Wednesday, January 21, 2004

NYS Nurses Association, Latham, NY

1. Welcome & Meeting Objectives

Wes Yeomans, Chair of Business Issues Committee (BIC) called the meeting to order at 9:33 AM and welcomed the members of BIC. Attendees introduced themselves, naming the companies they represent.

2. Approval of meeting minutes for December 3, 2003 Stalter

Final drafts of the minutes from December 3 were distributed to BIC members before the meeting.

Mr. Yeomans added the following comments

BAWG Report: 2nd sentence clarified to read "BAWG received an update on the blackout..."

3rd sentence "Station Power technical bulletins will be released soon, but software not be released until March"

4th sentence "Jim Sheiderich noted that requests had been made for a preview of the final bill"

Motion to approve minutes was made and seconded.

Motion #1:

Motion to approve the Minutes from the December 3, 2003 BIC meeting. *(Motion passed unanimously by show of hands)*

3. Chair's Report

Mr. Yeomans stated that he would like to receive comments regarding the start time of the BIC Meeting – one MP had requested a 10am start time, and Mr. Yeomans wanted to know how others felt. Ray Kinney of NYSEG commented that perhaps the start time should be later during the winter months.

Mr. Yeomans also commented on the letter from FERC Commissioner Wood thanking the ConEd and NYISO for the Tech Conference, which was recently distributed to Market Participants and posted to the NYISO web site. Mr. Yeomans thanked NYISO staff and Con Edison for coordinating the Conference.

Mr. Yeomans reported on the January 14th Wind Power Technical Conference, and noted that GE gave a presentation on the RPS findings in NYS.

Mr. Yeomans also drew attention to the two draft technical bulletins that have been issued on station service, and that four more technical bulletins are coming out concerning with meter service for station power. Ray Stalter, of the NYISO, reported that these Technical Bulletins were under review by the Metering Task Force and BAWG, and are posted under materials for the December BAWG meeting. He also noted that once the BAWG and MTF have completed their reviews, the Technical Bulletins would be distributed in draft for to Market Participants as a whole as part of the normal review process.

4. Market Operations Report

Chuck King, of the NYISO, presented the Market Operations Report. Control performance was covered first: a new winter peak was hit last Thursday at 25252 MW, about 700MW over the previous winter peak.

Mr. Kinney requested an update on the implementation of Variable Regulation rates. Mike Calimano of the NYISO replied that discussions should be wrapping up by the end of the month.

Mr. King continued, noting that DAM Prices are consistently higher than RT prices in all zones, which is regarded as positive. David Patton will investigate this trend as part of the end of year

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market assessment. Natural Gas prices were up in December. Price corrections and reservations were down in December – this improvement is attributed to a new NYISO team that is quickly acting to resolve price issues as they arise.

Mr. King introduced a new slide to the Market Operations report, which summarizes the average DAM Load Bid. It includes all components including virtual bidding and price-cap load bids.

Mr. Kinney inquired as to the status of the Blackout Cost report. Mr. Calimano replied that a report would be made at the upcoming MC or BIC meetings.

Tim Foxen of NRG Energy asked when the Patton report comes out. Mr. King replied that it is generally ready for the Joint Board MC meeting in April.

Mr. Yeomans clarified that the blackout request includes two pieces; the cost impact of claims, and the actual costs reflected at the time in Rate Schedule 1. Market Participants wish to know the amount already charged, and what additional charges may result from claims the NYISO is currently processing.

Stuart Nachmias of Con Edison asked when invoices would reflect the billing for additional claims.

An update will be included in the upcoming report to the Committees.

5. Regional Market Enhancements

Mr. King then moved on to present the Regional Market Enhancements report. Progress is continuing on the facilitated checkout and e-tag integration initiatives. OSS technology is being leveraged to improve communication between NYISO and other control areas.

Mr. Kinney noted there was a request for discussion on OSS from the S&P Working Group, focusing on what value has been delivered, and what direction OSS should proceed in.

Mr. King went on to note that ISO-NE is developing a schedule to implement a Day Ahead Demand Response Program; we are working with other control areas to see where changes can be made to more closely align these programs. We are also looking at changes we can make to enhance our participation in own the New York DADRP.

