity requirement in accordance with the dates provided in Attachment A.

If a dispute occurs concerning the assignment of Unforced Capacity obligations related to new customers, it shall be resolved in accordance with Section 3.5.5 of this Manual. If the direct assignment of the Unforced Capacity obligation for a new customer takes place within the Capability Period, the LSE with the new customer obligation shall be required to have sufficient Unforced Capacity to cover that assignment on a prospective basis for the duration of the Capability Period on the first day of the month after the first Monthly Auction following the assignment. For example, if the NYISO provides notification of an assignment of a new customer Unforced Capacity obligation to an LSE on July 10th (prior to the Monthly Auction taking place in mid-July), that LSE is required to have sufficient Unforced Capacity to cover that assignment from August 1st forward.

3.5.3 Load Lost due to Departing Customers

To account for Load lost when a customer leaves New York State, the ISO will:

- Reduce the Unforced Capacity requirement of the Load-losing LSE within the Transmission District.

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- Relieve the LSE responsible for the Unforced Capacity obligation of the departing customer of that obligation. The LSE may sell any excess Unforced Capacity. In order for the Load-losing LSE to be relieved of this obligation, the Transmission Owner must notify the ISO of the customer's departure, by providing adequate supporting documentation that it has left New York State. (For example, either a countersigned letter between the Transmission Owner and the departing customer or documentation that the departing customer has requested service disconnection would meet this requirement.)
- Normalize the Unforced Capacity requirements of all LSEs serving Load (including the Load-losing LSE) in the relevant Transmission District such that the total Unforced Capacity requirement for the Transmission District remains constant.

Within two (2) business days, the ISO will notify the LSE that (a) it has either been relieved of the Unforced Capacity obligation of the departing customer, or (b) the notification and supporting documentation is deemed inadequate, in which case the LSE must continue to carry the Unforced Capacity associated with the departing customer until such time as it has satisfied the ISO's documentation requirement. When informing an LSE that its documentation is inadequate, the ISO will provide guidance as to how the documentation could be made acceptable.

3.5.4 Financial Arrangements to Cover Customer-Switching

If a customer switches LSEs or if LSE Load is normalized pursuant to Section 3.5.1 of this Manual, the following financial arrangements will be executed. Refer to Section 5 of this Manual for details concerning the Monthly Installed Capacity Auctions referred to below. Also refer to Section 5.11.3 of the ISO Services Tariff and Attachment L of this Manual.

- The customer-gaining (or Load obligation-gaining) LSE will financially cover the Unforced Capacity associated with its new customer by paying the customer-losing LSE for each day that the customer-gaining LSE serves that new customer, until the first day of the month following the month in which each LSE was notified by the ISO of its new Unforced Capacity requirement associated with the customer-switching (see Attachment A for the timing of such notification), at which time the Unforced Capacity requirement of each LSE will reflect the switch. (This paragraph, and those following in this subsection, also apply to shifts in LSE Load obligations due to periodic normalizing. See Sections 3.5.2 and 3.5.3 above, and Attachment L to this Manual.)
- The ISO will use the monthly Installed Capacity billing cycle, in the same month in which the ISO notified each affected LSE, to bill the customer-gaining LSE, for the period referred to directly above.
- The rate that will be used to calculate this financial exchange will be the monthly clearing price established at the most recent previous Monthly Auction, prorated

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on a daily basis. If the most recent previous Monthly Auction did not clear, the rate that will be used will be the clearing price of the Capability Period Auction divided by six to determine a monthly average clearing price, and then prorated on a daily basis. (See Attachment L of this Manual for information in connection with the financial reconciliation process.)

- If the customer-losing LSE received a rebate associated with the lost customer (see Section 5.12 and Attachment L of this Manual for information concerning rebates), a proportionate share of the rebate will reduce the amount paid by the customer-gaining LSE.

For example, if a Transmission Owner is notified prior to the end of June of a customer switch in its Transmission District that will occur on July 20, it will report this occurrence in early July to the ISO and affected LSEs. Shortly thereafter, the ISO will recalculate the Unforced Capacity requirement of the affected LSEs and notify them prior to the Monthly Auction occurring in mid-July. Each affected LSE will be responsible for its new Unforced Capacity requirement starting August 1st. In the meantime, in order to reflect the gain and loss of customers of each affected LSE during the month of July (in this instance, from July 20 through July 31), in Unforced Capacity terms, the customer-gaining LSE will be required to cover the cost of the Unforced Capacity previously procured by the customer-losing LSE for the month of July to satisfy the customer's Load, by reimbursing the customer-losing LSE on a pro rata basis (in this case, for 12 days). This amount will be calculated using the clearing price of the Monthly Auction which took place in June, unless that auction did not clear, in which case the amount will be determined by dividing by six the clearing price of the Capability Period Auction (strip) which occurred in late March or early April. This financial reconciliation will be reflected in the July billing cycle.

3.5.5 Disputes Related to Customer Switching

Any disputes among Market Participants concerning customer-switching shall be resolved either by the ISO Expedited Dispute Resolution Procedures (as set forth in Section 5.16 of the ISO Services Tariff), or the relevant Transmission Owner's retail access procedures, as applicable.

If a dispute occurs, the ISO will make its monthly Unforced Capacity adjustments as if the customer shift had occurred as reported by the Transmission Owner and will retroactively modify these adjustments based on the outcome of the applicable Dispute Resolution Process, if necessary.

