

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

KeySpan Energy Development Corporation,)	
KeySpan-Ravenswood, LLC, New York Power)	
Authority, Electric Power Supply Association)	
and Independent Power Producers of New York, Inc.,)	
Complainants,)	
)	
v.)	Docket No. EL02-125-000
)	
New York Independent System Operator, Inc.,)	
Respondent.)	

**NEW YORK INDEPENDENT SYSTEM OPERATOR'S
THIRD SET OF DATA REQUESTS TO
KEYSPAN ENERGY DEVELOPMENT CORPORATION
AND KEYSPAN-RAVENSWOOD, LLC**

Pursuant to Rules 402 and 406 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (" Commission"), 18 C.F.R. § 385.406, the New York Independent System Operator, Inc. ("NYISO") hereby submits its Third Set of Data Requests to KeySpan Energy Development Corporation and KeySpan-Ravenswood, LLC (collectively "KeySpan").

Sincerely,

/s/ Arnold H. Quint
Joseph J. Saltarelli
Hunton & Williams
200 Park Avenue - 43rd Floor
New York, N.Y. 10166
(212) 309-1000

Arnold H. Quint
Hunton & Williams
1900 K Street, NW, Suite 1200
Washington, DC 20006-1109
(202) 955-1500

Attorneys for Respondent
New York Independent System Operator, Inc.

Dated: January 17, 2003

Definitions and Instructions

The following definitions and instructions will govern these and all subsequent NYISO data requests and requests for admission, unless otherwise noted in the instructions accompanying future discovery.

Definitions

The words “and” and “or” should be construed either conjunctively or disjunctively as necessary to include within the scope of a Request all information that might otherwise be construed to be outside of its scope.

“Correspondence” should be interpreted to include, but not be limited to, all letters, telexes, facsimiles, telegrams, notices, messages, memoranda, e-mail communications and attachments, and other written or electronic or computer generated communications.

“Document(s)” refers to all writings and records of every type in your possession, control, or custody, including but not limited to: testimony, exhibits, memoranda, correspondence, letters, electronic mail, reports (including drafts, preliminary, intermediate, and final reports), surveys, analyses, studies (including economic and market studies), summaries, comparisons, tabulations, charts, books, pamphlets, photographs, maps, bulletins, corporate or other minutes, notes diaries, log sheets, ledgers, transcripts, microfilm, microfiche, computer data, computer files, computer tapes, computer inputs, computer outputs and printouts, vouchers, accounting statements, budgets, work papers, engineering diagrams (including “one-line” diagrams), mechanical and electrical recordings, records of telephone and telegraphic communications, speeches, and all other records, written, electrical, mechanical, or otherwise and drafts of any of the above.

“Document” includes copies of documents, where the originals are not in your possession, custody, or control. “Document” includes every copy of a document that contains handwritten or other notations or that otherwise does not duplicate the original or any other copy. “Document” also includes any attachments or appendices to any document.

“ATBA” means the NYISO’s Annual Transmission Baseline Assessment. The term “communication” should be interpreted to include, but not be limited to, all forms of communication, whether written, printed, electronic, oral, pictorial, or otherwise, of any means or type whatsoever, including testimony or sworn statements, and including correspondence.

“CO2001” means the Class of 2001.

“Complainants” refers to KeySpan Energy Development Corporation, KeySpan-Ravenswood, LLC, New York Power Authority, Electric Power Supply Association, and the Independent Power Producers of New York, Inc.

“FERC” means the Federal Energy Regulatory Commission.

“IITF” means the NYISO’s Interconnection Issues Task Force.

“KeySpan-Ravenswood Project” refers to KeySpan’s proposed generating interconnection project.

“LIPA” means the Long Island Power Authority, its employees, agents, consultants, representatives, attorneys, officers, Directors, and any other person acting on behalf of NYPA.

“New England ISO” or “ISO-NE” means the ISO New England Independent, Inc. its employees, agents, consultants, representatives, attorneys, officers, Directors, and any other person acting on behalf of ISO-NE.

“NU” or “Northeast Utilities” means Northeast Utilities, Inc., its employees, agents, consultants, representatives, attorneys, officers, Directors, and any other person acting on behalf of NU.

“NYISO” means the New York Independent System Operator, Inc., its employees, agents, consultants, representatives, attorneys, officers, Directors, and any other person acting on behalf of the NYISO.

“NYPA” means the New York Power Authority, its employees, agents, consultants, representatives, attorneys, officers, Directors, and any other person acting on behalf of NYPA.

“PJM” means PJM Interconnection, L.L.C. its employees, agents, consultants, representatives, attorneys, officers, Directors, and any other person acting on behalf of PJM.

“Parties” refers to all persons or entities who are complainants or respondents, or who have, or may, intervene in FERC docket numbers EL02-125-000 and/or this hearing convened in Docket No. EL02-125-000 by the Commission’s October 30, 2002 Order, 101 FERC ¶ 61,099 (2002).

“Participants” refers to all parties and FERC Trial Staff.

“Person” means, without limiting the generality of its meaning, every natural person, corporation, partnership, association (whether formally organized or ad hoc), joint venture, unit operation, cooperative, municipality, commission, governmental body or agency, or any other group or other organization.

“Respondent” means the New York Independent System Operator, Inc.

“SRIS” The System Reliability Impact Study performed pursuant to Sections 19 or 32 of the NYISO OATT, to determine the reliability impact of a proposed New Interconnection project on the New York State Transmission System

“TPAS” means the NYISO’s Transmission Planning Advisory Subcommittee.

The words “power,” “energy,” and “electricity” shall be constructed to include, but not be limited to, capacity, energy, ancillary services, and losses. Provide all information in MWs.

The terms “related” or “related to” should be interpreted to include every document describing, discussing, analyzing, referring to, associated with, supporting, contradicting or bearing a relationship to the subject matter of the Request. A document is “related to” a certain subject matter if the subject matter is described, discussed, or referenced at any place in the

document even if the subject matter is not a major focus on the document, or if the document is relevant to an understanding, interpretation or application of the subject matter of the request.

The term “short circuit data” refers to all documents and data identifying and/or analyzing fault current levels throughout the control area system, including at the interfaces with neighboring control areas, using all generators in the control area system and/or a database that models the current fault levels at the interfaces.

“Staff” when used in reference to FERC, means the Commission’s Trial Staff.

“Study” means an investigation, analysis, assessment, research or examination relating to an issue, subject or matter.

Terms defined by the NYISO Tariff, unless otherwise defined here, should be given the meaning set forth in the Tariff. Terms not otherwise defined should be given their ordinary meaning as used by the parties to the proceeding.