Larry DeWitt of Pace Energy noted that there is interest in finding out what barriers to participation exist, and how they can be resolved.

Regarding RAM, a status report to FERC is being prepared on the status of the MP review process. The final report from NERA Economic Consulting is due out in February, and a meeting is scheduled for February 26th in New England. Stakeholders will take the report findings back to their respective committees and groups, to evaluate what changes make sense for each Market.

Meetings are ongoing concerning elimination of Rate Pancaking. Mr. King noted that FERC Commissioner Wood's recent letter to the NYISO made reference encouraging this effort.

Concerning Virtual Regional Dispatch, discussions have been ongoing with ISO-NE. Mark Younger has made an alternative proposal, which is presently being reviewed by NYISO and ISONE staff. Another meeting is expected to take place in the next few weeks to continue discussions on VRD.

Mr. Kinney inquired if Mr. Younger's proposal was ready for public discussion, and was informed that the proposal is not ready for broader discussion at this time.

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Mr. King continued, noting that an interim scheduling protocol is being planned for the Cross Sound Cable. The end-state project is not scheduled for implementation until summer of 2005, but the NYISO would like to have a scheduling protocol in place for Summer 2004. A proposed tariff change will be brought to BIC in February, and it was determined that the Market Structures Working Group or the Scheduling & Pricing Working Group would commence work on this issue. Mr. Stalter commented that the issue would be brought to S&P.

Mr. Nachmias of ConEd asked if any thought has been given concerning the impact of a potential delay on RTS would have on meeting the Summer 2005 deadline. Mr. King replied that there will be resources beginning work on this project in March, and that RTS would not likely affect this project. Mr. Stalter commented that an announcement regarding a revised deployment schedule would be distributed to Market Participants by the end of the week (January 23rd).

Lastly, Mr. King stated that in the coming months, the Market Services VPs at the NYISO, ISO-NE and PJM would attend each other's BIC meetings beginning in March to gather input on seams issues.

6. Project Prioritization Team Report

Tim Schmehl, Manager of Project Management at NYISO, gave a brief update on the actions of the Project Priority Team. Mr. Schmehl began with a discussion about the 2004 project ranking. The PPT developed a more rigorous, structured process to evaluate and rank projects, given that there are more projects than there are resources to do them. The working groups could also take up this process in their individual project evaluations.

There are 7 criteria that the NYISO Project Management Committee developed for scoring projects:

Alignment with Strategic Objectives Regulatory and Legal Environment Market Value Impact on System Reliability Risk Avoidance Workforce Environment Organizational Efficiency (reduce manual effort)

Mr. Nachmias commented that reliability should be given higher weight than other criteria in scoring projects. Mr. Schmehl clarified that the list of criteria is not listed in weight order, and that reliability concerns are a vital consideration in project evaluation.

Mr. Schmehl provided the current ranking of projects for 2004, based on the criteria previously described. He noted that projects are being worked on in parallel, but when resource constraints arise, the higher priority projects take precedence.

There was considerable discussion regarding the SMD project, and what sub-items are contained within this line-item – market participants requested further detail from the NYISO concerning what features are covered. Market participants also requested that issues that were not previously included in SMD Phase 1 development be re-evaluated for possible inclusion. Mr. Dewitt requested that an action item be created for PPT to address these issues concerning the SMD project.

David Coup of NYSERDA asked how the market value of each project would be quantified, and whether any tracking would take place to determine the actual market value. Mr. Schmehl replied that the project evaluation efforts were moving towards this 2004's measurements would look at how well NYISO does at meeting schedules and budgets, with scope to come in the future.

Mr. Schmehl went on to discuss efforts to improve 2-way communication with MPs about projects. Specifically, the project management department will be making more project

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information available on the NYISO web portal, covering scope, cost and schedule for each project. The BSP and PPT groups will receive more project information, and the 2004 Customer Opinion Survey will be used to measure progress on these initiatives.

Lastly, Mr. Schmehl presented the committee with a draft PPT Scope of Responsibilities document to give describe the role of the PPT, and asked that market participants contact PPT members with input.

