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NYISO¹ RESPONSE TO ORDER 1000

REGIONAL PLANNING			
Para #	Topic	Proposed Response	Comments/Issues
792	Compliance filings due October 11, 2012 for regional planning issues. Interregional issues due April 11, 2013.		
78-80; 146	Transmission providers must engage in regional planning.	NYISO already compliant.	Reference FERC Compliance Orders re: NYISO 890 filings. Refer to RNA/CRA and CARIS Reports.
70; 149-152 FN 71	Regional planning process must be compliant with Order 890 Planning Principles.	NYISO CRPP and CARIS have already been found compliant with Order 890 by FERC. NYISO will need to demonstrate that any new procedures adopted to comply with Order No. 1000 will be 890 compliant as well.	Reference FERC Compliance Orders re: NYISO 890 filings. Will need to explain in compliance filing that new procedures are consistent with 890 principles.
80; 160 420	Definition of “region” FERC “declines to revisit how each transmission planning region defines itself”.	FERC’s many references to “.the existing ISO/RTO regions” acknowledges that those regions are acceptable and the statement in Para 420 confirms this.	This is really an issue for non-ISO/RTO areas of the country.
118; 81; 146-148	Process must include a “regional plan”.	NYISO already compliant.	Refer to Order 890 compliance Orders and to RNA/CRA and CARIS Reports.

¹ Express or implied references herein to the NYSIO should be interpreted as including both the NYISO and the NYTO’s.

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118; 146-148	Process must “evaluate alternative transmission solutions that might meet the needs of the region more efficiently or cost-effectively than local transmission plans.”	Existing Section 31.2.2.4.2 provides for the NYISO to review TO’s LTPs, to determine whether they will meet Reliability Needs, to recommend an alternative, or indicate it is not in agreement with the TO’s proposed solutions. NYISO must report its determinations under this section in the RNA and in the CRP.	This existing section may need to be modified to fully comply with Order 1000.
118; 153-155	Non-transmission alternatives must be considered on a comparable basis.	NYISO already compliant for reliability and economics.	Cite FERC 890 compliance orders. Consider non-transmission alternatives for public policy if not inconsistent with the public policy requirements.
159	If an entity undertakes a commitment to build as part of a R.T.P. that information must be posted as part of existing posting requirements.		Compliance note: This is not a tariff requirement
65, 162, 503	Order No. 1000 reforms apply to “new” transmission facilities, which are those subject to reevaluation after effective date of the compliance filing.	Need to explain how “new” facilities should be interpreted with regard to projects in the regional plan that may be subject to re-evaluation.	

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164	Merchant developers are required to provide adequate information and data to allow public utility transmission providers to assess the potential reliability and operational impact of the merchant developer's proposed transmission facilities on other systems in the region	NYISO already compliant	NYISO must explain in compliance filing what information It already requires. Also refer to interconnection process in Attachment S

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PUBLIC POLICY REQUIREMENTS			
Para #	Topic	Proposed Response	Comments/Issues
82; 203-204 FN 185	Consideration of transmission for public policy requirements applies to both local and regional planning. (FN 185 notes that this may only apply to the regional planning process if TOs do not engage in local planning).	Need to consider and articulate to what extent, if any, PPR's apply to local plans.	Need to discuss the interaction between LTPs and regional plan (See Para # 118 above)
205-206	"Considering" requires: (1) "the identification of transmission needs driven by Public Policy Requirements" and	Develop a process for identification of such transmission needs. .	While there may be no existing "Public Policy Requirements" in effect in NY today, NYISO still needs to have a process for considering PPRs that may arise
205	(2) "the evaluation of potential solutions to meet those needs."	Develop a process for the evaluation of potential solutions.	While there may be no existing "Public Policy Requirements" in effect in NY today, NYISO still needs to have a process for considering PPRs that may arise
207 & 209	All stakeholders must have an opportunity to provide input and offer proposals regarding transmission needs they believe are driven by Public Policy Requirements	Process to provide for stakeholder input and proposals.	While there may be no existing "Public Policy Requirements" in effect in NY today, NYISO still needs to have a process for considering PPRs that may arise
209	Post on website an explanation of which transmission needs driven by Public Policy Requirements will be evaluated and which will not.	Tariff needs to indicate that the determination will be posted.	Posting does not need to occur until the determination of transmission needs is made pursuant to the process established.