4.0 Installed Capacity Requirements Applicable to Installed Capacity Suppliers

[...]

4.2 DMNC Test Procedures (Section 5.12.8 ISO Services Tariff)

Potential Installed Capacity Suppliers must perform DMNC tests in accordance with the procedures described below (unless exempt in accordance with the provisions of Section 4.4.3 of this Manual), and provide the ISO with the required documentation of those tests. Alternatively, potential Installed Capacity Suppliers, with the exception of new Resources, may use historical production data for the immediately preceding like Capability Period, no more than 12 months old, in lieu of DMNC test data.

An Installed Capacity Supplier offering to supply Unforced Capacity as a System Resource must submit DMNC test data, or historical production data, for each Generator that it seeks to aggregate. Interruptible Load Resources must provide evidence of a one (1) hour disconnection period less than one (1) year old.

Beginning with the Winter 2000-2001 Capability Period, final DMNC Test results (see Attachment D) must be transmitted to the ISO not later than sixty (60) days following the end of the test period.

4.2.1 DMNC Test Periods

The DMNC Test Period for the Summer Capability Period is June 1 through September 15 and for the Winter Capability Period is November 1 through April 15.

New Resources may qualify as Installed Capacity Suppliers at any time during a Capability Year based on the results of an appropriate demonstration test, production data, or Special Case Resource commitment. New generating Resources must temperature-adjust the results of the appropriate demonstration test or production data, using the procedures noted in Attachment D to this Manual.

To qualify as Installed Capacity Suppliers in any Installed Capacity auction administered by the ISO, new Resources shall submit to the ISO the results of an appropriate demonstration test, production data or Special Case Resource commitment prescribed by this Manual by 5:00 PM at least two (2) calendar days before the administration of the relevant auction provided, however, that Resources shall submit such results by 5:00 PM on the Friday immediately preceding an auction when such auction is scheduled on a Monday. For example, if the ISO administers the auction on a Thursday, new Resources

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shall submit appropriate demonstration test, production data or Special Case Resource commitment by 5:00 PM on the Tuesday preceding the auction. If the ISO administers an auction on Monday, new Resources shall submit such results by 5:00 PM on the Friday preceding the auction.

In addition to the submission of the results of an appropriate demonstration test or production data required by the previous paragraph, new Resources that want to participate in ISO-administered auctions shall submit to the ISO a notification letter if they do not already have and will require a point ID to participate in the ISO market. This notification letter shall be in a form and substance substantially similar to the form included in Attachment D to this Manual. The notification letter shall state the intention of the Resource to seek qualification as an Installed Capacity Supplier, and include the Resource's name, location, and other information as the ISO may reasonably request. This letter does not oblige a Resource to qualify as an ICAP Supplier; it allows the ISO to prepare and be able to accommodate a Resource should that Resource request qualification and submit appropriate demonstration test or production data shortly before an auction. A Resource shall submit the notification letter to the ISO by the first business day of the month in which it wishes to qualify as an Installed Capacity Supplier.

To qualify Installed Capacity for a Bilateral Transaction or for a self-supplying LSE, new Resources shall submit to the ISO the results of an appropriate demonstration test, production data or Special Case Resource commitment prescribed by this Manual by 5:00 PM at least two (2) calendar days before the day LSEs must certify that they have procured sufficient Installed Capacity for the following Obligation Procurement Period (in this paragraph, the "Certification Day") provided, however, that Resources shall submit the results of an appropriate demonstration test, production data or Special Case Resource commitment prescribed by this Manual by 5:00 PM on the Friday immediately preceding the Certification Day when such Certification Day is a Monday. For example, if the Certification Day is a Thursday, new Resources shall submit appropriate demonstration test, production data or Special Case Resource commitment results by 5:00 PM on the Tuesday preceding the Certification Day. If the Certification Day is a Monday, new Resources shall submit such results by 5:00 PM on the Friday preceding the Certification Day.

Existing Resources that have increased Capacity due to changes in their generating equipment may demonstrate the DMNC of the incremental Capacity for and within a Capability Period by following the procedures described above for new Generators.

The ISO shall inform each potential Installed Capacity Supplier that is required to submit DMNC data of ISO-documented DMNC ratings for the Summer Capability Period in February, and for the Winter Capability Period in August (See Attachment A).

4.2.2 Resource Specific Test Conditions

[...]

4.7 Monthly Installed Capacity Supplier Certification Forms

Each Installed Capacity Supplier must submit the appropriate ISO certification form to the ISO no later than the 20th day of each month, demonstrating that the Unforced Capacity it is supplying is not already committed to meet the Installed Capacity requirement of an External Control Area.

In addition, each Installed Capacity Supplier that has been de-rated (i.e., has had the amount of Unforced Capacity it is authorized to supply in the NYCA reduced by the ISO in accordance with Section 4.5 of this Manual) shall demonstrate in its monthly certification that it has procured sufficient additional Unforced Capacity to cover any shortage, due to such de-rating, in Unforced Capacity it has previously committed to supply in the remainder of the Capability Period.

Finally, all External Installed Capacity Suppliers supplying Unforced Capacity to the NYCA also must provide evidence that they have obtained firm deliverability rights to the NYCA for the Energy associated with all Unforced Capacity they have committed to sell to the NYCA. See Section 4.0 of this Manual for additional External Resource information.

