

Procedures Related to the Resolution by the PSC of Disputes Arising Under the Comprehensive Reliability Planning Process

Subject to the provisions of the Public Service Law, applicable regulations and any relevant procedures that may be adopted by the Public Service Commission, the following guidelines shall apply to a dispute arising under section 5.3 or section 8.3 of Attachment Y of the NYISO OATT that is referred to the PSC for resolution:

1. A party referring a dispute to the PSC shall submit to the PSC and the NYISO a filing describing the specific issue or issues that are being disputed. The NYISO shall publish the filing electronically to the Technical Information Exchange (TIE) list.
2. A dispute must be filed with the PSC and the NYISO within thirty days after the NYISO approval of the RNA for disputes under §5.3 and within thirty days of the CRP for disputes under §8.3, or a party's right to refer the dispute to the PSC will be waived.
3. A party referring a dispute to the PSC shall request utilization of the Department of Public Service's Alternate Dispute Resolution Process (ADR), and request the assignment of an Administrative Law Judge (ALJ).
4. The NYISO shall participate in the ADR proceeding and shall make available in the proceeding the studies and analyses upon which the NYISO decision in dispute was based. The NYISO may submit a response to the filing.
5. Responses must be made within fifteen days of the filing of the dispute with the PSC, subject to a determination by an ALJ that additional time is justified.
6. Parties to the ADR proceeding may seek adjudication of only those issues that were previously raised within the NYISO governance process and are described in the filing made with the PSC.

7. Issues litigated in the ADR proceeding shall not be subject to an evidentiary hearing, unless the ALJ determines that there is a factual issue that requires a hearing.
8. A party who refers a dispute to the PSC shall have the burden of going forward and challenging the NYISO decision in dispute.
9. If more than one party challenges the same NYISO decision, the parties will consent to the consolidation of the disputes, subject to the approval of the presiding ALJ.
10. All parties participating in the ADR proceeding shall make a good faith effort to complete the process as promptly as reasonably possible.

91069