

Proposed NYISO Services Tariff

Stage 2 Tariff on an Installed Capacity Market Design

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5.14.1(c) Supplemental Supply Fee

Any LSE that has not met its share of the NYCA Minimum Installed Capacity Requirement or its share of the Locational Minimum Installed Capacity Requirement after the completion of an ICAP Spot Market Auction shall be assessed a supplemental supply fee equal to the applicable Market-Clearing Price of Unforced Capacity determined in the ICAP Spot Market Auction ~~localized levelized embedded cost of a gas turbine, as set forth in the Table below, multiplied by one and one half (1.5), divided by twelve (12), and~~ multiplied by the number of MWs the LSE needs to meet its share of the NYCA Minimum Installed Capacity Requirement or its share of the Locational Minimum Installed Capacity Requirement.

The ISO will attempt to use these supplemental supply fees to procure Unforced Capacity at a price which shall not exceed the lowest available price applicable Market-Clearing Price of Unforced Capacity determined in the ICAP Spot Market Auction from Installed Capacity Suppliers that are capable of supplying Unforced Capacity including: 1) Installed Capacity Suppliers that were not qualified to supply capacity prior to the ICAP Spot Market Auction; and 2) Installed Capacity Suppliers that offered Unforced Capacity at levels above the ICAP Spot Market Auction Market-Clearing Price; ~~and 3) Installed Capacity Suppliers that did not offer Unforced Capacity in the ICAP Spot Market Auction.~~ In the event that different Installed Capacity Suppliers offer the

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~~same price, t~~The ISO will give preference to Installed Capacity Suppliers that were not qualified to supply Capacity prior to the ICAP Spot Market Auction.

Offers from Installed Capacity Suppliers are subject to review pursuant to the NYISO Market Monitoring Plan-Market Mitigation Measures (Attachment H to the Services Tariff). Installed Capacity Suppliers selected by the ISO to provide capacity after the ICAP Spot Market Auction will be paid a negotiated price, subject to the standards, procedures and remedies in the NYISO Market Monitoring Plan-Market Mitigation Measures.

The ISO will not pay an Installed Capacity Supplier more than the applicable Market-Clearing Price of Unforced Capacity determined in the ICAP Spot Market Auction ~~supplemental supply fee~~ per MW of Unforced Capacity, or, in the case of In-City generation that is subject to capacity market mitigation measures, the annual mitigated price cap per MW of Unforced Capacity, whichever is less, pro-rated to reflect the portion of the Obligation Procurement Period for which the Installed Capacity Supplier provides Unforced Capacity. Any remaining monies collected by the ISO pursuant to this section will be applied to reduce the Schedule 1 charge.

~~Beginning May 1, 2003, the following localized levelized embedded cost of gas turbines in the New York City Locality, the Long Island Locality, and Rest of State, respectively, times one and one half (1.5) and adjusted in accordance with the ISO~~

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~~Procedures will be used to set the supplemental supply fees and deficiency charge in the New York City Locality, the Long Island Locality, or elsewhere in the NYCA, respectively:~~

In City New York City (LBMP Load Zone J)	\$159/kW of Installed Capacity per Capability Year
Long Island (LBMP Load Zone K)	\$139/kW of Installed Capacity per Capability Year
All Other LBMP Load (All other LBMP Load Zones in the NYCA)	\$85/kW of Installed Capacity per Capability Year
	NOTE: These dollar figures will be translated each year to dollars per kilowatt-year of Unforced Capacity in accordance with the ISO Procedures.