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Para #	Topic	Proposed Response	Comments/Issues
214 & 216	There is no requirement to consider transmission needs that go beyond state or federal laws or regulations although this may be considered on a voluntary basis.	The definition of PPRs should track the narrow language in the Order	Need to discuss the role of the state in the identification of public policies Need to discuss stakeholder input into the identification of public policies . Leave it to future processes to determine if there are any PPRs—no need to determine that now.
220	There is no requirement that a separate class of transmission projects be developed for public policy reasons.	NYISO’s existing reliability and economic planning process, as well as its interconnection requirements under Attachments X and Z, already accommodate transmission needs relating to public policies (e.g. – interconnection of renewable generation). This may need to be expanded to allow for consideration of projects that are designed to meet PPRs.	Need to discuss whether there is a need for a separate class of transmission projects for public policy reasons.
222	FERC declines to pre-judge whether existing ISO/RTO planning processes already address public policy issues— but will permit TPs to demonstrate this in their compliance filings.	NYISO’s CRPP & CARIS process already includes numerous public policy scenarios. NYISO is a participant in the SEP process. NYISO performs other planning studies which examine public policy issues (e.g. – recent wind study). May need to expand these existing processes.	Need to discuss how such projects would be included in the regional plan.

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NON INCUMBENT TRANSMISSION DEVELOPERS (“ROFR”)			
Para #	Topic	Proposed Response	Comments/Issues
225, 229, 253, 256, 313 & 317	ROFR provisions must be removed from existing tariffs to “prevent undue discrimination.”	NYISO is already compliant since its Tariff does not contain any “ROFR” provisions.	NYISO’s RNA and CRPP specifically provide for other developers to submit proposals for transmission reliability solutions; CARIS is open to any developer.
226, 313-318	Removal of ROFR is focused on transmission facilities that are evaluated at the regional level and selected in the regional plan for purposes of cost allocation.	Include this language in NYISO’s Tariff.	
319	Does <u>not</u> apply: (1) to a local transmission facility or upgrade made by an incumbent to its own facilities; or (2) to alter an incumbent transmission providers’ use and control of its existing ROWs.	Include this language in NYISO’s Tariff.	
323-324	Must establish “the appropriate qualification criteria for determining an entity’s eligibility to propose a transmission project for selection in a regional plan for purposes of cost allocation.” These criteria must apply to both incumbents and non-incumbents. Such criteria are to include the “necessary financial resources and technical expertise to develop, construct, own, operate and maintain transmission facilities.”	Tariff modifications will be required to establish the appropriate criteria in compliance with the Order.	NYISO CSPP Manual already contains some of these qualification criteria.

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NON INCUMBENT TRANSMISSION DEVELOPERS (“ROFR”)			
Para #	Topic	Proposed Response	Comments/Issues
324	“Qualification criteria should allow for the possibility that an existing TP already satisfies the criteria and should allow any transmission developer the opportunity to remedy any deficiency.’	Tariff modifications required.	
325, 326 & 164	Must revise OATT to identify: (a) the information that must be submittedin support of a proposed transmission project; and (b) the date by which such information must be submitted. This information must have sufficient detail to allow for comparable evaluations.	Tariff modifications required for (a). The dates are established for each planning cycle.	NYISO Manual already contains some of these requirements.
328	OATT must “describe a transparent and not unduly discriminatory process for evaluating whether to select a proposed transmission facility in the regional transmission plan for purposes of cost allocation.” The evaluation process must culminate in a determination that is sufficiently detailed for stakeholders to understand why a particular transmission project was selected or not selected in the regional transmission plan for purposes of cost allocation.	The NYISO CRPP process already contains such a process which has been found by FERC to be compliant with Order 890.	May need to clarify that NYISO does not “select” projects but verifies that a proposed project will meet the identified Reliability Needs and determines when a regulated backstop project must proceed. Under Section 31.2.6.4.1 of Attachment Y the appropriate governmental agencies and/or authorities make the selection of which project will go forward. .