7. Further Tariff Amendments Regarding Special Pricing Rules at Non-Competitive Proxy Generator Buses

Andrew Hartshorn of LECG noted that this presentation covered material previously presented at S&P. Mr. Hartshorn began by describing the history of regulatory filings, and responses by FERC concerning pricing rules at Non-Competitive Proxy Buses. Mr. Hartshorn then drew particular attention to the 8-22-3 FERC Order conditionally accepting pricing rules, with the following two conditions:

- The Pricing Rules must be modified to only apply when the NYISO has scheduled counterflow transactions
- The NYISO must issue a report on the competitiveness of the NE and PJM proxy buses. (This report was filed in November 2003)

NYISO replied to this order in September, arguing that the FERC modifications didn't encompass all situations in which non-competitive situations could occur. The NYISO further indicated that the remaining situations covered by the FERC ordered condition are unlikely given the nature of competition at the proxy bus. Further, the NYISO felt that adding a scheduling analysis requirement to the proposed rules (as opposed to a price analysis only) was counter-productive, and that the net cost to the marketplace under the NYISO rules was minimal.

FERC agreed with the NYISO regarding the need to include de-scheduling of DAM Transactions, but denied the NYISO request to retain originally filed pricing rules. FERC ordered that these pricing rules need to be re-applied back to May of 2003, and price corrections will be required. The total cost impact between the two pricing rules was estimated to be \$368.09.

The NYISO now proposes to re-submit the original tariff filing. Applying the FERC rules through software would be costly and resource intensive, for a small net benefit to the market. The other approach is to use the price correction process, but this is not without cost or impact to market certainty.

Mike Cadwalader of LECG asked if the cost impact could increase in the future, and whether there was a way to monitor it.

Mr. Hartshorn replied that it would be difficult to monitor the cost impact without significant expense, and that the cost of the review would likely be greater than the amount of additional market cost impact identified.

Chris Desilets of HQ inquired as to whether the pricing rules would be applied manually or automatically.

Mr. Hartshorn replied that at present the NYISO is using the price correction process to derive those prices. If the filing is approved, the NYISO has software ready to generate the proper prices automatically in real-time; this software was built to comply with the original filing last year but not deployed.

Tim Bush of Navigant Consulting asked why FERC would accept a filing that was previously rejected.

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Gerald Deaver of the NYISO replied that the analysis of the costs involved supported the NYISO position.

Mr. Kinney added that since the cost-benefit has been done, FERC might be more open to this proposal.

Mr. DeWitt suggested that NYISO staff pursue informal conversations with FERC staff so this doesn't come as a surprise, and get feedback.

Mr. Nachmias requested that NYISO staff to confer with FERC staff informally and report back to the MC with feedback.

Mr. Deaver stated that NYISO staff is in regular contact with FERC, and that this proposal could be explored informally before the filing. Motion was made, seconded, and passed.

Motion #2:

Motion to amend the NYISO tariffs to delete the conditions on the application of the noncompetitive proxy generator bus pricing rule imposed in the Commission's December 23, 2003 Order on Rehearing in Docket ER03-690-002. (Motion passed by majority show of hands.)

Abstentions:

Chris Desilets - HydroQuebec Terry Kain - KeyspanRavenswood George Braulke - Amerada Hess

8. Proposal Addressing Creditworthiness, Working Capital and Non-Payment Provisions related to non-recovery of the TSCs for Wheels-through and Exports

Kevin Jones of Hunton & Williams made the presentation.

The proposed amendments would add a requirement for customers to collateralize wholesale TSCs on wheels-through and exports; the TOs would continue to bill and collect these charges; working capital held by the NYISO holds will not be used to address TSC non-payments; uncollected TSCs in excess of collateral will be collected through Rate Schedule 1 as with other types of bad debts.

Tom Rudebush of Duncan, Weinberg, Genzner and Pembroke (Village of Rockport Center) asked how the operating requirement would be calculated for a buying group like NY Municipal Agencies?