Instructions

1. Responses to these Requests shall be due within five (5) business days of service, on a "best efforts" basis.
2. Objections to these Requests must be served within three (3) business days of service.
3. Hard copies of all objections, responses, and exhibits or attachments should be served by hand or express mail for next day delivery to Arnold Quint at the addresses indicated. Staff may satisfy this requirement by notifying Arnold Quint that hard copies are available for pick-up at the Commission.
4. Electronic copies of all objections, responses, and exhibit or attachments should be served by email to <aquint@hunton.com> <kdavis@hunton.com>, <jsaltarelli@hunton.com>, and <egrisaru@nyiso.com>.¹
5. Objections and responses shall be provided in Word or WordPerfect format. Spreadsheets shall be provided under an Excel, Quattro Pro or other similar manipulable format, with all links and formulas included in the electronic copy.
6. If the Data Request calls for documents or other information that were originally produced in electronic format, please provide the documents or other information in electronic format by electronic mail and/or on clearly-labeled computer diskettes or CD-ROMs.
7. In answering these Data Requests, the responding person is requested to furnish such information as is available to the person, including information that the person is able to obtain by due diligence from his/her/their/its present or former employees, accountants, investigators, consultants, witnesses, agents, or other persons acting on Respondent's behalf.
8. Where a Data Request has a number of separate subdivisions or related parts or portions, a complete response is required to each such subdivision, part, or portion. Any objection to a Data Request should clearly indicate the subdivision, part, or portion of the Data Request to which it is directed.
9. If a Data Request specifically requests an answer in response rather than the production of documents, an answer is required. The production of documents will not suffice.
10. Each response should be furnished on a separate page headed by the individual Data Request being answered. Individual responses of more than one page should be stapled or bound and each page consecutively numbered.
11. For each document produced or identified in a response to a Request that is computer generated, state separately: (a) what types of data, files, or tapes are included in the input and the source thereof; (b) the form of the data that constitutes machine input (e.g., punch cards, tapes); (c) a description of the recordation system employed (including program descriptions, flow charts, etc.); and (d) the identity of the person who was in charge of the collection of input

¹ Pursuant to the Presiding Judge's December 12, 2002 Order, discovery requests and responses shall be served electronically on all parties via the e-mail distribution list.

materials, the processing of input materials, the data bases utilized, and the programming to obtain the output.

12. If a Request can be answered in whole or in part by reference to the response to another Request served in this proceeding, it is sufficient to so indicate by specifying the other Request by participant and number, by specifying the parts of the other response that are responsive, and by specifying whether the response to the other Request is a full or partial response to the instant Request. If it constitutes a partial response, the balance of the instant Request must be answered.

13. If you cannot answer a Request in full after exercising due diligence to secure the information necessary to do so, state the answer to the extent possible, state why you cannot answer the Request in full, and state what information or knowledge you have concerning the unanswered portions.

14. If, in answering any of these Requests, you feel that any Request or definition or instruction applicable thereto is ambiguous, set forth the language you feel is ambiguous and the interpretation you are using in responding to the Request.

15. If a document requested is unavailable, identify the document, describe in detail the reasons the document is unavailable, state where the document can be obtained, and specify the number of pages it contains.

16. If you assert that any document has been destroyed, state when and why it was destroyed, and identify the person who directed and/or caused the destruction. If the document was destroyed pursuant to your document destruction program, identify and produce a copy of the guideline, policy or company manual describing such document destruction program.

17. If you refuse to respond, in full or in part, to any Request by reason of a claim of privilege or for any other reason, state in writing the type of privilege claimed and the facts and circumstances you rely upon to support the claim of privilege or the reason for refusing to respond. With respect to requests for documents to which you refuse to respond, in full or in part, identify each such document, and specify the number of pages it contains.

18. Each document produced shall be verified under oath in writing as being an authentic original document or a true duplicate of an authentic original document.

19. Identify the person(s) from whom the information and documents supplied in response to each Request were obtained, the person(s) who prepared each response, the person(s) who reviewed each response, and the person(s) who will bear ultimate responsibility for the truth of each response.

20. If no documents responsive to a Request are within your custody, possession or control, or that of your agents, employees, consultants, Directors, officers then so state. In each instance, the Request should be treated as an interrogatory.

21. Responses to the Requests should be submitted as they become available.

**NEW YORK INDEPENDENT SYSTEM OPERATOR'S
THIRD SET OF DATA REQUESTS AND
DOCUMENT PRODUCTION REQUESTS TO
KEYSPAN ENERGY DEVELOPMENT CORPORATION
AND KEYSPAN-RAVENSWOOD, LLC**

94. Identify each witness from whom you intend to submit testimony in this proceeding, including their full name, affiliation, position, business address, and a general description of the areas they will testify about.

95. With respect to any witness whose testimony, in whole or in part, will be offered as expert testimony, in addition to the matters set forth in 94 above:

1. provide a written and complete statement, or copy of any report to be offered into evidence, of all opinions to be expressed by such witness and the basis and reasons therefor;
2. provide all data, documents or other information considered or reviewed by the witness in forming the opinions;
3. provide any exhibits to be used or offered as a summary of or as support for the opinions;
4. describe the qualifications of the witness, including a list of all publications authored by the expert within the preceding ten years;
5. describe the compensation to be paid to the witness; and
6. provide a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.

96. With respect to any witness whose testimony, in whole or in part, will be offered as expert testimony, provide all work papers, whether preliminary or final, prepared by or for such witness in connection with his or her expected testimony in this proceeding.

97. With respect to any witness whose testimony, in whole or in part, will be offered as expert testimony, provide all reports, exhibits or summaries of opinions, including all drafts, prepared by or for such witness in connection with his or her expected testimony in this proceeding.

98. With respect to any witness whose testimony, in whole or in part, will be offered as expert testimony, identify all persons with whom such witness spoke regarding his or her expected testimony in this proceeding and state the substance of those discussions.

99. With respect to any witness whose testimony, in whole or in part, will be offered as expert testimony, provide a copy of the most recent curriculum vitae of such witness.

Sincerely,

/s/ Arnold H. Quint
Joseph J. Saltarelli
Hunton & Williams
200 Park Avenue - 43rd Floor
New York, N.Y. 10166
(212) 309-1000

Arnold H. Quint
Hunton & Williams
1900 K Street, NW, Suite 1200
Washington, DC 20006-1109
(202) 955-1500

Attorneys for Respondent
New York Independent System Operator,
Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served upon each person on the official service list for this Docket, in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure, 18 CFR § 2010 (2002).

Dated at Washington, D.C. this 17th day of January, 2003.

/s/ Arnold H. Quint
Arnold H. Quint
Hunton & Williams
1900 K Street, NW, Suite 1200
Washington, DC 20006
(202) 955-1500

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

KeySpan Energy Development Corporation,)	
KeySpan-Ravenswood, LLC, New York Power)	
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and Independent Power Producers of New York, Inc.,)	
Complainants,)	
)	
v.)	Docket No. EL02-125-000
)	
New York Independent System Operator, Inc.,)	
Respondent.)	

**NEW YORK INDEPENDENT SYSTEM OPERATOR'S
SECOND SET OF DATA REQUESTS TO
THE NEW YORK POWER AUTHORITY**

Pursuant to Rules 402 and 406 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (" Commission"), 18 C.F.R. § 385.406, the New York Independent System Operator, Inc. ("NYISO") hereby submits its Second Set of Data Requests to the New York Power Authority ("NYPA") in the above-captioned docket.

Sincerely,

/s/ Arnold H. Quint
Joseph J. Saltarelli
Hunton & Williams
200 Park Avenue - 43rd Floor
New York, N.Y. 10166
(212) 309-1000

Arnold H. Quint
Hunton & Williams
1900 K Street, NW, Suite 1200
Washington, DC 20006-1109
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Attorneys for Respondent
New York Independent System Operator, Inc.