[...]

4.9 External Resources

External Generators, System Resources, Control Area System Resources and entities purchasing Energy from them may participate in the NYCA Installed Capacity market. In order for these entities to participate in the Installed Capacity Market, they must first qualify as Installed Capacity Suppliers. Once qualified, these entities must request Installed Capacity Rights from the ISO. Such a request will include additional information confirming that the requesting entity has, among other things, firm deliverability rights for the Energy associated with the Unforced Capacity it is interested in offering in the NYCA. Finally, if an External Installed Capacity Supplier has committed to supply Unforced Capacity to the NYCA and fails to deliver the Energy associated with such Unforced Capacity, sanctions will apply.

4.9.1 Requirements to Qualify as an External Installed Capacity Supplier

Prior to requesting External Installed Capacity Rights and providing Unforced Capacity to the NYCA, External Generators, System Resources, Control Area System Resources and entities purchasing Energy from them must qualify as External Installed Capacity

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Suppliers. To qualify as External Installed Capacity Suppliers, such entities must provide the following information to the ISO in a timely manner:

1. Name and Location of the Resource (if multiple units are involved, identify each unit);
2. Assurance that the External Control Area in which the Resource is located either:
 - (a) Will not recall or curtail, for the purposes of satisfying its own Control Area Loads, imports from that External Control Area in the NYCA of an amount of Energy equal to the Installed Capacity Equivalent of the amount of Unforced Capacity that Resource is supplying to the NYCA; or
 - (b) Will afford NYCA Load the same curtailment priority that it affords its own Control Area Load;
3. Documentation of a DMNC test, or its equivalent, in accordance with the procedures found in Section 4.2 or 4.10.3 of this Manual;
4. Submission of Operating Data for the prior twelve months in accordance with Sections 4.4 and 4.4.9, and Attachment K of this Manual.
5. Documentation which satisfies the Maintenance Scheduling Requirements in Section 4.3 of this Manual; and
6. Expected return dates from full or partial outages.

With the exception of item four (4), this information must be provided to the ISO at least two (2) days prior to the commencement of the initial first-come, first-serve External Installed Capacity Rights request period in which the prospective External Installed Capacity Supplier wishes to make a request, and at such additional times as required by the ISO and this Installed Capacity Manual (e.g., annual DMNC test results). The information required by item four (4) must be submitted in accordance with the timing requirements found in 4.4.9 (by the tenth (10th) day of the month preceding the month in which the prospective External Installed Capacity Supplier wishes to supply Unforced Capacity to the NYCA).

4.9.2 Allocation of Installed Capacity Rights for External Unforced Capacity Supply

The ISO lists in Attachment B of this Manual the maximum amount of Unforced Capacity that can be provided to the NYCA by Resources located in each neighboring Control Area. These figures are established in accordance with the procedures contained in Section 2.7 of this Manual. Once this amount has been determined for each

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neighboring Control Area, the allocation among ISO Customers of rights to External Unforced Capacity supply is done according to the following procedures.

Grandfathered External Installed Capacity Rights

Details concerning Grandfathered Rights are provided in Attachment E to this Manual.

Other Allocations

After accounting for Grandfathered External Installed Capacity rights, the ISO will allocate the remaining rights for External Unforced Capacity supply on a first-come, first-serve basis. External Installed Capacity rights may ultimately only be used by LSEs located within the NYCA, but any ISO Customer may submit a request for External Installed Capacity rights.

Timing of Request

Initial requests for External Installed Capacity rights may be sent to the ISO during the following time periods:

For a Capability Period (External Unforced Capacity to be imported to the NYCA for the entire 6-month Capability Period)

- Beginning at 8:00 AM EST seven (7) business days prior to the Capability Period Auction,
- Ending at 5:00 PM EST three (3) business days prior to this same auction.

If External Installed Capacity rights are not fully subscribed after the Capability Period Auction has concluded, the ISO will open another period of first-come, first-serve allocations prior to each Monthly Auction for which External Installed Capacity rights remain.

For each month within a Capability Period (External Unforced Capacity to be imported to the NYCA for a particular month or months remaining in a Capability Period).

- Beginning at 8:00 AM EST five (5) business days prior to the Monthly Auction,
- Ending at 5:00 PM EST three (3) business days prior to this same auction.

Contents of Request

Each request must contain the following information:

1. Documentation of a Bilateral Transaction, with pricing redacted, between a qualified External Installed Capacity Supplier and either
 - i. a Load within the NYCA or

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- ii. an Installed Capacity Marketer that demonstrates a commitment to a Load in the NYCA;
2. The identity of the ISO Customer making the request;
3. The identity of the External Installed Capacity Supplier;
4. The name and location of the Resource (if multiple units are involved, identify each unit);
5. The Control Area in which the Resource for which the Installed Capacity Supplier seeks rights is located;
6. The MW amount requested to support the Unforced Capacity sale to the NYCA from the Resource designated in (4) above;
7. The time period, in blocks of whole months, for which the rights are requested;
8. E-mail address of the requesting party to which a response will be made.

The information listed above must be provided as a “Request for External Installed Capacity Rights” to the ISO’s Manager of Resource Reliability via facsimile to the following number: (518) 356-6208 **[OR ELECTRONICALLY?]**.