5.14.2 Installed Capacity Supplier Shortfalls and Deficiency Payments

~~In the event that the amount of Unforced Capacity that an Installed Capacity Supplier certifies in a given month is determined to have been more than the amount that the Installed Capacity Supplier is authorized to supply for that month, the ISO shall prospectively purchase Unforced Capacity on behalf of that Installed Capacity Supplier in the amount of the shortfall in the appropriate ICAP Spot Market Auction or through post-ICAP Spot Market Auction Unforced Capacity purchases.~~

In the event that an Installed Capacity Supplier sells in the Capability Period or Monthly Auctions more Unforced Capacity than it is qualified to sell in any specific month due to a de-rating or other cause, the Installed Capacity Supplier shall be deemed to have a shortfall for that month. To cover this shortfall, the Installed Capacity Supplier shall purchase sufficient Unforced Capacity in the relevant Monthly Auction or through Bilateral Transactions, and certify to the ISO consistent with the ISO Procedures that it

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has covered such shortfall. If the Installed Capacity Supplier does not cover such shortfall or if it does not certify to the ISO in a timely manner, the ISO shall prospectively purchase Unforced Capacity on behalf of that Installed Capacity Supplier in the appropriate ICAP Spot Market Auction or through post-ICAP Spot Market Auction Unforced Capacity purchases to cover the shortfall.

In the event that an External Installed Capacity Supplier fails to deliver to the NYCA the Energy associated with the Unforced Capacity it committed to the NYCA due to a failure to obtain appropriate transmission service or rights, the External Installed Capacity Supplier shall be deemed to have a shortfall from the last time the External Installed Capacity Supplier “demonstrated” delivery of its Installed Capacity Equivalent (“ICE”), or any part thereof, until it next delivers its ICE or the end of the term for which it certified the applicable block of Unforced Capacity, whichever occurs first, subject to the limitation that any prior lack of demonstrated delivery will not precede the beginning of the period for which the Unforced Capacity was certified. An External Installed Capacity Supplier deemed to have a shortfall shall be required to pay to the ISO a deficiency charge equal to one and one-half times the applicable Market-Clearing Price of Unforced Capacity determined in the ICAP Spot Market Auction for the applicable month as set forth in Section 5.14.1(c) of this Services Tariff, prorated for the number of hours in the month that External Installed Capacity Supplier is deemed to have a shortfall (*i.e.*, (((deficiency charge ÷ 12 months) ÷ total number of hours in month when shortfall occurred) * number of hours the shortfall lasted) * number of MWs of shortfall).

The ISO shall submit a Bid, calculated pursuant to Section 5.14.1 of this Tariff, in the appropriate ICAP Spot Market Auction on behalf of an Installed Capacity Supplier

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deemed to have a shortfall as if it were an LSE. Such Installed Capacity Supplier shall be required to pay to the ISO the applicable Market-Clearing Price of Unforced Capacity established in that ICAP Spot Market Auction. In the event that the ICAP Spot Market Auction clears below the NYCA Minimum Installed Capacity Requirement or the Locational Minimum Installed Capacity Requirement, whichever is applicable to the Installed Capacity Supplier, the Installed Capacity Supplier shall be assessed ~~the a~~ deficiency charge equal to the applicable Market-Clearing Price of Unforced Capacity determined in the ICAP Spot Market Auction ~~deficiency charge based on the localized levelized embedded cost of a gas turbine, as set forth in the Table above, multiplied by one and one half (1.5), divided by twelve (12),~~ times the amount of its shortfall.

If an Installed Capacity Supplier is found, at any point during a Capability Period, to have had a shortfall for that Capability Period, *e.g.*, when the amount of Unforced Capacity that it supplies is found to be less than the amount it was committed to supply, the Installed Capacity Supplier shall be retrospectively liable to pay the ISO the monthly deficiency charge equal to one and one-half times the applicable Market-Clearing Price of Unforced Capacity determined in the ICAP Spot Market Auction for each month the Installed Capacity Supplier is ~~deemed to have a shortfall, calculated pursuant to Section 5.14.1 and 5.14.2 of this Tariff.~~

Any remaining monies collected by the ISO pursuant to Section 5.14.1 and 5.14.2 will be applied as specified in Section 5.14.3.

5.14.3 Application of Supplemental Supply Fees and Installed Capacity Supplier Deficiency Charges

Any remaining monies collected by the ISO through supplemental supply fees or Installed Capacity Supplier deficiency charges pursuant to Section 5.14.1 but not used to

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procure Unforced Capacity on behalf of LSEs or Installed Capacity Suppliers deemed to have a shortfall shall be applied as provided in this Section 5.14.3.