Tom Rudebusch of Duncan, Weinberg, Genzer & Pembroke (NY Municipals) asked how the Operating Requirement would be calculated for a buying group like the NY Municipal Power Agency. Specifically, would the Operating Requirement of each of the individual municipals be increased to reflect the TSC, or would the Operating Requirement of the Agency be increased to reflect the TSC payments of its members?

Mr. Jones replied that the requirement is calculated by the NYISO on an individual market participant basis. Kyla Douglas of the NYISO later clarified that the requirement would be assessed to the buying agency as an aggregate of the obligations of the buying group members. Mr. Rudebusch stated he would seek to table the proposal until this issue was fully resolved.

Bob Loughney of Multiple Interveners Intervenors asked how this proposal would impact the market.

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Mr. Jones replied that the initial proposal neglected to cover all instances of TSCs. It did not cover imports or internal wheels. TSCs for these transactions would now be covered under the credit policy. Mr. Jones was unable to tell Mr. Loughney what the total change in operating requirement would be, but that those customers paying the charges would be able to identify the impact easily.

Mr. Kinney agreed that the policy should be applied consistently, and that problems could arise with FERC if the NYISO did not apply the credit policy consistently to all customers.

Glenn Haake asked how the determination would be made regarding the use of excess WTSC Wholesale Transmission Service Charge ("WTSC") collateral.

Mr. Jones replied that the process would be the same as if a customer left the NYISO marketplace. The process would be to examine the activity, the likelihood of a true-up obligation; the extra collateral would then be accessible.

Mr. Haake then asked about the conditions stated in item VI of the Key Terms presentation. In the case of a dispute between the late paying party and the TO, what would happen? Would the NYISO automatically draw against the collateral? Mr. Jones replied that ISO would not be involved in such a dispute, and that the rules would take effect automatically.

Howard Fromer noted that this issue was sent back to a WG for discussion, and suggested that the simple way to correct this issue was to transfer billing of WTSCs to the NYISO from TO's. The NYISO was tasked to research what would be required to make this change. Mr. Fromer felt that without this information, it was difficult for BIC members to evaluate the entire approach. He further recommended that voting be delayed until this information was available.

Mr. Yeomans said he would be interested in talking about transferring billing, but felt that the proposed changes address a problem that currently exists, and needs to be addressed now.

Kevin Jones of LIPA agreed that addressing this issue could not be delayed.

There was extensive discussion regarding the handling of bad debt for TSCs, and whether another portion of the TO rate would cover bad debt for these charges. It was determined that the TO rate does not cover bad debt for TSCs.

Doreen Saia of Couch, White (for Mirant) requested that the NYISO consider the working capital formula, and apply any changes with respect to calculating obligations be applied to working capital as well.

Mr. Kinney suggested that since this motion makes the treatment of charges consistent, and that BIC has already approved the credit policy, the motion should be approved now.

Motion to accept the proposed changes was made and seconded. A motion to table this motion until next BIC meeting was made and seconded.

Motion #3:

The Business Issues Committee hereby approves tariff provisions authorizing the NYISO to: (i) account for Wholesale Transmission Service Charges in a customer's Operating Requirement and (ii) terminate service to a customer that fails to pay its Wholesale Transmission Service Charges, each as more fully described in the presentation materials.

Motion #3a

Motion to table Motion #3. (Motion passed with 65.43% affirmative votes.) Wednesday, January 21, 2004

9. Effects of Gas De-rates on the NYISO Grid – Winter 2002-2003

Andrew Bachert of the NYISO Market Monitoring department presented a follow up report on analysis done during the Spring of 2003 which examined the number of de-rate hours due to lack of fuel.

The report analyzed the impact of these de-rates on the electrical grid. When temperatures decreased, there were a number of de-ratings due to a lack of gas supply. There were also a considerable number of partial derates. The largest hourly derates occurred on 1-13-03, with 918 MWs unavailable. This coincided with the winter peak. Some derates, which were due to a lack of fuel, were attributed to gas curtailments by gas service providers. New York City and Long Island had the largest portion of unavailable energy with 10 units accounting for most of the derates. The report also noted a strong correlation between spiking gas prices and de-rates. Mr. Bachert also noted that generators are free to sell gas opportunistically, provided they meet their obligations under the tariff, and speculated that a possible reason some of these derates was the opportunistic selling of gas by the generators.