If the ISO determines, by 5:00 PM EST on the day following receipt of an initial request (provided that this day falls during the time period for initial requests specified above) that the information provided in the request is incomplete or inadequate, the ISO will immediately notify the requesting party. The requesting party may resubmit its information to the ISO no later than 24 hours after the expiration of the time period for initial requests.

Only complete requests submitted within the time periods specified above will be evaluated by the ISO. The date and time stamp provided by the FAX machine will determine the priority for the evaluation of requests. If a request is resubmitted for any reason, the latest time stamp will determine the priority.

The ISO will notify the requesting party if its request has been accepted or rejected, with reasons for rejection if such be the case, by 5:00 PM EST on the day following receipt of a complete request. A rejection may be based on the following:

- Incomplete or inadequate information; or
- Fully subscribed External Installed Capacity rights.

4.9.3 Additional Reporting Requirements

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External Installed Capacity Suppliers that have received External Installed Capacity rights must provide the following additional information to the ISO no later than the 20th of the month preceding each month for which it intends to supply Unforced Capacity.

1. Certification that the External Installed Capacity Supplier has obtained firm deliverability rights to ensure that the Energy associated with the External Resource's Unforced Capacity sold in the NYCA will be delivered to the NYCA.
2. Certification that Unforced Capacity being sold to the NYCA has not been sold elsewhere.

See Section 4.7 of this Manual for complete information in connection with monthly Installed Capacity Supplier certification requirements.

4.9.4 Sanctions Associated with External Unforced Capacity

If, after receiving External Installed Capacity Rights an External Installed Capacity Supplier is unable to deliver Energy associated with such Unforced Capacity to the NYCA or fails to use those rights by selling Unforced Capacity to the NYCA, the External Installed Capacity Supplier will be deemed retroactively deficient for all Unforced Capacity associated with the non-delivered Energy or the External Installed Capacity rights it obtained but failed to use. Such External Installed Capacity Supplier will pay the ISO the deficiency charge for all External Unforced Capacity associated with undelivered Energy or unused External Installed Capacity rights.

In addition, the ISO will verify all data provided by the External Installed Capacity Supplier with the appropriate External Control Area to ensure that there is no double counting of Unforced Capacity or firm deliverability rights. Any External Installed Capacity Supplier involved in any such double counting with respect to Unforced Capacity or firm deliverability rights will pay the ISO the deficiency penalty for all Unforced Capacity associated with the fraudulent transaction, in addition to any other applicable deficiency penalty or sanction that may apply.

[...]

4.12 Special Case Resources

Special Case Resources are Loads capable of being interrupted upon demand, and distributed generators, rated 100 kW or higher, that are not visible to the ISO's Market Information System. The Unforced Capacity of a Special Case Resource corresponds to its pledged amount of Load reduction as adjusted by historical performance factors and as increased by the Transmission District loss factor. The calculation of this amount shall be made in accordance with Section 3.3 of Attachment J.

4.12.1 Claiming of Unforced Capacity and RIPS

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The Unforced Capacity of a Special Case Resource may be freely sold in Bilateral Transactions. However, such Unforced Capacity may not be claimed by an LSE towards satisfaction of its own Unforced Capacity requirement or be offered into an auction administered by the ISO unless there is a Responsible Interface Party (“RIP”)* with respect to such Special Case Resource. RIPs are Market Participants that agree to be bound by the notification and other requirements applicable to RIPs under this Section 4.12. RIPs shall be responsible for all forms of communication to and from the ISO for purposes of dispatch, validation, and verification of Special Case Resources and the Unforced Capacity associated with Special Case Resources.

4.12.2 General Requirements

Every Special Case Resource must submit a Special Case Resource commitment in accordance with the form in Attachment K and be accepted by the ISO as an Installed Capacity Supplier before its Unforced Capacity may be claimed by an LSE towards its own Unforced Capacity requirement or be offered in an auction administered by the ISO. Every Special Case Resources must submit a Special Case Resource commitment to the ISO in accordance with the schedule and requirements of Section 4.2. Special Case Resources do not have to submit a notification letter or obtain a point ID as required of other Resources under Section 4.2.

A Special Case Resource that supplies Load reductions solely through the use of a distributed generator (whether or not operated in parallel with the NYCA) and that elects to measure such Load reductions by metering the output of such distributed generator under Section 3.3(b) of Attachment J, shall submit an appropriate DMNC test recorded on the appropriate form of Attachment D as part of its Special Case Resource commitment. All other Special Case Resources shall provide a Special Case Resource commitment in the form of Figure 1 of Attachment K. A Special Case Resource that supplies Load reductions solely through the use of a distributed generator and that elects to measure such Load reductions by metering the output of such distributed generator under Section 3.3(b) of Attachment J: (i) may not use a DMNC in calculating its Unforced Capacity that exceeds the total Load at the site of the distributed generator; (ii) must deduct from the output of such generator any auxiliary power consumed by the generator and supplied from an external source; and (iii) may not serve a load bank with the output of the generator when responding to ISO dispatch under Section 4.12.3.

Special Case Resources must meet the qualifications and comply with the procedures described below. RIPs claiming Unforced Capacity from Special Case Resources must comply with the requirements and procedures set forth below.

