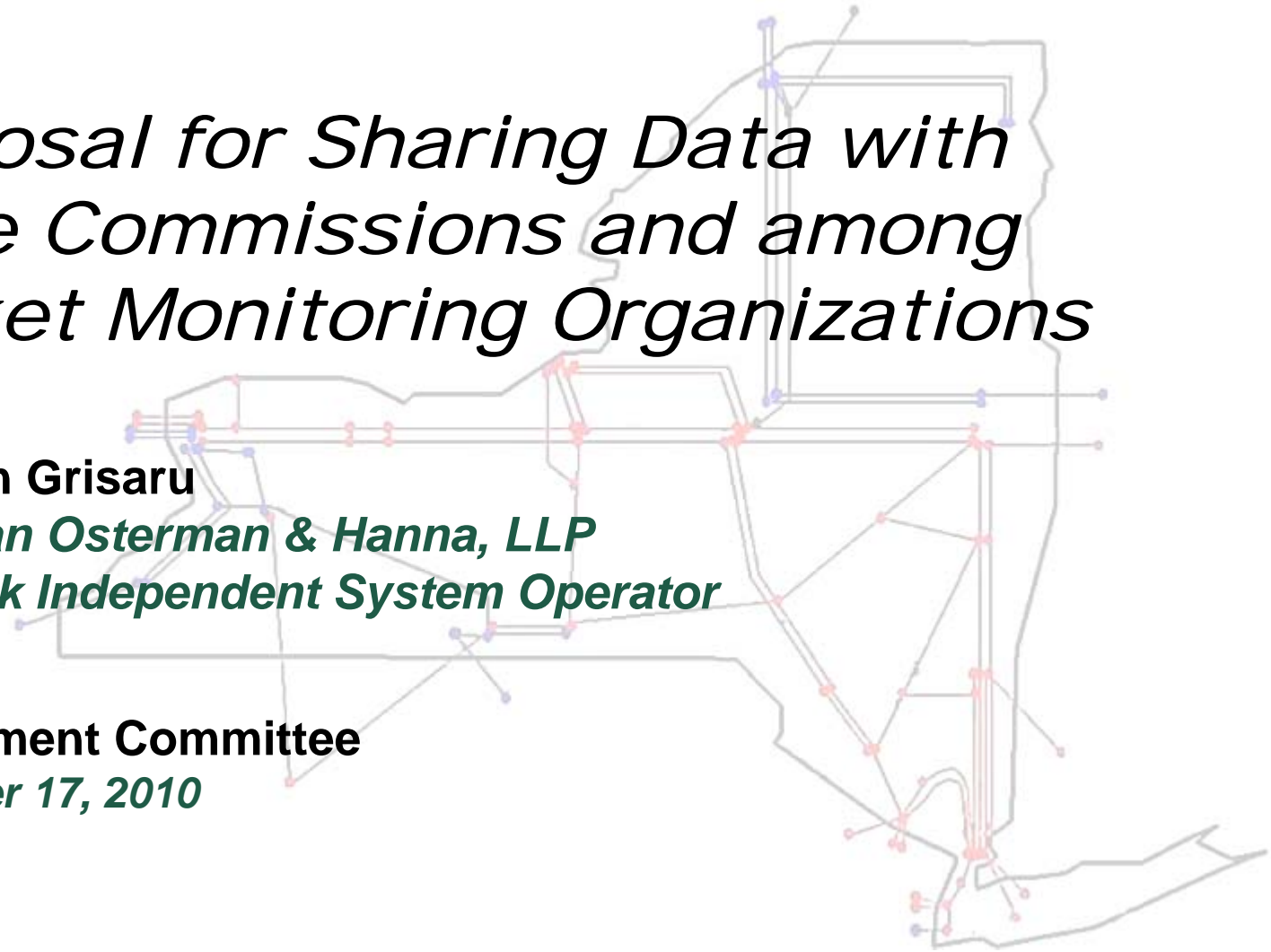


*Proposal for Sharing Data with  
State Commissions and among  
Market Monitoring Organizations*

**Elizabeth Grisaru**  
*Whiteman Osterman & Hanna, LLP*  
*New York Independent System Operator*

**Management Committee**  
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## *Stakeholder process to date*

- ◆ NYISO proposed these tariff changes at 2 meetings of the Market Issues Working Group
- ◆ The Business Issues Committee voted on the amendments on November 3, 2010
- ◆ Assuming MC vote today, NYISO will make the FERC filing in December or January, following Board approval

## *Two goals of the amendments*

- ◆ Address Order 719 requirements relating to the relationship between the NYISO MMU and State Commissions
- ◆ Establish a mechanism to permit the NYISO and the MMU to share confidential information with other ISOs and Market Monitors

## *The MMU and State Commissions*

- ◆ Order 719 directed ISOs and RTOs to develop tariff rules governing disclosure of commercially sensitive material by MMUs to State Commissions.
- ◆ NYISO May 15, 2009 compliance filing proposed to address “the new/additional confidentiality protections that are needed to permit ISOs/RTOs and the Market Monitoring Units to exchange Protected Information” in the same tariff filing.
- ◆ FERC accepted the NYISO proposal. *Order on Compliance Filing, Docket No. ER09-1142-000 (November 20, 2009).*

## *What will change*

- ◆ The tariff currently authorizes State Commissions to request information from the MMU “related to general market trends and the performance of the New York Electric Markets”
- ◆ A State Commission request “related to general market trends and the performance of the New York Electric Markets” may call for Protected Information
- ◆ The proposed language authorizes, but does not require, the MMU to disclose Protected Information in response to such a request
  - *MMU may not provide protected information in response to requests that are designed to aid in State enforcement actions*

## *Effect on a NY Market Participant*

- ◆ Prior to disclosure of Protected Information the revised tariff will require:
  - *Notice to the MP(s) to whom the Protected Information pertains, and an opportunity to object and/or provide “context” for the data*
  - *Certification by the State Commission that it will protect the information as confidential and assist in preventing further disclosure*
  - *Certification by the State Commission that it will not use the information in a state enforcement action*

## *What does not change*

- ◆ No change to NYISO confidentiality rules
- ◆ No change in NYISO obligation to respond to orders from the NY PSC

## *Data sharing among market monitoring organizations*

- ◆ New language will allow the NYISO and the MMU to exchange Protected Information with other ISOs and market monitoring units in the context of their investigations
- ◆ Requesting entities must demonstrate sufficient tariff-based and enforceable protections for the data
- ◆ These must include:
  - *Continuing protection from disclosure*
  - *Notice to the NYISO or the MMU of 3d party requests and subpoenas and assistance in preventing or limiting any disclosures*
  - *No disclosure of information provided by the NYISO/New York MMU to a State Commission in response to a request*



*Questions?*

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 conducts comprehensive planning for the state's bulk electricity system.



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