Roy Shanker of East Coast Power asked if there was a link between reference prices and gas prices, and asked why generators may choose to sell gas instead of electricity.

Mr. Bachert replied that during that period, some generators appeared to be running on other fuels. Gas units were also not the price setting units much of the time last year. Mr. Bachert went on to confirm that gas/fuel prices are automatically factored into reference prices.

There was considerable discussion about the issue of generators selling gas at a profit, whether this is permissible or has any reliability impacts.

Jim Savitt of the NYISO noted that the reference price update process has been improved to update prices overnight to reflect fuel price volatility. If the price information was instantaneous, the unit should be indifferent as to providing energy or selling gas. Failing that, some analysis is required on the part of the unit to make this determination.

Mr. Bachert continued, noting that these derates also caused a price spike of \$915 MW for one 5 minute interval in NYC on 1/23/03. The most visible effect of the derates was on 2/17/03, which followed one of the coldest days during the winter.

The markets performed well during these instances. Clear market signals were produced during times of scarcity. Mr. Bachert went on to note that increased reliance on gas could increase exposure to these de-rates in the future. Glen Haake of IPPNY requested that the NYISO take an action item to present the views of the NYISO into the PSC Gas Reliability study

10. Autumn 2003 Customer Survey Report

James Considine of the NYISO Market Services Group presented the findings from the 2003 Customer Opinion Survey.

The survey was conducted via internet through an external firm to preserve confidentiality, and was expanded to include approximately 1300 customers. The response rate was excellent, at 33%.

Overall, market participants rated the NYISO 5.03 on a scale of 1-7, reflecting a 6% increase over 2003. Mr. Considine went on to discuss how customers rated individual topics. Lastly, the internal communication plan for the survey results was presented. Individual managers received detailed reports concerning their areas, with higher-level reports being made to committees, employees, and NYISO Senor Management.

Mr. Fromer of PSEG inquired as to whether there were any differences among scores by sector.

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Mr. Considine replied that there were several instances of diversity in opinion among the sectors, and noted as an example TO scores on Project Collaboration being lower than other sectors.

Mr. Fromer of PSEG suggested that the NYISO work with ISO-NE and PJM to compare survey scores, and produce some measure of relative performance.

11. Spring 2004 TCC Auction Status Report

Art Desell of the NYISO Resource Reliability Department presented a status report on the upcoming Spring 2004 TCC Auctions. The auction automation software is still under development; the spring auction will be conducted using the existing e-mail bidding process. Mr. Desell then detailed the amount of outstanding TCCs at the start of the auction. New TCC sales are made possible through the expiration of 6 and 12 month TCC sold previously.

Mr. Desell went on to describe the expected auction schedule. The NYISO will finalize this schedule once FERC approves the Congestion Shortfall Reduction methodology.

Jim Scheiderich asked if information would be made available concerning what capacity the TO's elect to reserve from the auction as part of the Congestion Reduction initiative.

Mr. Desell indicated that the NYISO would work to let the TO's know what capacity is available, and then release the information to the marketplace in advance of the auction as soon as possible.

12. Working Group Updates

A. Billing and Accounting (Chair: Kevin Kipers)

Mr. Kipers reported that completing Final bill challenges would be delayed. The status of individual Final Bill Challenges have not been distributed to MPs by the NYISO. BAWG requested that this be done as soon as possible. Mr. Kipers noted that the 4-month true up for August 2003 Invoice will not include the Blackout settlement, and that the NYISO is expected to make available how much emergency energy was purchased during the blackout.

Mr. Yeomans requested that NYISO staff re-report to BAWG on what has already been charged for the blackout; that NYISO staff should come to BIC with their decision about how to handle pending charges, and then go to BAWG for review.

BAWG also discussed RTS Changes to billing. Concerns were raised that is getting late to be hearing the details of the calculations. MPs want to be involved in market trials and have their systems ready for the changeover. Lastly the Metering group is reviewing the tech bulletin for Station power.