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NON INCUMBENT TRANSMISSION DEVELOPERS (“ROFR”)			
Para #	Topic	Proposed Response	Comments/Issues
329	Must describe the process to reevaluate the transmission plan to determine if delays in development of a transmission facility would require reevaluation of alternative solutions...”to ensure that the incumbent TP can meet its reliability needs or service obligations.”	NYISO Tariff already includes provisions for monitoring of reliability solutions. May need to include more specifics in Tariff.	NYISO Manual contains the monitoring requirements.
329	“Nothing herein restricts an incumbent TP from developing a local transmission solution that is not eligible for regional cost allocation to meet its reliability needs or service obligations in its own retail distribution service territory or footprint.”	Include this language in NYISO Tariff.	
332, 335 &	Both incumbents and non-incumbents must have the same eligibility to use a regional cost allocation method for a project selected in a regional transmission plan for purposes of cost allocation.	NYISO Tariff already has provisions for non-incumbents to submit proposed alternative regulated reliability projects and economic projects for evaluation.	May need to clarify that, in the NYISO’ “all resource process” the appropriate governmental agencies or authorities make the ultimate selection as to which project goes forward. Note the PSC’s policy statement which indicates that it will utilize the same cost allocation and recovery mechanisms for non-transmission projects.

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NON INCUMBENT TRANSMISSION DEVELOPERS (“ROFR”)			
Para #	Topic	Proposed Response	Comments/Issues
336	“The regional transmission planning process would also need to have a fair and not unduly discriminatory mechanism to grant to an incumbent or non-incumbent transmission developer the right to use the regional cost allocation method for unsponsored transmission facilities selected in the regional plan for cost allocation.”	Include language in NYISO Tariff.	
342	Non-incumbents must register with NERC and comply with all applicable reliability obligations	Include this language in NYISO Tariff.	See NYTO’s comments on rehearing.
344	If a violation of a NERC reliability standard would result from a non-incumbent transmission developer’s decision to abandon a transmission facility meant to address such a violation, the incumbent transmission provider does not have the obligation to construct the non-incumbent’s project.	Include this language in NYISO Tariff.	

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INTERREGIONAL TRANSMISSION COORDINATION			
Para #	Topic	Proposed Response	Comments/Issues
FN # 338 475	<p>Commission requires certain interregional planning coordination procedures be put in place. The procedures must be included in each TP’s OATT to describe the interregional planning process. Each pair of regions must work together to develop the same language to be included in the OATTs.</p> <p>Alternatively, these procedures may be reflected in an interregional transmission planning agreement among the TPs within neighboring transmission planning regions that is filed with the Commission.</p>	Work from the existing Northeast Planning Protocol with ISO-NE and PJM.	Discuss with PJM and ISO-NE. Northeast Protocol is already referenced in Attachment Y—but may need to become an Appendix or a separate Attachment.
396	Must provide for: “(1) sharing of information regarding the respective needs of each region, and potential solutions to those needs; and...”	Northeast Planning Protocol already has provisions for data exchange. Modifications may be needed.	Discuss with PJM and ISO-NE.
396 & 435	<p>“(2) the identification and joint evaluation of interregional facilities that may be more efficient or cost effective solutions to those regional needs.”</p> <p>Para 435 clarifies that this must be a “formal procedure”</p> <p>On compliance, TPs must describe the methods by which they will identify and evaluate interregional transmission facilities.</p>	Northeast Planning Protocol has a general description of the types of studies to be conducted as part of the NCSP. Modifications may be needed.	Discuss with PJM and ISO-NE