Dated: January 17, 2003

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5. Objections and responses shall be provided in Word or WordPerfect format. Spreadsheets shall be provided under an Excel, Quattro Pro or other similar manipulable format, with all links and formulas included in the electronic copy.
6. If the Data Request calls for documents or other information that were originally produced in electronic format, please provide the documents or other information in electronic format by electronic mail and/or on clearly-labeled computer diskettes or CD-ROMs.
7. In answering these Data Requests, the responding person is requested to furnish such information as is available to the person, including information that the person is able to obtain by due diligence from his/her/their/its present or former employees, accountants, investigators, consultants, witnesses, agents, or other persons acting on Respondent’s behalf.
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² Pursuant to the Presiding Judge’s December 12, 2002 Order, discovery requests and responses shall be served electronically on all parties via the e-mail distribution list.

materials, the processing of input materials, the data bases utilized, and the programming to obtain the output.

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13. If you cannot answer a Request in full after exercising due diligence to secure the information necessary to do so, state the answer to the extent possible, state why you cannot answer the Request in full, and state what information or knowledge you have concerning the unanswered portions.

14. If, in answering any of these Requests, you feel that any Request or definition or instruction applicable thereto is ambiguous, set forth the language you feel is ambiguous and the interpretation you are using in responding to the Request.

15. If a document requested is unavailable, identify the document, describe in detail the reasons the document is unavailable, state where the document can be obtained, and specify the number of pages it contains.

16. If you assert that any document has been destroyed, state when and why it was destroyed, and identify the person who directed and/or caused the destruction. If the document was destroyed pursuant to your document destruction program, identify and produce a copy of the guideline, policy or company manual describing such document destruction program.

17. If you refuse to respond, in full or in part, to any Request by reason of a claim of privilege or for any other reason, state in writing the type of privilege claimed and the facts and circumstances you rely upon to support the claim of privilege or the reason for refusing to respond. With respect to requests for documents to which you refuse to respond, in full or in part, identify each such document, and specify the number of pages it contains.

18. Each document produced shall be verified under oath in writing as being an authentic original document or a true duplicate of an authentic original document.

19. Identify the person(s) from whom the information and documents supplied in response to each Request were obtained, the person(s) who prepared each response, the person(s) who reviewed each response, and the person(s) who will bear ultimate responsibility for the truth of each response.

20. If no documents responsive to a Request are within your custody, possession or control, or that of your agents, employees, consultants, Directors, officers then so state. In each instance, the Request should be treated as an interrogatory.

21. Responses to the Requests should be submitted as they become available.

**NEW YORK INDEPENDENT SYSTEM OPERATOR'S
SECOND SET OF DATA REQUESTS AND
DOCUMENT PRODUCTION REQUESTS TO
THE NEW YORK POWER AUTHORITY**

11. Identify each witness from whom you intend to submit testimony in this proceeding, including their full name, affiliation, position, business address, and a general description of the areas they will testify about.

12. With respect to any witness whose testimony, in whole or in part, will be offered as expert testimony, in addition to the matters set forth in 94 above:

1. provide a written and complete statement, or copy of any report to be offered into evidence, of all opinions to be expressed by such witness and the basis and reasons therefor;
2. provide all data, documents or other information considered or reviewed by the witness in forming the opinions;
3. provide any exhibits to be used or offered as a summary of or as support for the opinions;
4. describe the qualifications of the witness, including a list of all publications authored by the expert within the preceding ten years;
5. describe the compensation to be paid to the witness; and
6. provide a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.

13. With respect to any witness whose testimony, in whole or in part, will be offered as expert testimony, provide all work papers, whether preliminary or final, prepared by or for such witness in connection with his or her expected testimony in this proceeding.

14. With respect to any witness whose testimony, in whole or in part, will be offered as expert testimony, provide all reports, exhibits or summaries of opinions, including all drafts, prepared by or for such witness in connection with his or her expected testimony in this proceeding.

15. With respect to any witness whose testimony, in whole or in part, will be offered as expert testimony, identify all persons with whom such witness spoke regarding his or her expected testimony in this proceeding and state the substance of those discussions.

16. With respect to any witness whose testimony, in whole or in part, will be offered as expert testimony, provide a copy of the most recent curriculum vitae of such witness.

Sincerely,

/s/ Arnold H. Quint
Joseph J. Saltarelli
Hunton & Williams
200 Park Avenue - 43rd Floor
New York, N.Y. 10166
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Attorneys for Respondent
New York Independent System Operator,
Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served upon each person on the official service list for this Docket, in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure, 18 CFR § 2010 (2002).

Dated at Washington, D.C. this 17th day of January, 2003.

/s/ Arnold H. Quint
Arnold H. Quint
Hunton & Williams
1900 K Street, NW, Suite 1200
Washington, DC 20006
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UNITED STATES OF AMERICA
FEDERAL REGULATORY COMMISSION

KeySpan Energy Development Corporation,)
KeySpan-Ravenswood, LLC, New York)
Power Authority, Electric Power Supply)
Association, Independent Power Producers)
of New York, Inc.)
) Docket No. EL02-125-000
)
v.)
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New York Independent System Operator,)
Inc.)

KEYSPAN'S OBJECTIONS AND RESPONSES TO THE NEW YORK
INDEPENDENT SYSTEM OPERATOR, INC.'S THIRD SET OF DATA
REQUESTS AND DOCUMENT PRODUCTION REQUESTS

Pursuant to Rule 406 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission ("Commission"), 18 C.F.R. § 385.406, KeySpan Energy Development Corporation and KeySpan-Ravenswood, LLC (collectively "KeySpan") hereby submit their Objections and Responses to the New York Independent System Operator, Inc.'s ("NYISO") Third Set of Data Requests and Document Production Requests, dated January 17, 2003, in the hearing in the above-captioned docket.

Sincerely,

/s/ Michael J. Wentworth

Dated: January 23, 2003

Kenneth M. Simon
Charles M. Pratt
Robert C. Fallon*
Michael J. Wentworth
Dickstein Shapiro Morin & Oshinsky LLP
2101 L Street, N.W.
Washington, D.C. 20037
Phone: (202) 785-9700
Fax: (202) 887-0689

KeySpan's Objections and Responses to
NYISO's 3rd Set of Data Requests, *etc.*
January 23, 2003

Counsel for KeySpan Energy Development
Corporation and KeySpan-Ravenswood, LLC

General Objections

1. KeySpan objects to any and all requests to the extent they seek production of documents or information subject to the attorney-client privilege, attorney work-product doctrine, self-evaluation privilege and/or any other applicable statutory or common law privilege. This objection includes, without limitation, communications with counsel and/or experts.

2. KeySpan objects to the requests as a whole to the extent they are overly broad, unduly burdensome, vague and indefinite. KeySpan is willing to confer with the NYISO to discuss narrowing the scope of the requests to eliminate such overbreadth, burden and vagueness.

3. KeySpan objects to any and all requests to the extent they seek documents or information already in the possession of or readily available to the NYISO.

4. KeySpan objects to the extent the requests seek "all" documents, KeySpan objects to such requests as overly broad and duplicative. When appropriate to produce documents, KeySpan will produce only such documents or information sufficient to provide the information sought by the request.