B. Installed Capacity (Chair: Howard Fromer)

Mr. Fromer noted efforts to set up a meeting to discuss the draft recommendation that came out of the Wind Study to look at assigning UCAP values.

C. Market Structure (Chair: Jim Scheiderich)

A meeting is taking place on January 29th. SMD/RTS schedule will be discussed, combined cycle plant modeling, OSS, and Cross Sound Cable modeling.

D. Price Responsive Load (Chair: Bob Loughney)

Mr. Loughney stated that the group would be meeting shortly.

E. Scheduling & Pricing (Chair: Ray Kinney)

Mr. Kinney addressed the filing strategy on the proxy bus issue and the credit policy revision.

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He also looked the congestion management proposal on 1385 Kv cable. ISO-NE and NYISO are close to an operating agreement and protocols. Price corrections due to TLRs were also discussed. Also discussed internal CA controllable line scheduling. An update on OSS is expected in an upcoming meeting.

F. Electric System Planning (Joint OC/BIC WG) (Chair: William Palazzo)

John Bucheler of the NYISO gave the report in Mr. Palazzo's absence. The ESP has been working on the Initial Planning Process to clear up outstanding issues from the Operating Committee's approval. The report for Phase 1 is due out by summer of 2004. Concerning the Phase II Comprehensive Planning Process, discussions have progressed well. Discussion on reliability issues is expected to wrap up by March, and economic issue discussion is expected to close by summer 2004. The NYISO developed an issues list concerning cost allocation/recovery and stakeholders provided written comments were discussed at the last meeting. There is a diversity of opinion on how best to handle this. Opinions on how to handle Backstop regulated upgrades run from developing a bright line test, while others support a purely case-by-case evaluation. In between is a method that applies a set of criteria in each case. Under which tariff to recover costs still needs to be determined: TO, NYISO or both.

Mr. Nachmias of ConEd noted that the PROBE model has not done well at replicating SCUC in Zones J and K, and that since the Operating Committee was scheduled to vote on approving the PROBE model at the 1/22 meeting, Mr. Nachmias wanted to make ConEd's concerns known.

FERC Interconnection Order: NYISO/TO Joint Compliance Filing Overview

John Bucheler of the NYISO presented an overview of the Joint NYISO/TO Compliance Filing. This filing was made on 1/20, and generally adopts pro-forma language, except where regional differences exist, or to conform to NYOSO tariff and practices. The filing retains Tariff Attachment S, covering Class Year and Cost Allocation Procedures, as well as the NYISO Minimum Interconnection Standard. The filing also retains the NYISO study sequence, as well as the pro-forma 3-party Interconnection Agreement. The filing did not address issues raised in the rehearing. Mr. Bucheler then detailed the Joint Process for Interconnections, and the interplay of TO's the NYISO and Developers.

13. New Business

There was no new business.

14. Administrative Matters

Ray Stalter of the NYISO distributed the action Item report.

15. Adjournment

The meeting adjourned at approximately 3:35pm.

Respectfully Submitted,

James Considine Acting Recording BIC Secretary

New York Independent System Operator

Business Issues Committee - January 21, 2004

Motion: Motion # 3a

Result: Motion Passed

Sector with base percent	%	Active	Quorum	Adj. Percent	For	Against	Abstain	% For	% Against
Generation Owners	21.5	~	~	21.50	6.00	0.00	1	21.50	0.00
Other Suppliers	21.5	~	✓	21.50	11.00	3.00	2	16.89	4.61
Transmission Owners	20.0	~	~	20.00	0.00	4.00	0	0.00	20.00
End Use Consumer Large Consumer	9.0	~	~	9.00	5.00	0.00	0	10.33	0.00
Large Consumer Large Cons. Gov. Agency Small Consumer	2.0 4.5	✓ ✓	~	2.00 4.50	0.00 9.00	0.00 0.00 0.00	0 2	0.00	0.00
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Public Power			✓						
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New York Independent System Operator

Business Issues Committee - January 21, 2004

<u>Motion</u> Motion # 3a

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