The Unforced Capacity of Special Case Resources may only be offered in auctions administered by the ISO or be claimed by an LSE towards its Unforced Capacity requirement in even increments of 100 kw (e.g. 590 kw of Unforced Capacity would be

* RIPs fulfill functions similar to Curtailment Service Providers under the ISO’s Emergency Demand Response Program.

rounded down to 500 kw). However, Special Case Resources may be aggregated to minimize the effect of this requirement, provided that each such aggregation is identified as a single block of Unforced Capacity

4.12.3 Performance

A Special Case Resource must make Energy available, for a minimum four (4) hour block (except where environmental constraints require a shorter block), in amounts that correspond to the Installed Capacity Equivalent of the amount of Unforced Capacity it supplies to the NYCA as specified in Section 3.3 (c) of Attachment J, by reducing Load or transferring Load to a distributed generator, within two (2) hours of a notice provided by the ISO to the RIP, following a 18-hour notice. If the Special Case Resource is unable to provide full output within two (2) hours due to operational constraints, the RIP may petition the ISO for permission to provide maximum output from the Special Case Resource within a longer period. The ISO's permission will not be unreasonably withheld. In granting permission, the ISO will calculate the appropriate derating factor for use in determining the amount of Unforced Capacity that it can provide in the future.

A Special Case Resource may be required by the ISO to demonstrate its pledged Load reduction capability once in every Capability Period if it has not otherwise already been called by the ISO to reduce Load in such period.

In the event that a Special Case Resource located at a retail customer was in operation (in the case of a distributed generator) or providing Load reduction (in the case of interruptible Load), at the time of the system or Transmission District peak upon which the Unforced Capacity requirement of the LSE serving that customer is based, the LSE's Unforced Capacity requirement shall be increased by the amount of Load that was served or interrupted by the Special Case Resource.

Transmission Owners shall permit short periods of parallel operation for Load switching from the Transmission Owner's electrical system to distributed generation equipment claimed as Special Case Resource Unforced Capacity provided that the distributed generator meets the Transmission Owner's interconnection requirements.

4.12.4 Notification Procedures

The ISO will provide 18 hour-ahead notification and two (2) hour notice, as required by this Manual, to the RIP. The 18 hour-ahead notification will be provided after 11 am, day-ahead, when the Day-Ahead Market closes. The ISO commits not to use 18 hour notification of potential need to operate indiscriminately but rather only when the Day-Ahead Market indicates serious shortages of supply for the next day. The 18 hour-ahead notice may occur at anytime, including a weekend day or holiday, as needed.

The ISO shall provide notice no fewer than two (2) hours ahead of required operation or interruption.

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RIPs shall contact their Special Case Resources through whatever communication protocols are agreed to between the Special Case Resources and the RIPs.

RIPs claiming Special Case Resource Unforced Capacity shall provide the ISO with their phone and Internet contact information that allows for notification by the ISO at any time. RIPs shall confirm receipt of both instances of notification (18 hour-ahead and two (2) hour) within 1 hour by Internet or telephone reply to the ISO. Such reply must confirm the relay of proper notification by the RIPs to their SCR clients, where applicable.

4.12.5 Capacity Adjustment Procedures

A Special Case Resource that fails to respond to RIP notification by reaching pledged Load reduction capability or maximum pledged generator output within two (2) hours following notice from the ISO to the RIP, or that fails to provide maximum output for the period required by the ISO or four (4) hours, whichever is less, will be considered forced out (for unperformed hours) for purposes of calculating the Unforced Capacity value of the Special Case Resource for future Obligation Procurement Periods.

A Special Case Resource that has successfully petitioned the ISO for permission to reach maximum output in more than two (2) hours will be considered forced out in the amount of Unforced Capacity not backed by Energy within two (2) hours of the notice from the ISO to the RIP.

A Special Case Resource that cannot operate for the full four (4) hours when called for by the ISO, due to environmental permit limits or otherwise, shall be considered forced out for the hours it is unable to operate or is operated at reduced output.

4.12.6 RIP Requirements

In addition to other requirements under this Section 4.12, an RIP claiming Unforced Capacity from a Special Case Resource for sale into an ISO-administered auction or for its own requirements (in the case of an RIP which is an LSE) shall fulfill the following obligations:

- Give notice of the claiming of such Unforced Capacity on a one-time basis to the LSE supplying Energy to the retail customer on whose premises the Special Case Resource is located (if different from the RIP).
- Notify the ISO as provided in Section 4.3.3 whenever the Special Case Resource is unavailable to provide its pledged Load reduction.
- Report operating data to the ISO each month as provided in Section 4.4.7 using the form provided in Figure 2 of Attachment K and provide copies of such form to the appropriate TO and the LSE supplying Energy to the retail customer on whose premises the Special Case Resource is located (if different from the RIP).

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- Make certifications to the ISO each month as provided in Section 4.7.
- Document reductions in Load with interval billing meter readings on customer Load (or with readings on the distributed generator(s) in the case of a Special Case Resource whose performance is calculated under Section 3.3(b) of Attachment J) for the four (4) hour period following the two (2) hour ISO notice under Section 4.12.4. In the event that Energy made available from Special Case Resource Unforced Capacity is a small percentage of the total metered Load at the location of the Special Case Resource, such that it may not be clearly reflected by meter reads alone, the ISO will also accept operations logs to augment metered output to ensure accurate verification. The RIP or the Transmission Owner, as appropriate, shall retain all interval meter readings upon which it bases its certification of compliance, for a period of three (3) years.