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INTERREGIONAL TRANSMISSION COORDINATION			
Para #	Topic	Proposed Response	Comments/Issues
398	Must include a description of the type of transmission studies that will be conducted to evaluate conditions on their neighboring systems.	Northeast Planning Protocol has a general description of the types of planning models. More specificity may be required.	Discuss with PJM and ISO-NE
417	“FERC encourages—but does not require—multiregional or interconnection wide planning processes.”	Leverage the existing Northeast Planning Protocol even though not required.	Discuss with PJM and ISO-NE
421	FERC “clarification” – that a TP will not be deemed out of compliance if it attempts to and is unable to develop interregional coordination procedures with neighboring systems in another country.”	NPCC’s Canadian systems are participants—but not signatories—to the Northeast Planning Protocol.	Hold additional discussions with our Canadian neighbors (OH, HQ and Maritimes) to reexamine their interest in participating in the NCSPP.

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INTERREGIONAL TRANSMISSION COORDINATION			
Para #	Topic	Proposed Response	Comments/Issues
436-438	<p>Specific procedures for joint evaluation, include:</p> <ul style="list-style-type: none"> • Developer must first propose an interregional project in each regional planning process. This will trigger the procedure under which the regions will jointly evaluate the proposed transmission project. (Para 436) • Interregional evaluation must be conducted in the “same general timeframe” as the regional evaluations (P 436, 439) In Para 438, FERC declines to set a specific timeline • In order to receive inter-regional cost allocation the project must be selected in both of the regional planning processes (P436) 	Include these procedures in Northeast Protocol.	Discuss with PJM and ISO-NE
437	Must develop procedures for identification and resolution of differences in data, models, criteria and assumptions.	Northeast Protocol already contains some of these procedures. More specificity may be needed.	Discuss with PJM and ISO-NE
443	FERC clarified that the establishment of an inter-regional planning process does not confer any obligation to construct.	Include this language in Northeast Protocol.	Discuss with PJM and ISO-NE
444	FERC has rejected comments that would allow an interregional transmission project to bypass the relevant regional transmission planning processes	Include this language in Northeast Protocol	Discuss with PJM and ISO-NE

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INTERREGIONAL TRANSMISSION COORDINATION			
Para #	Topic	Proposed Response	Comments/Issues
454 & 455	Procedures must provide “specific obligations for sharing planning data and information—at least annually.”	Northeast Protocol already has annual data sharing provisions. More specificity may be needed. Must be subject to tariff confidentiality and CEII rules and procedures.	Discuss with PJM and ISO-NE
458 & 465	Information concerning inter-regional planning must be transparent –and provided on a website [or via e-mail]. Make transparent the analyses undertaken and determinations reached by neighboring regions in identifying and evaluating interregional facilities	Northeast Protocol process already provides for postings on the NCSP website as well as the individual ISO/RTO’s websites. Must be subject to tariff confidentiality and CEII rules and procedures.	
459 & 468	Final Rule does not require an interregional planning process to meet Order 890 requirements for stakeholder participation. Give stakeholders opportunity for input into development of interregional coordination procedures and the commonly agreed-to language to be included in OATT.	Northeast Protocol already has an inter-regional stakeholder advisory group: IPSAC.	Describe the process for stakeholder input into the compliance filing

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COST ALLOCATION			
Para #	Topic	Proposed Response	Comments/Issues
GENERAL PROVISIONS			
214-220; 332-336 482-483 558-560 607	<p>Regional Facilities: Need to have in place a method, or set of methods, for allocating the costs of new transmission facilities selected in the regional transmission plan for purposes of cost allocation. TPs may develop different cost allocation methodologies for different types of transmission facilities. Each method would have to be determined in advance.</p>	NYISO tariff is already compliant with respect to reliability & economic projects.	Refer to Order 890 filings & Compliance Orders to explain in compliance filing how the existing cost-allocation methods comply with Order No. 1000 principles. Discuss need to consider a separate method for public policy projects.
563	The Final Rule does not address cost recovery issues.		
578	<p>Interregional Facilities: Requires each TP in each region to have a common method/methods for allocating the costs of a new interregional transmission facilities among the beneficiaries in the two neighboring regions in which the facility is located.</p>	Provide a cost allocation method/methods for interregional transmission facilities.	Discuss with PJM and ISO-NE Consider separate methods for reliability and economic projects. May also need to consider a separate method for PPR projects.
578, 580 & FN 448	Multi-regional cost allocation not required. Each pair of regions may decide on a different method.	Develop cost allocation methods with each neighboring US region.	Discuss with PJM and ISO-NE
400, 581 & 582	A transmission facility must be included in both of the relevant regional plans in order to be eligible for inter-regional cost allocation.	Include this language in both NYISO Tariff and the Northeast Protocol	Discuss with PJM and ISO-NE

