

3.3 Service Availability

3.3.1 General Conditions:

The ISO will provide Firm ~~and Non-Firm~~ Point-To-Point Transmission Service over the NYS Transmission System pursuant to ISO designated Points of Receipt and Points of Delivery, to any Transmission Customer that has met the requirements of Section 3.4, ~~provided however, Non-Firm Point-to-Point Transmission Service is not available between Points of Receipt and Points of Delivery internal to the NYCA.~~ Non-Firm Point-To-Point Transmission Service is not available in the markets that the NYISO administers.

3.3.2 Available Transfer Capability:

The ISO continuously redispatches all resources subject to its control in order to meet Load and to accommodate requests for Firm Transmission Service through the use of SCUC, RTC and RTD. The ISO will post information regarding ATC and TTC availability on the OASIS.

3.3.3 Initiating Service in the Absence of an Executed Service Agreement:

If the ISO and the Transmission Customer requesting Firm ~~or Non-Firm~~ Point-To-Point Transmission Service cannot agree on all terms and conditions of the Point-To-Point Service Agreement, ISO shall file with the Commission, within thirty (30) days after the date the Transmission Customer provides written notification directing the ISO to file, an unexecuted Point-To-Point Service Agreement containing terms and conditions deemed appropriate by the ISO for such requested Transmission Service. The ISO shall commence providing Transmission Service subject to the Transmission Customer agreeing to (i) compensate the ISO in accordance with the terms and conditions of the unexecuted filed Service Agreement, subject to true-up at

whatever rate the Commission ultimately determines to be just and reasonable, and (ii) comply with the terms and conditions of this Tariff.

3.3.4 Obligation to Provide Transmission Service that Requires Expansion or Modification of the Transmission System:

If a Transmission Customer requests that the NYS Transmission System be expanded or modified, the Transmission Owner(s), at the ISO's request, will use due diligence to expand or modify its applicable portion of the NYS Transmission System to increase Transfer Capability, provided the Transmission Customer agrees to compensate the applicable Transmission Owner(s) for such costs pursuant to the terms of Section 3.19. The Transmission Owner(s) will conform to Good Utility Practice in determining the need for new facilities and in the design and construction of such facilities. The obligation applies only to those facilities that the Transmission Owner has the right to expand or modify.

3.3.5 Deferral of Service:

Any increase in TCCs associated with new facilities is subject to completion of construction of those transmission facilities or upgrades.

3.3.6 Real Power Losses:

Real Power Losses are associated with all Transmission Service. The Transmission Customer is responsible for losses associated with all Transmission Service in accordance with Schedules 7-8 and as calculated in Attachment J.