4.12.7 ISO Verification

The ISO retains the right to audit any records kept by the RIP, the Transmission Owner, or the Special Case Resource which are used to support the RIP's certification of compliance with the procedures set forth in this Section 4.12.

[...]

5.2.5 Phase One and Two of Deficiency Procurement Auction

The ISO shall conduct a Deficiency Procurement Auction, if necessary, after the Pre-Capability Period Monthly Auctions if an LSE has not procured sufficient Unforced Capacity to meet its Unforced Capacity requirement for the first Obligation Procurement Period of the Capability Period, or if an LSE has failed to timely submit its Installed Capacity certification to the ISO in accordance with section 3.4 of this Manual.

Participation in the first phase of this Deficiency Procurement Auction shall be limited to deficient LSEs serving Load in the New York City Locality that are required to make additional Locational Installed Capacity purchases in order to satisfy their In-City Locational Installed Capacity Requirements, qualified In-City Installed Capacity Suppliers, and any other Installed Capacity Supplier that owns excess Unforced Capacity associated with qualified In-City Installed Capacity Suppliers. The ISO shall submit deficiency bids on behalf of each participating LSE at a level determined pursuant to Section 5.14.1 of the ISO Services Tariff.

LSEs awarded Unforced Capacity in the first phase shall pay the lesser of the Market-Clearing Price of Unforced Capacity determined in that phase, or the deficiency bid, to the ISO. The ISO shall pay Installed Capacity Suppliers that are selected to provide Unforced Capacity the Market-Clearing Price determined in that phase, which can be no greater than the deficiency bid, except in the case of Unforced Capacity associated with In-City Installed Capacity Suppliers that are subject to mitigation measures, which shall receive the lesser of the Market-Clearing Price determined in that phase or the applicable locational price cap.

Any entity that resells Unforced Capacity associated with In-City Installed Capacity Suppliers that are subject to market mitigation measures shall receive the lesser of the Market-Clearing Price determined in that phase or the price that it paid for that Unforced Capacity. The ISO shall retain any Excess Amount and rebate it to all LSEs serving Load in the New York City Locality pursuant to Section 5.15 of the ISO Services Tariff.

Participation in the second phase of the Deficiency Procurement Auction shall not be limited to In-City Installed Capacity Suppliers. The ISO shall submit deficiency bids on behalf of all remaining deficient LSEs at a level determined pursuant to Section 5.14.1 of the ISO Services Tariff. The ISO shall solicit bids from all qualified Installed Capacity Suppliers, including In-City Installed Capacity Suppliers otherwise subject to market mitigation measures, that still have Unforced Capacity to offer after all LSEs based in the New York City Locality have met their Locational Installed Capacity Requirements for this Obligation Procurement Period.

LSEs awarded Unforced Capacity in the second phase shall pay the lesser of the applicable Market-Clearing Price of Unforced Capacity determined in that phase, or the deficiency bid, to the ISO. The ISO will use these deficiency payments to pay the applicable Market-Clearing Price of Unforced Capacity determined in that phase, except

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as noted below, to Installed Capacity Suppliers that were selected to provide Unforced Capacity, including In-City Installed Capacity Suppliers that are otherwise subject to market mitigation measures.

Any Installed Capacity Supplier that resells Unforced Capacity associated with In-City Installed Capacity Suppliers that are subject to market mitigation measures shall receive the lesser of the applicable Market-Clearing Price determined in that phase or the price that it paid for that Unforced Capacity.

The ISO shall also prospectively purchase Unforced Capacity on behalf of deficient Installed Capacity Suppliers in the Deficiency Procurement Auctions. The ISO shall submit a deficiency bid on behalf of deficient Installed Capacity Suppliers as if they were deficient LSEs. Deficient Installed Capacity Suppliers must pay the applicable Market-Clearing Price of Unforced Capacity to the ISO. If an Installed Capacity Supplier is determined to have been deficient for any prior portion of a Capability Period, that Installed Capacity Supplier must retroactively pay to the ISO the applicable monthly deficiency charge.

If deficiencies exist after this Deficiency Procurement Auction, the ISO shall purchase any subsequently qualified Unforced Capacity using the deficiency charges collected from deficient LSEs and Installed Capacity Suppliers. Please refer to Section 5.3.3, below, for further details in connection with post-Deficiency Procurement Auction Unforced Capacity purchases by the ISO.

[...]

6.0 Sanctions

The ISO may impose sanctions on Installed Capacity Suppliers, LSEs, and Transmission Owners for failing to comply with the requirements set forth in the ISO Services Tariff and ICAP Manual.

Sanctions may be assessed against Installed Capacity Suppliers for actions that fall into the following two categories:

- Failure to provide required information; and
- Failure to comply with bidding, scheduling and notification requirements and procedures.

An LSE that fails to comply with the ISO's requirement to demonstrate ahead of an Obligation Procurement Period that it has procured sufficient Unforced Capacity to cover its Unforced Capacity requirement is penalized through the procedures and financial consequences of the Deficiency Procurement Auction. Please refer to Section 5 of this Manual for details.