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Para #	Topic	Proposed Response	Comments/Issues
582	Costs may be allocated on a voluntary basis to a region in which the facility is not located	Include this language in both NYISO Tariff and the Northeast Protocol	Discuss with PJM and ISO-NE
584	The requirement to coordinate with neighboring regions applies to TPs within a region as a group—not individually. Within an ISO/RTO region, the ISO/RTO would develop an interregional cost allocation method on behalf of its TOs.	Compliance filing will be made jointly by the NYISO and its TOs.	
611	Cost allocation principles of Final Rule will apply only to new transmission facilities developed as part of a regional planning process	Include this language in NYISO Tariff and Northeast Protocol.	Discuss with PJM and ISO-NE
607	If agreement cannot be achieved, TPs are still obligated to submit a proposed methodology. FERC will “use the record” to develop a cost allocation method for that (those) region(-s). The compliances filing must “document the steps taken to reach consensus..to comply with this Final Rule as thoroughly as practicable..” Each TP, or pair of TPs, will have the burden to demonstrate that “sufficient effort has been made to comply.”		Keep this in mind during negotiations and drafting the compliance filings.

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Para #	Topic	Proposed Response	Comments/Issues
COST ALLOCATION PRINCIPLES			
622	Regional Principle #1: Cost allocation should be” roughly commensurate with estimated benefits.”	NYISO is already compliant for reliability and economic cost allocation as each utilizes a “beneficiaries pay” methodology.	Reference FERC 890 compliance Orders. Discuss need to consider separate methodology for PP projects
622	Interregional Principle #1: Cost allocation should be roughly commensurate with estimated benefits.	Modify the Northeast Protocol to include cost allocation methodologies –based on a “beneficiaries pay” methodology for: NYISO – PJM and NYISO-ISO-NE	Discuss with PJM and ISO-NE
637	Regional Principle #2: Those that receive no benefit must not be involuntarily allocated any of the costs of the transmission facilities.	NYISO already compliant for reliability and economic cost allocation since costs are only allocated to LSEs in “beneficiary zones”	Reference FERC 890 compliance Orders. Discuss need to consider a separate methodology for PP projects
637	Interregional Principle #2: Those that receive no benefit from an interregional transmission facility that is located in that region must not be allocated any of the costs of that facility.	Include this provision in the Northeast Protocol.	Discuss with PJM and ISO-NE
642	Regional Principle #3: If a region utilizes a B/C threshold it must not exceed 1.25 unless justified and approved by FERC.	No tariff change required.	Not applicable since NYISO’s existing cost allocation methodologies do not employ a multiplier.
642	Interregional Principle #3: SAME AS REGIONAL	TBD	Discuss with PJM and ISO-NE
657	Regional Principle #4: Costs for a regional transmission facility shall be allocated solely within that region—unless an outside entity voluntarily agrees to assume a portion of the cost.	NYISO already compliant for reliability and economic cost allocation.	Refer to 890 compliance Orders .