5. KeySpan objects to the extent the requests seek information that constitutes trade secrets or other confidential or proprietary information, KeySpan objects to producing such materials in the absence of adequate assurances that measures will be taken to preserve the confidential nature of such documents and protect them from disclosure.

6. KeySpan objects to the requests to the extent they seek data beyond that permitted by FERC's jurisdiction and its Rules of Practice and Procedure.

7. KeySpan objects to the requests to the extent the requests seek the production of testimony, documents, or information created or obtained sometime in the future.

KeySpan objects to such requests as speculative. KeySpan will provide the documents and information in its possession, custody or control through December 10, 2002.

8. KeySpan objects to requests to the extent they require KeySpan to perform calculations, and/or provide explanations or analyses of source data or transaction information that is or has been made available to the NYISO.

9. KeySpan objects to the extent the requests seek the production of documents publicly available, such as those filed with or disseminated by FERC or the New York Public Service Commission.

10. KeySpan objects to the extent that the requests seek information already in the possession of the NYISO, including information that the NYISO may have obtained as a result of its participation in the TPAS-IITF process and KeySpan SRIS process.

11. KeySpan objects to the requests to the extent that responding to the requests would require KeySpan to perform special studies, analyses or evaluation not otherwise performed, KeySpan objects.

12. KeySpan objects to the requests to the extent they seek commercially sensitive information without adequate justification and without such disclosure being subject to an officially approved Protective Order.

13. KeySpan objects to requests that seek contact information relating to any employees, since they may not be contacted except through counsel.

14. KeySpan expressly reserves its rights to supplement these objections or raise additional objections in the course of preparing its responses.

Objections to Instructions

1. KeySpan objects to any instruction, or part thereof, that imposes a more onerous burden than is required by the Presiding Judge's orders in this proceeding and the Commission's Rules of Practice and Procedure.

2. KeySpan objects to instruction numbers 7 and 13, to the extent that it requires the responding person to exercise "due diligence" in obtaining information from his/her/their/its present or former employees, accountants, investigators, consultants, witnesses, agents, or other persons acting on Respondent's behalf. KeySpan will utilize "best efforts" to obtain responsive information within the time frame allotted for these proceedings.

3. KeySpan objects to the requirement in instruction number 18 that each document produced shall be verified under oath in writing as being an authentic original document or a true duplicate of an authentic original document.

NYISO/KeySpan 94. Identify each witness from whom you intend to submit testimony in this proceeding, including their full name, affiliation, position, business address, and a general description of the areas they will testify about.

KeySpan's Specific Objections:

KeySpan objects to the request, to the extent the request calls upon KeySpan Energy to identify *all* its witnesses, and not just its *expert* witnesses that it intends to call in this hearing.

KeySpan's Response:

Without waiving any of its objections, KeySpan responds as follows:

Ray Plaskon; Consultant; 189 Edgewood Ave Oakdale NY 11769. Mr. Plaskon will testify as to the three issues set for hearing by the Commission in its October 31, 2002 Order.

Mark Waldron; Kelly Services; Consultant; KeySpan-Ravenwood LLC, 175 East Old Country Road, Hicksville, NY 11801. Mr. Waldron will testify as to the impact of the three issues set for hearing by the Commission in its October 31, 2002 Order.

Ellis O. Disher; Signal Hill Consulting Group, LLC, Principal; 205 Church Street Third Floor, New Haven, CT 06510. Mr. Disher will testify as to the three issues set for hearing by the Commission in its October 31, 2002 Order.

Responding Person

James M. D'Andrea, Counsel for KeySpan

NYISO/KeySpan 95. With respect to any witness whose testimony, in whole or in part, will be offered as expert testimony, in addition to the matters set forth in 94 above:

- (1) provide a written and complete statement, or copy of any report to be offered into evidence, of all opinions to be expressed by such witness and the basis and reasons therefor;
- (2) provide all data, documents or other information considered or reviewed by the witness in forming the opinions;
- (3) provide any exhibits to be used or offered as a summary of or as support for the opinions;
- (4) describe the qualifications of the witness, including a list of all publications authored by the expert within the preceding ten years;
- (5) describe the compensation to be paid to the witness; and
- (6) provide a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.

KeySpan's Specific Objections:

KeySpan objects to the request as calling for production of material prepared in anticipation of litigation. Discovery of such material is premature until a witness has filed actual testimony.

KeySpan objects to the requests in 95(1)-(3) as unduly burdensome in that it requires KeySpan to decide upon its testimony and exhibits earlier than provided in the procedural schedule established by the Presiding Judge's *Order Re-Establishing Procedural Schedule and Procedures*.³

KeySpan objects to the request as unduly annoying, burdensome, harassing, and oppressive in that it will unreasonably interfere with the witnesses' preparation of their testimony in this expedited proceeding.

Responding Person:

James M. D'Andrea. Counsel for KeySpan.

³ *KeySpan Energy Development Corp., et al.*, Docket No. EL02-125-000 (Dec. 12, 2002).

KeySpan's Response:

(4) The qualifications of Mr. Plaskon and Mr. Waldron are set forth in their affidavits, attached to the Complaint. Mr. Disher's curriculum vita is provided as Attachment (1). Mr. Plaskon and Mr. Waldron have not authored any publications within the preceding ten years. Mr. Disher co-authored "Beyond the Contract Path: A Realistic Approach to Transmission Pricing" 9 THE ELECTRICITY JOURNAL, No. 9 (Nov. 1996).

(5) Mr. Plaskon's contract with KeySpan is for \$61.58 per hour. He is not receiving any additional compensation as a witness in this proceeding. Mr. Waldron's contract with KeySpan is for \$38.70 per hour. He is not receiving any additional compensation as a witness in this proceeding. Mr. Disher is being paid \$225/hour for his consulting services.

(6) Mr. Plaskon and Mr. Waldron have not testified as an expert at trial or by deposition in any other proceedings within the preceding four years. Mr. Disher has testified as a witness in: (a) Régie de l'énergie du Québec, Montréal, Québec – Docket No. R-3401-98, Hydro-Quebec's Revised Application for the Modification of Rates for the Transmission of Electric Power, February, 2001; and (b) Connecticut Siting Council, New Britain, CT – Docket 208, Cross-Sound Cable Company, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, operation, and maintenance of a high-voltage direct current (HVDC) submarine electric transmission and fiber optic cable system from One Waterfront Street, New Haven, Connecticut to Brookhaven, New York.

Responding Persons:

Raymond Plaskon, Mark Waldron, and Ellis O. Disher

NYISO/KeySpan 96. With respect to any witness whose testimony, in whole or in part, will be offered as expert testimony, provide all work papers, whether preliminary or final, prepared by or for such witness in connection with his or her expected testimony in this proceeding.

KeySpan's Specific Objections:

KeySpan objects to the request as calling for production of material prepared in anticipation of litigation. Discovery of such material is premature until a witness has filed actual testimony.