A Transmission Owner that fails to provide the information required by Section 5.11.3 of the Service Tariff in a timely fashion is subject to sanctions as described below in section 6.2 of this Manual.

The ISO Services Tariff references are Sections 5.11.3, 5.12.1, 5.12.12, and 5.14.1.

6.1 Supplier Sanctions

6.1.1 Failure to Provide Required Information

Section 4 of this Manual, and the Capability Period Timeline in Attachment A, contain detailed description of the types of information that Installed Capacity Suppliers must provide to the ISO, and the deadlines for receipt of that information.

With the exception of a failure to comply with Subsection 5.12.1(v) of the ISO Services Tariff, the ISO may take the following actions if an Installed Capacity Supplier fails to provide the required information in a timely fashion:

- On the first day that the required information is late (unless that day falls on a weekend or official New York State holiday, in which case the notification shall be made on the next business day), the ISO shall notify the Installed Capacity Supplier that the information is past due and that the ISO reserves the right to impose financial sanctions if the information is not provided by the end of the next day;

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- Starting on the third day that the required information is late, the ISO may impose a daily financial sanction up to the higher of \$500 or \$5 per MW of Unforced Capacity that the Installed Capacity Supplier is capable of providing; and
- Starting on the tenth day that the required information is late, the ISO may impose a daily financial sanction up to the higher of \$1000 or \$10 per MW of Unforced Capacity that the Installed Capacity Supplier is capable of providing.

If an Installed Capacity Supplier fails to provide information required by Subsection 5.12.1(v) of this Tariff in a timely fashion, the ISO may take the following actions:

- On the first calendar day that required information is late, the ISO shall notify the Installed Capacity Supplier that required information is past due and that it reserves the right to impose financial sanctions if the information is not provided by the end of that first calendar day; and
- Starting on the second calendar day that the required information is late, the ISO may impose a daily financial sanction of \$500 per MW of Unforced Capacity the Installed Capacity Supplier is qualified to supply.

6.1.2 Failure to Bid, Schedule and Notify the NYISO of Outages

Section 4.8 of this Manual contains the daily bidding, scheduling and notification requirements applicable to Installed Capacity Suppliers.

On any day in which the Installed Capacity Supplier, or its designated scheduling entity, fails to comply with these requirements, the ISO may impose a financial sanction up to the product of a daily deficiency charge and the maximum number of MWs for which the ISO should have received a bid, schedule or other notification of operating status.

The deficiency charge will be based on the table provided in Section 5.3.5 of this Manual, with the applicable charges pro-rated on a daily basis.

The ISO will assess the sanction against the entity that the Installed Capacity Supplier has designated to provide the bids, schedules and status notification.

6.2 Transmission Owner Sanctions

The ISO Load Forecasting Manual, and the Capability Period Timeline in Attachment A, contain detailed descriptions of the types of information that Transmission Owners must provide to the ISO, and the deadlines for receipt of that information.

If a Transmission Owner fails to provide the required information, the following procedures will be followed:

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- On the first day that the required information is late (unless that day falls on a weekend or official New York State holiday, in which case the notification shall be made on the next business day), the ISO shall notify the Transmission Owner that the information is past due and that the ISO reserves the right to impose financial sanctions if the information is not provided by the end of the next day.
- Starting on the third day that the required information is late, the ISO may impose a daily financial sanction up to \$5000 per day.
- Starting on the tenth day that the required information is late, the ISO may impose a daily financial sanction up to \$10,000 per day.

6.3 Procedural Safeguards

If the ISO staff becomes aware of potentially sanctionable activity by a Market Participant, it shall report the activity to ISO's Discretionary Acts Committee ("DAC"). The DAC will evaluate the reported activity pursuant to its procedures and, if warranted, shall recommend an appropriate sanction. All DAC decisions shall be made in a reasonable and non-discriminatory manner.

If the DAC recommends a sanction, the ISO shall send a "Notice of Recommended Sanction" to any Market Participant potentially subject to sanctions pursuant to the DAC procedures. The DAC shall afford Market Participants a reasonable opportunity to demonstrate that its activities are not sanctionable. Market Participants shall also have a reasonable opportunity to bring any mitigating circumstances to the DAC's attention and to explain why the DAC, in the event that it decides to recommend a sanction, should reduce the sanction's severity.

If a Market Participant accepts a sanction recommended by the DAC the ISO will automatically impose the sanction. If a Market Participant disagrees with a recommended sanction it may appeal the DAC's decision to the ISO's President and Chief Executive Officer ("CEO"), who must approve all contested sanctions. Market Participants may challenge any sanction approved by the CEO pursuant to the ISO Dispute Resolution Procedures.

Attachment B:

Locational Installed Capacity Requirements

- The Locational Installed Capacity Requirement for New York City (LBMP Zone J) is 80%.
- The Locational Installed Capacity Requirement for Long Island (LBMP Zone K) is 98%.
- The Unforced Capacity Equivalent of the Locational Installed Capacity Requirement is 73.12% for New York City (LBMP Zone J) and 86.14% for Long Island (LBMP Zone K).