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COST ALLOCATION			
Para #	Topic	Proposed Response	Comments/Issues
657	Regional Principle #4: Regional planning process must identify consequences for other regions, and if the original region agrees to bear such costs, the regional cost allocation methodology must include provisions for allocating such costs among regional beneficiaries.	This is not part of NYISO’s reliability or economic planning process.	Discuss whether to propose any tariff modifications to: (a) identify the consequences for other regions, or (b) address what happens if there are consequences. Consider reciprocal provisions.
657	Interregional Principle #4: Costs for an interregional transmission facility must be assigned only to regions in which the facility is located. Costs cannot be assigned involuntarily to another region.	Include this provision in the Northeast Protocol?	Discuss with PJM and ISO-NE
657	Interregional Principle #4: Interregional planning must identify consequences for other regions, and if the TPs in the original regions agree to bear those costs, the interregional cost allocation methodology must include provisions for allocating those costs to beneficiaries in the regions where the facility is located.	TBD	Discuss with PJM and ISO-NE Consider reciprocal provisions.
668	Regional Principle #5: Regional methodology and data requirements shall be transparent with adequate documentation to allow a stakeholder to determine how they were applied.	NYISO already compliant for reliability and economic cost allocation.	Refer to 890 Compliance Orders Discuss need to consider separate methodology for PP projects

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668	Interregional Principle #5: SAME AS REGIONAL	Northeast Protocol already includes a transparent stakeholder process and website for posting data. Modify to include cost allocation methods and data requirements.	Discuss with PJM and ISO-NE
685	Regional Principle #6: A region may choose to use a different cost allocation method for different types of transmission: reliability, economic and Public Policy.	NYISO already compliant for reliability and economic cost allocation (methods differ).	Refer to 890 Compliance Orders for reliability and economic projects. Discuss need to consider a separate methodology for PP projects
686-687, 689	Final Rule does not require a distinct cost allocation methodology for Public Policy— but will allow it. Cost Allocation Principle 6 permits but does not require the public utilities in a transmission planning region to designate different types of transmission facilities, and it permits but does not require the public utilities in a transmission planning region that choose to designate different types of transmission facilities to have a different cost allocation method for each type. However, we clarify that if the public utilities choose to have a different cost allocation method for each type of transmission facility, there can be only one cost allocation method for each type. {NOTE: must be based on beneficiaries pays}	NYISO reliability and economic cost allocation methodologies already compliant.	Refer to 890 Compliance Orders for reliability and economic projects. While there may be no existing “Public Policy Requirements” in effect in NY today, NYISO still needs to have a cost allocation methodology in its tariff for transmission projects that may be driven by public policy requirements in the future that do not themselves prescribe a cost allocation methodology and that do not fit within existing NYISO reliability, economic and interconnection cost allocation methodologies.

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COST ALLOCATION			
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690	In response to NYISO and LIPA, FERC states that there must be a regional cost allocation methodology applicable to transmission to address a Public Policy Requirement—and that such methodology cannot be on a project-specific basis.	See above (Para 686-687)	See above (Para 686-687)
685	Interregional Principle #6: SAME AS REGIONAL	TBD	Discuss with PJM and ISO-NE Should there be different cost allocation methodologies for reliability and economic transmission?
734	<ul style="list-style-type: none"> • An interregional cost allocation methodology may be different from the respective regional cost allocation methodologies • Cost allocation for a region’s share of an interregional facility may differ from the cost allocation for a regional facility 	TBD	Discuss with PJM and ISO-NE Keep in mind when developing the inter-regional cost allocation methodologies. Avoid double payment (e.g. – through inter-regional cost allocation in addition to export charges between regions)

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MISCELLANEOUS			
Para #	Topic	Proposed Response	Comments/Issues
761	Stakeholders may raise pancaked rate concerns in the Order 1000 compliance filings or in separate 205 or 206 filings with FERC.	TBD	Discuss with PJM and ISO-NE.
795 & 796	FERC declined to rule that existing approved ISO/RTO planning processes were already in compliance with the Final Rule.	Demonstrate that NYISO reliability and economic planning processes have already been found compliant with Order 890 by referencing FERC's Compliance Orders.	
797	TOs in ISO/RTO regions may demonstrate compliance with Order 1000 through the ISO/RTOs filing and are not required to make a separate filing.	NYISO and NYTOs will make joint compliance filings as in the past.	
815	Non-public utilities are subject to FERC's reciprocity provisions and most non-public utilities currently participate in regional planning processes.	LIPA, NYPA and the NY Munis already participate in the NYISO's planning processes.	