KeySpan objects to the request as unduly annoying, burdensome, harassing, and oppressive in that it requires KeySpan to decide upon its testimony earlier than provided in the procedural schedule established by the Presiding Judge's *Order Re-Establishing Procedural Schedule and Procedures*.⁴

KeySpan objects to the request as unduly annoying, burdensome, harassing, and oppressive in that it will unreasonably interfere with the witnesses' preparation of their testimony in this expedited proceeding.

Responding Person

James M. D'Andrea, Counsel for KeySpan

⁴ *KeySpan Energy Development Corp., et al.*, Docket No. EL02-125-000 (Dec. 12, 2002).

NYISO/KeySpan 97. With respect to any witness whose testimony, in whole or in part, will be offered as expert testimony, provide all reports, exhibits or summaries of opinions, including all drafts, prepared by or for such witness in connection with his or her expected testimony in this proceeding.

KeySpan's Specific Objections:

KeySpan objects to the request as calling for production of material prepared in anticipation of litigation. Discovery of such material is premature until a witness has filed actual testimony.

KeySpan objects to the request as unduly annoying, burdensome, harassing, and oppressive in that it requires KeySpan to decide upon its testimony earlier than provided in the procedural schedule established by the Presiding Judge's *Order Re-Establishing Procedural Schedule and Procedures*.⁵

KeySpan objects to the request as unduly annoying, burdensome, harassing, and oppressive in that it will unreasonably interfere with the witnesses' preparation of their testimony in this expedited proceeding.

Responding Person:

James M. D'Andrea, Counsel for KeySpan

⁵ *KeySpan Energy Development Corp., et al.*, Docket No. EL02-125-000 (Dec. 12, 2002).

NYISO/KeySpan 98. With respect to any witness whose testimony, in whole or in part, will be offered as expert testimony, identify all persons with whom such witness spoke regarding his or her expected testimony in this proceeding and state the substance of those discussions.

KeySpan's Specific Objections:

KeySpan objects to the request as calling for production of material prepared in anticipation of litigation. Discovery of such material is premature until a witness has filed actual testimony.

KeySpan objects to the request as unduly annoying, burdensome, harassing, and oppressive in that it requires KeySpan to decide upon its testimony earlier than provided in the procedural schedule established by the Presiding Judge's *Order Re-Establishing Procedural Schedule and Procedures*.⁶

KeySpan objects to the request as unduly annoying, burdensome, harassing, and oppressive in that it will unreasonably interfere with the witnesses' preparation of their testimony in this expedited proceeding.

KeySpan objects to the request to the extent that it requires disclosure of attorney-client privileged communications, attorney-work product, and/or will disclose the mental impressions, conclusions, opinions, or legal theories of any attorney.

Responding Person:

James M. D'Andrea, Counsel for KeySpan

⁶ *KeySpan Energy Development Corp., et al.*, Docket No. EL02-125-000 (Dec. 12, 2002).

KeySpan's Objections and Responses to
NYISO's 3rd Set of Data Requests, *etc.*
January 23, 2003

NYISO/KeySpan 99. With respect to any witness whose testimony, in whole or in part, will be offered as expert testimony, provide a copy of the most recent curriculum vitae of such witness.

KeySpan's Responses:

See KeySpan's response to NYISO/KeySpan 95(4).

Responding Person:

James M. D'Andrea, Counsel for KeySpan

Certificate Of Service

I hereby certify that I have caused to be served a copy of the foregoing by first class mail postage-paid on the restricted service list established for this proceeding, and I have served a copy of the foregoing on the electronic mail distribution list established for this proceeding.

Dated at Washington, D.C., January 23, 2003.

/s/ Michael J. Wentworth

Michael J. Wentworth
Dickstein Shapiro Morin & Oshinsky LLP
2101 L St., N.W.
Washington, D.C. 20037-1526

Ellis O. “Del” Disher

Principal
Signal Hill Consulting Group LLC
205 Church Street, Third Floor
New Haven, CT 06510

Phone: (203) 498-6095
Fax: (203) 498-6062
Cellular: (203) 430-8069
E-mail: eodisher@aol.com

Del Disher is a Principal of Signal Hill Consulting Group LLC. As a consultant, his primary activities have involved assisting developers of merchant power plants in their relationships with transmission providers and with the Independent System Operators in New England and New York. This assistance has been provided throughout the entire process of project development from the initial conceptual stages to full operation and participation in the various wholesale markets. Mr. Disher has also been involved in advising the Massachusetts Division of Energy Resources on matters relating to electric industry deregulation. He assisted in the initial stages of drafting NEPOOL’s market rules and system operating procedures, and he has conducted training sessions in market and system operations for various clients.

Mr. Disher’s consulting activities began in 1997 when he accepted a position as Vice President for Weil and Howe, Inc. in Augusta, Maine. Prior to that time, he completed a 24-year career at The United Illuminating Company in New Haven, Connecticut. His most recently held position at UI was Director of Strategic Analysis with direct responsibilities for coordination of NEPOOL activities, interaction with state and federal regulatory agencies, transmission contracting, and development of strategies for use of UI’s generation and transmission assets. He also had oversight responsibilities for power contracting and for analytical work related to resource alternatives, transmission system operation and expansion, and interconnected system operation. Previously held positions included various levels of engineering and supervisory responsibility in transmission system analysis, planning and operations.

Throughout Mr. Disher’s career at UI, he was engaged in a variety of NEPOOL-related efforts. He represented UI, at various times, on the Transmission Task Force, the Operations Committee, the Policy Planning Committee, the Review Committee, and several ad hoc working groups. He chaired the Operations Committee (1991-1992) and the Review Committee (1994-1997). During the entire period of his tenure as Chair of the Review Committee, the committee was responsible for guiding the restructuring of NEPOOL in view of the deregulation that was emerging in the electric industry.

Before Mr. Disher’s employment at UI, he was an Associate Member of the Technical Staff at Bell Telephone Laboratories in Whippany, NJ. He was employed by Bell Labs for 13 years, and achieved a position as Group Leader of an electronic and electro-mechanical components design and application group that was part of an anti-ballistic missile system design effort.

Mr. Disher attended Georgia Institute of Technology, received a B.A. degree from Furman University in Greenville, SC, and a M.A.R. degree from Yale University Divinity School. He completed the Power Technology Course given by Power Technologies Inc., Schenectady, NY, and various other specialized technical and financial training programs.

Ellis O. “Del” Disher - Expanded Biographical Material:

Clients served in consulting role:

- Duke Energy North America – merchant power plant services and representation on various NEPOOL committees; training in NEPOOL rules and procedures; market structure analysis in New York, and representation on certain NYISO committees
- Vermont Energy Park Holdings LLC – merchant power plant services
- Glenville (NY) Energy Park – merchant power plant services; representation on certain NYISO committees
- Energy Management Inc. – merchant power plant services
- Barker, Dunn & Rossi, Inc. (Fairfax, VA) – subcontract to draft NEPOOL market rules and procedures and system operating procedures
- Massachusetts Division of Energy Resources – advisory role regarding electric industry deregulation in New England
- The United Illuminating Company – training in market rules, transmission tariff administration, and system operation
- Wiggin & Dana (New Haven, CT law firm) – technical advice and expert witness during Connecticut regulatory proceedings on cable project to connect CT and Long Island across Long Island Sound
- Helios Centre for Sustainable Energy Strategies (Montreal, Québec) – expert witness on FERC policies and practices in proceedings before the Régie de l’énergie, Montreal, Québec.
- Supply Planning Associates, Inc. (Old Greenwich, CT) – Subcontract to provide client training in New England market structure and operations.