Maximum Allowances for Installed Capacity Provided by Resources Outside the NYCA

- The maximum Installed Capacity Equivalent of Unforced Capacity that may be located outside the NYCA is 2558 MW. This number will be updated annually based on ISO reliability studies. Existing Grandfathered contracts currently account for 622 MW of the 2558 MW. See Attachment E. This leaves a total of 1936 MW permitted to be imported to the NYCA, on a first-come, first-serve basis.*

Amount of External ICAP Permitted to be Sold in the NYCA	Total (MW)	Grandfathered (MW)	Remaining (MW)
	2558	622	1936

- The maximum amount of Installed Capacity that may be located in each of the following Control Areas, due to transmission constraints, is as follows:**

Neighboring Control Area	Total (MW)	Grandfathered (MW)	Remaining (MW)
PJM	1253	117	1136***
ISO-NE	350	50	300
Ontario-IMO	55	55	0
Hydro Quebec	1200	400	800

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* Please refer to Section 4.9 of this Manual for further information in connection with ICAP sales in the NYCA from Resources located in External Control Areas.

** Note that the “Total” and “Remaining” NYCA ICAP that may be located in each of the four listed External Control Areas, when tallied, exceeds the amount of external ICAP permitted to be sold in the NYCA.

*** 1080 MW subject to reservation under Section 5.12.2 of the ISO Services Tariff in amounts up to those listed in OATT Attachment L Table 3 (Existing Transmission Capacity for Native Load ETCNL).

Attachment K:

Reportable Operating Data

NERC-GADS Data Reporting Requirements

[...]

Special Case Resource (SCR) Commitment /Verification

SCR End-Use Customer: _____

Address: _____

LBMP Zone: _____

Check one: NYC _____ LI _____ ROS _____

Transmission Owner _____ Service Voltage _____

Meter Number/Account: _____

Permanent Recording Meter on Generator/Curtailable Load: YES / NO ID# _____

Method of Load Curtailment (check where appropriate):

On-Site Generator: _____ Curtailable Load: _____ Combination: _____

Parallel Operation Agreement: _____ Non-Parallel: _____

Generator Type: Diesel _____ Gas _____ Oil _____ Other _____

If other, describe: _____

Generator Nameplate Rating: _____

Method of Calculating Load Curtailment (check one)

Customer Load Reduction under Section 3.3(a) of Attachment J: _____

Generator Output under Section 3.3(b) of Attachment J: _____

Responsible Interface Party Information

Type of RIP (circle one): TO LSE Aggregator Direct Customer

Name of RIP: _____

Contact: _____

Address: _____

Phone (1 hour e-mail response required): _____

Fax: _____

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E-mail (1-hour e-mail response required): _____

Steps:

1. SCRs calculating load reduction based on generator output under Section 3.3.(b) of Attachment J shall submit the appropriate DMNC test form with this commitment and skip to Step 7. All others shall continue with the steps below.
2. Record the SCR End-use Customer maximum monthly one hour integrated demand for the two most recent Capability Periods (Figure 1).

**Figure 1
Actual Maximum Monthly One-Hour Integrated Demand**

Year _____	June	July	August	September	Summer Average
Date/Time					N/A
Demand (MW)					

Years _____	December	January	February	March	Winter Average
Date/Time					N/A
Demand (MW)					

3. Capability Period for which commitment is requested (circle one):

Summer
Winter
4. Determine the average peak monthly demand ($APMD_{gm}$) for the last like Capability Period selected in step 3: _____
5. Level of demand to which customer commits during SCR implementation (Customer Minimum Demand (CMD_{gm})): _____
6. Determine the amount of Load customer is willing to reduce its demand by during SCR implementation ($APMD_{gm} - CMD_{gm} = Installed Capacity Equivalent (ICE_{gm})$): _____
7. For SCRs using Section 3.3(b) of Attachment J **only**, generator output to which SCR commits during SCR implementation (Contracted Generator Output ($CGO_{gm} = ICE_{gm}$)) _____ and Capability Period for which commitment is requested (circle one):

Summer
Winter
8. Transmission Loss Adjustment: _____ kW
9. Sum of ICE_{gm} and Transmission Loss Adjustment amount: _____ kW*
10. Dates SCR may be called upon to curtail Load:
 Starting: _____ Ending (if applicable): _____

* The entry on this line will be adjusted by the ISO in accordance with a historic performance factor as specified in Section 3.3 of Attachment J to determine the UCAP for the Resource in question (i.e., to determine the amount that can be claimed by an LSE towards its Unforced Capacity Requirement or that can be sold in an ISO administered auction).

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11. Report actual Load/generator output from meter readings covering the time period of the SCR implementation request (Figure 2) by the 20th of the month following the month in which the request occurs.

IN WITNESS WHEREOF, this Unforced Capacity commitment has been submitted on this, the _____ day of _____, 20_____.

Name of Certifying Entity: _____

By: _____

Title: _____

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**Figure 2
Minimum Load/Generator Output Verification
Demonstrated Load Reduction During Special Case Resource Implementation
(Operating Data as required by Section 4.4 of the Installed Capacity Manual)
One completed form required for each event**

Event #		
Requested Start Date/Time		
Requested End Date/Time		
Date/Time*	Meter Reading	Cumulative Energy

IN WITNESS WHEREOF, this Unforced Capacity Verification has been submitted on this,
the ___ day of _____, 20_____.

Name of Certifying Entity: _____
By: _____
Title: _____

* Entries shall be made according to the increments measured by the interval meter in question (e.g., In the case of an interval meter that measures on a 15 minute basis, four entries shall be made for each hour of SCR implementation).

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