5.14.3(a) General Application of Deficiency Charges

Except as provided in Section 5.14.3(b), remaining monies will be applied to reduce the Rate Schedule 1 charge in the following month.

5.14.3(b) Locational Minimum Installed Capacity Rebates

(i) New York City

If an Unforced Capacity shortfall exists during ~~any the first~~ month ~~of a Capability Period~~, the ISO shall rebate, ~~calculated on a monthly basis and to be paid at the beginning of the month~~, any remaining unspent deficiency charges or supplemental supply fees collected for that month for the New York City Locality. ~~The rebate calculated for the Locality shall be~~ allocated among all LSEs in that Locality in proportion to their share of the applicable Locational Minimum Installed Capacity Requirement. Rebates shall include interest accrued between the time payments were collected and the time that rebates are paid.

~~If during the second through the sixth month of a Capability Period, an Unforced Capacity shortfall exists in the New York City Locality, the ISO shall rebate, calculated on a monthly basis and to be paid at the beginning of each month, any remaining unspent deficiency charges or supplemental supply fees collected for that month for the New York City Locality to Load-gaining LSEs. The rebate shall be such that the price paid for such Unforced Capacity is no lower than the weighted~~

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~~average aggregate purchase price paid for those months in the Capability Period auction, the first Monthly Auction, the first ICAP Spot Market Auction and any deficiency charges collected. Rebates shall include interest accrued between the time payments were collected and the time that rebates are paid. To the extent there is money left over after such rebates, it shall be allocated among all LSEs in that Locality in proportion to their share of the applicable Locational Minimum Installed Capacity Requirement.~~

~~The temporary rebates described in this Section 5.14.3(b)(i) shall terminate when an Unforced Capacity surplus is forecasted at the beginning of each of two consecutive Summer Capability Periods in the New York City Locality. To the extent there is money left over after such rebates, it shall be distributed in accordance with Section 5.15.~~

(ii) Long Island

If an Unforced Capacity shortfall exists during any month of a Capability Period in the Long Island Locality, the ISO shall rebate, ~~calculated on a monthly basis and to be paid at the beginning of each month,~~ any remaining unspent deficiency charges or supplemental supply fees collected for that month for the Long Island Locality. ~~The rebate calculated for the Locality shall be~~ allocated among all LSEs in that Locality in proportion to their share of the applicable Location Installed Capacity Requirement. Rebates shall include interest accrued between the time payments were collected and the time that rebates are paid. ~~The temporary rebates described in this Section 5.14.3(b)(ii) shall terminate~~

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~~when an Unforced Capacity surplus is forecasted at the beginning of each of two consecutive Summer Capability Periods in the Long Island Locality. To the extent there is money left over after such rebates, it shall be distributed in accordance with Section 5.15.~~

[The ISO would like to discuss deleting this section and allow all excesses to flow to Schedule 1. Although it seems rational to “target” these funds to the Locality where excess is created, the converse does not apply equitably and is difficult to apply for ROS. Zones J&K share disproportionately in any excess generated in the corollary events.]

5.15 Payment and Allocation of Installed Capacity Auction Rebates

The ISO shall rebate to all LSEs, ~~except NYPA~~, with Locational Minimum Installed Capacity Requirements in the New York City Locality, except NYPA, any Excess Amount that remains after the completion of an auction. Such rebates shall be allocated among all New York City LSEs except NYPA in proportion to their share of the Locational New York City Installed Capacity Requirement, regardless of whether they actually took part in the Capability Period Auctions or Monthly Auctions ~~first phase of the strip or monthly auctions~~. The ISO shall allocate such rebates among In-City LSEs except NYPA on a monthly basis. ~~NYPA will not share in any rebates under this Section.~~ Rebates shall include interest accrued between the time they were collected and the time that they are paid.