Mr. Disher has testified in various capacities before the following regulatory agencies:

- Connecticut Department of Public Utility Control
- Connecticut Siting Council
- Federal Energy Regulatory Commission
- Régie de l’énergie du Québec

Responsibilities during employment by The United Illuminating Company:

Director of Strategic Analysis -- 1994-1997

- Supervision of asset management of bulk power system facilities (generation and transmission) owned by UI. Supervised performance of technical and economic studies regarding short- and long-term disposition of existing facilities and potential need for additional facilities. Developed recommendations to top management based on conclusions drawn from study results and from environmental scanning of legislative, regulatory, and market conditions.
- Coordination of UI's activities as a member of the New England Power Pool (NEPOOL). Coordinated internal communications and review process among individuals at all levels representing UI on various committees and task forces. Analyzed potential effects on UI of different outcomes of policy negotiations among NEPOOL members and recommended positions for UI to support in the negotiations. Reviewed assignments for committee representation positions and recommended changes as appropriate.
- Representation of UI on certain NEPOOL and other regional committees. Participated directly in NEPOOL affairs as UI's representative on the NEPOOL Policy Planning Committee and on NEPOOL Review Committee. Chaired the NEPOOL Review Committee from June, 1994, through May, 1997, while the committee was charged with the task of negotiating the restructuring of NEPOOL. Represented UI from time to time at meetings of the Joint Coordinating Committees of the Northeast Power Coordinating Council (NPCC).
- Supervision of wholesale power contracting activities. Supervised individuals engaged in market activities and in cost/benefit analyses related to wholesale power purchase and sale contracts, in both short-term and long-term markets.
- Supervision of transmission system analysis. Supervised performance of technical and economic transmission studies, development of alternative solutions to resolve problems, and recommendations to management regarding cost/beneficial changes to the transmission system in order to maintain system reliability over time. Supervised performance of technical studies related to daily system operation and to operation under contingency or emergency conditions.
- Supervision of transmission services. Supervised and participated directly in the development of transmission tariffs for the provision of transmission services to other parties. Activities included considerable interaction with FERC and with attorneys representing UI in FERC filings and proceedings. Prepared testimony and responded to interrogatories and data requests for FERC proceedings.
- Management of certain regulatory activities. Supervised and participated directly in the docket management of certain required state-level regulatory filings, including preparation of filed materials, preparation of testimony, preparation of interrogatories and data requests, responding to interrogatories and data requests, participating as a witness in hearings, and evaluating the effect on UI of various outcomes of the proceedings.

Responsibilities in previous positions:

- Supervision at different levels of transmission system planning, transmission services, and transmission analysis for system operations.
- Development of plans for expansion of transmission and distribution system facilities, at times through joint studies with neighboring utilities.
- Representation of UI on NEPOOL Operations Committee; chaired this committee for the years 1991 and 1992.
- Representation of UI on NEPOOL Transmission Task Force.
- Representation of UI on various ad hoc NEPOOL task forces and working groups.

**UNITED STATES OF AMERICA
FEDERAL REGULATORY COMMISSION**

KeySpan Energy Development Corporation,)	
KeySpan-Ravenswood, LLC, New York)	
Power Authority, Electric Power Supply)	
Association, Independent Power Producers)	
of New York, Inc.)	Docket No. EL02-125-000
)	
v.)	
)	
New York Independent System Operator,)	
Inc.)	

**NYPA’S OBJECTIONS AND RESPONSES TO THE NEW YORK INDEPENDENT
SYSTEM OPERATOR, INC.’S SECOND SET OF DATA REQUESTS AND
DOCUMENT PRODUCTION REQUESTS**

Pursuant to Rule 406 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), 18 C.F.R. § 385.406, New York Power Authority (“NYPA”) hereby submits its Objections and Responses to the New York Independent System Operator, Inc.’s (“NYISO”) Second Set of Data Requests and Document Production Requests, dated January 17, 2003, in the hearing in the above-captioned docket.

Sincerely,

/s/Charles M. Pratt

Dated: January 23, 2003

Kenneth M. Simon
Charles M. Pratt
Robert C. Fallon*
Michael J. Wentworth
Dickstein Shapiro Morin & Oshinsky LLP
2101 L Street, N.W.
Washington, D.C. 20037
Phone: (202) 785-9700
Fax: (202) 887-0689

NYPA's Objections and Responses to
NYISO's 2nd Set of Data Requests, *etc.*
January 23, 2003

Counsel for New York Power Authority

General Objections

1. NYPA objects to any and all requests to the extent they seek production of documents or information subject to the attorney-client privilege, attorney work-product doctrine, self-evaluation privilege and/or any other applicable statutory or common law privilege. This objection includes, without limitation, communications with counsel and/or experts.

2. NYPA objects to the requests as a whole to the extent they are overly broad, unduly burdensome, vague and indefinite. NYPA is willing to confer with the NYISO to discuss narrowing the scope of the requests to eliminate such overbreadth, burden and vagueness.

3. NYPA objects to any and all requests to the extent they seek documents or information already in the possession of or readily available to the NYISO.

4. NYPA objects to the extent the requests seek "all" documents, NYPA objects to such requests as overly broad and duplicative. When appropriate to produce documents, NYPA will produce only such documents or information sufficient to provide the information sought by the request.

5. NYPA objects to the extent the requests seek information that constitutes trade secrets or other confidential or proprietary information, NYPA objects to producing such materials in the absence of adequate assurances that measures will be taken to preserve the confidential nature of such documents and protect them from disclosure.

6. NYPA objects to the requests to the extent they seek data beyond that permitted by FERC's jurisdiction and its Rules of Practice and Procedure.

7. NYPA objects to the requests to the extent the requests seek the production of testimony, documents, or information created or obtained sometime in the future.

NYPA objects to such requests as speculative. NYPA will provide the documents and information in its possession, custody or control through December 10, 2002.

8. NYPA objects to requests to the extent they require NYPA to perform calculations, and/or provide explanations or analyses of source data or transaction information that is or has been made available to the NYISO.

9. NYPA objects to the extent the requests seek the production of documents publicly available, such as those filed with or disseminated by FERC or the New York Public Service Commission.

10. NYPA objects to the extent that the requests seek information already in the possession of the NYISO, including information that the NYISO may have obtained as a result of its participation in the TPAS-IITF process and NYPA SRIS process.

11. NYPA objects to the requests to the extent that responding to the requests would require NYPA to perform special studies, analyses or evaluation not otherwise performed, NYPA objects.

12. NYPA objects to the requests to the extent they seek commercially sensitive information without adequate justification and without such disclosure being subject to an officially approved Protective Order.

13. NYPA objects to requests that seek contact information relating to any employees, since they may not be contacted except through counsel.

14. NYPA expressly reserves its rights to supplement these objections or raise additional objections in the course of preparing its responses.

Objections to Instructions

1. NYPA objects to any instruction, or part thereof, that imposes a more onerous burden than is required by the Presiding Judge's orders in this proceeding and the Commission's Rules of Practice and Procedure.

2. NYPA objects to instruction numbers 7 and 13, to the extent that it requires the responding person to exercise "due diligence" in obtaining information from his/her/their/its present or former employees, accountants, investigators, consultants, witnesses, agents, or other persons acting on Respondent's behalf. NYPA will utilize "best efforts" to obtain responsive information within the time frame allotted for these proceedings.

3. NYPA objects to the requirement in instruction number 18 that each document produced shall be verified under oath in writing as being an authentic original document or a true duplicate of an authentic original document.

NYISO/NYPA 11: Identify each witness from whom you intend to submit testimony in this proceeding, including their full name, affiliation, position, business address, and a general description of the areas they will testify about.

NYPA's Specific Objections:

NYPA objects to the request, to the extent the request calls upon NYPA to identify *all* its witnesses, and not just its *expert* witnesses that it intends to call in this hearing.

NYPA's Response:

Without waiving any of its objections, NYPA responds as follows:

Ray Plaskon; Consultant; 189 Edgewood Ave Oakdale NY 11769. Mr. Plaskon will testify as to the three issues set for hearing by the Commission in its October 31, 2002 Order.

Mark Waldron; Kelly Services; Consultant; KeySpan-Ravenwood LLC, 175 East Old Country Road, Hicksville, NY 11801. Mr. Waldron will testify as to the impact of the three issues set for hearing by the Commission in its October 31, 2002 Order.

Ellis O. Disher; Signal Hill Consulting Group, LLC, Principal; 205 Church Street Third Floor, New Haven, CT 06510. Mr. Disher will testify as to the three issues set for hearing by the Commission in its October 31, 2002 Order.

Responding Person

Edgar K. Byham, Counsel for New York Power Authority

NYISO/NYPA 12: With respect to any witness whose testimony, in whole or in part, will be offered as expert testimony, in addition to the matters set forth in 11 above:

- (1) provide a written and complete statement, or copy of any report to be offered into evidence, of all opinions to be expressed by such witness and the basis and reasons therefor;
- (2) provide all data, documents or other information considered or reviewed by the witness in forming the opinions;
- (3) provide any exhibits to be used or offered as a summary of or as support for the opinions;
- (4) describe the qualifications of the witness, including a list of all publications authored by the expert within the preceding ten years;
- (5) describe the compensation to be paid to the witness; and
- (6) provide a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.

NYPA's Specific Objections:

NYPA objects to the request as calling for production of material prepared in anticipation of litigation. Discovery of such material is premature until a witness has filed actual testimony.

NYPA objects to the requests in 12(1)-(3) as unduly burdensome in that it requires NYPA to decide upon its testimony and exhibits earlier than provided in the procedural schedule established by the Presiding Judge's *Order Re-Establishing Procedural Schedule and Procedures*.⁷

NYPA objects to the request as unduly annoying, burdensome, harassing, and oppressive in that it will unreasonably interfere with the witnesses' preparation of their testimony in this expedited proceeding.

Responding Person:

Edgar K. Byham. Counsel for New York Power Authority

⁷ *KeySpan Energy Development Corp., et al.*, Docket No. EL02-125-000 (Dec. 12, 2002).

NYPA's Response:

(4) The qualifications of Mr. Plaskon and Mr. Waldron are set forth in their affidavits, attached to the Complaint. Mr. Disher's curriculum vita is provided as Attachment (1). Mr. Plaskon and Mr. Waldron have not authored any publications within the preceding ten years. Mr. Disher co-authored "Beyond the Contract Path: A Realistic Approach to Transmission Pricing" 9 THE ELECTRICITY JOURNAL, No. 9 (Nov. 1996).

(5) Mr. Plaskon's contract with KeySpan is for \$61.58 per hour. He is not receiving any additional compensation as a witness in this proceeding. Mr. Waldron's contract with KeySpan is for \$38.70 per hour. He is not receiving any additional compensation as a witness in this proceeding. Mr. Disher is being paid \$225/hour for his consulting services.

(6) Mr. Plaskon and Mr. Waldron have not testified as an expert at trial or by deposition in any other proceedings within the preceding four years. Mr. Disher has testified as a witness in: (a) Régie de l'énergie du Québec, Montréal, Québec – Docket No. R-3401-98, Hydro-Quebec's Revised Application for the Modification of Rates for the Transmission of Electric Power, February, 2001; and (b) Connecticut Siting Council, New Britain, CT – Docket 208, Cross-Sound Cable Company, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, operation, and maintenance of a high-voltage direct current (HVDC) submarine electric transmission and fiber optic cable system from One Waterfront Street, New Haven, Connecticut to Brookhaven, New York.

Responding Persons:

Raymond Plaskon, Mark Waldron, and Ellis O. Disher

NYISO/NYPA 13: With respect to any witness whose testimony, in whole or in part, will be offered as expert testimony, provide all work papers, whether preliminary or final, prepared by or for such witness in connection with his or her expected testimony in this proceeding.

NYPA's Specific Objections:

NYPA objects to the request as calling for production of material prepared in anticipation of litigation. Discovery of such material is premature until a witness has filed actual testimony.

NYPA objects to the request as unduly annoying, burdensome, harassing, and oppressive in that it requires NYPA to decide upon its testimony earlier than provided in the procedural schedule established by the Presiding Judge's *Order Re-Establishing Procedural Schedule and Procedures*.⁸

NYPA objects to the request as unduly annoying, burdensome, harassing, and oppressive in that it will unreasonably interfere with the witnesses' preparation of their testimony in this expedited proceeding.

Responding Person

Edgar K. Byham, Counsel for New York Power Authority

⁸ *KeySpan Energy Development Corp., et al.*, Docket No. EL02-125-000 (Dec. 12, 2002).

NYISO/NYPA 14: With respect to any witness whose testimony, in whole or in part, will be offered as expert testimony, provide all reports, exhibits or summaries of opinions, including all drafts, prepared by or for such witness in connection with his or her expected testimony in this proceeding.

NYPA's Specific Objections:

NYPA objects to the request as calling for production of material prepared in anticipation of litigation. Discovery of such material is premature until a witness has filed actual testimony.

NYPA objects to the request as unduly annoying, burdensome, harassing, and oppressive in that it requires NYPA to decide upon its testimony earlier than provided in the procedural schedule established by the Presiding Judge's *Order Re-Establishing Procedural Schedule and Procedures*.⁹

NYPA objects to the request as unduly annoying, burdensome, harassing, and oppressive in that it will unreasonably interfere with the witnesses' preparation of their testimony in this expedited proceeding.

Responding Person:

Edgar K. Byham, Counsel for New York Power Authority

⁹ *KeySpan Energy Development Corp., et al.*, Docket No. EL02-125-000 (Dec. 12, 2002).

NYISO/NYPA 15: With respect to any witness whose testimony, in whole or in part, will be offered as expert testimony, identify all persons with whom such witness spoke regarding his or her expected testimony in this proceeding and state the substance of those discussions.

NYPA's Specific Objections:

NYPA objects to the request as calling for production of material prepared in anticipation of litigation. Discovery of such material is premature until a witness has filed actual testimony.

NYPA objects to the request as unduly annoying, burdensome, harassing, and oppressive in that it requires NYPA to decide upon its testimony earlier than provided in the procedural schedule established by the Presiding Judge's *Order Re-Establishing Procedural Schedule and Procedures*.¹⁰

NYPA objects to the request as unduly annoying, burdensome, harassing, and oppressive in that it will unreasonably interfere with the witnesses' preparation of their testimony in this expedited proceeding.

NYPA objects to the request to the extent that it requires disclosure of attorney-client privileged communications, attorney-work product, and/or will disclose the mental impressions, conclusions, opinions, or legal theories of any attorney.

Responding Person:

Edgar K. Byham, Counsel for NYPA

¹⁰ *KeySpan Energy Development Corp., et al.*, Docket No. EL02-125-000 (Dec. 12, 2002).

NYPA's Objections and Responses to
NYISO's 2nd Set of Data Requests, *etc.*
January 23, 2003

NYISO/NYPA 16: With respect to any witness whose testimony, in whole or in part, will be offered as expert testimony, provide a copy of the most recent curriculum vitae of such witness.

NYPA's Responses:

See KeySpan's response to NYISO/KeySpan 95(4).

Responding Person:

Edgar K. Byham, Counsel for New York Power Authority

Certificate Of Service

I hereby certify that I have caused to be served a copy of the foregoing by first class mail postage-paid on the restricted service list established for this proceeding, and I have served a copy of the foregoing on the electronic mail distribution list established for this proceeding.

Dated at New York, N.Y., January 23, 2003.

/s/ Charles M. Pratt

Charles M. Pratt
Dickstein Shapiro Morin & Oshinsky LLP
1177 Avenue of the Americas
New York, New York, 10036

Ellis O. "Del" Disher

Principal
Signal Hill Consulting Group LLC
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Del Disher is a Principal of Signal Hill Consulting Group LLC. As a consultant, his primary activities have involved assisting developers of merchant power plants in their relationships with transmission providers and with the Independent System Operators in New England and New York. This assistance has been provided throughout the entire process of project development from the initial conceptual stages to full operation and participation in the various wholesale markets. Mr. Disher has also been involved in advising the Massachusetts Division of Energy Resources on matters relating to electric industry deregulation. He assisted in the initial stages of drafting NEPOOL's market rules and system operating procedures, and he has conducted training sessions in market and system operations for various clients.

Mr. Disher's consulting activities began in 1997 when he accepted a position as Vice President for Weil and Howe, Inc. in Augusta, Maine. Prior to that time, he completed a 24-year career at The United Illuminating Company in New Haven, Connecticut. His most recently held position at UI was Director of Strategic Analysis with direct responsibilities for coordination of NEPOOL activities, interaction with state and federal regulatory agencies, transmission contracting, and development of strategies for use of UI's generation and transmission assets. He also had oversight responsibilities for power contracting and for analytical work related to resource alternatives, transmission system operation and expansion, and interconnected system operation. Previously held positions included various levels of engineering and supervisory responsibility in transmission system analysis, planning and operations.

Throughout Mr. Disher's career at UI, he was engaged in a variety of NEPOOL-related efforts. He represented UI, at various times, on the Transmission Task Force, the Operations Committee, the Policy Planning Committee, the Review Committee, and several ad hoc working groups. He chaired the Operations Committee (1991-1992) and the Review Committee (1994-1997). During the entire period of his tenure as Chair of the Review Committee, the committee was responsible for guiding the restructuring of NEPOOL in view of the deregulation that was emerging in the electric industry.

Before Mr. Disher's employment at UI, he was an Associate Member of the Technical Staff at Bell Telephone Laboratories in Whippany, NJ. He was employed by Bell Labs for 13 years, and achieved a position as Group Leader of an electronic and electro-mechanical components design and application group that was part of an anti-ballistic missile system design effort.

Mr. Disher attended Georgia Institute of Technology, received a B.A. degree from Furman University in Greenville, SC, and a M.A.R. degree from Yale University Divinity School. He completed the Power Technology Course given by Power Technologies Inc., Schenectady, NY, and various other specialized technical and financial training programs.

Ellis O. “Del” Disher - Expanded Biographical Material:

Clients served in consulting role:

- Duke Energy North America – merchant power plant services and representation on various NEPOOL committees; training in NEPOOL rules and procedures; market structure analysis in New York, and representation on certain NYISO committees
- Vermont Energy Park Holdings LLC – merchant power plant services
- Glenville (NY) Energy Park – merchant power plant services; representation on certain NYISO committees
- Energy Management Inc. – merchant power plant services
- Barker, Dunn & Rossi, Inc. (Fairfax, VA) – subcontract to draft NEPOOL market rules and procedures and system operating procedures
- Massachusetts Division of Energy Resources – advisory role regarding electric industry deregulation in New England
- The United Illuminating Company – training in market rules, transmission tariff administration, and system operation
- Wiggin & Dana (New Haven, CT law firm) – technical advice and expert witness during Connecticut regulatory proceedings on cable project to connect CT and Long Island across Long Island Sound
- Helios Centre for Sustainable Energy Strategies (Montreal, Québec) – expert witness on FERC policies and practices in proceedings before the Régie de l’énergie, Montreal, Québec.
- Supply Planning Associates, Inc. (Old Greenwich, CT) – Subcontract to provide client training in New England market structure and operations.

Mr. Disher has testified in various capacities before the following regulatory agencies:

- Connecticut Department of Public Utility Control
- Connecticut Siting Council
- Federal Energy Regulatory Commission
- Régie de l’énergie du Québec

Responsibilities during employment by The United Illuminating Company:

Director of Strategic Analysis -- 1994-1997

- Supervision of asset management of bulk power system facilities (generation and transmission) owned by UI. Supervised performance of technical and economic studies regarding short- and long-term disposition of existing facilities and potential need for additional facilities. Developed recommendations to top management based on conclusions drawn from study results and from environmental scanning of legislative, regulatory, and market conditions.
- Coordination of UI's activities as a member of the New England Power Pool (NEPOOL). Coordinated internal communications and review process among individuals at all levels representing UI on various committees and task forces. Analyzed potential effects on UI of different outcomes of policy negotiations among NEPOOL members and recommended positions for UI to support in the negotiations. Reviewed assignments for committee representation positions and recommended changes as appropriate.
- Representation of UI on certain NEPOOL and other regional committees. Participated directly in NEPOOL affairs as UI's representative on the NEPOOL Policy Planning Committee and on NEPOOL Review Committee. Chaired the NEPOOL Review Committee from June, 1994, through May, 1997, while the committee was charged with the task of negotiating the restructuring of NEPOOL. Represented UI from time to time at meetings of the Joint Coordinating Committees of the Northeast Power Coordinating Council (NPCC).
- Supervision of wholesale power contracting activities. Supervised individuals engaged in market activities and in cost/benefit analyses related to wholesale power purchase and sale contracts, in both short-term and long-term markets.
- Supervision of transmission system analysis. Supervised performance of technical and economic transmission studies, development of alternative solutions to resolve problems, and recommendations to management regarding cost/beneficial changes to the transmission system in order to maintain system reliability over time. Supervised performance of technical studies related to daily system operation and to operation under contingency or emergency conditions.
- Supervision of transmission services. Supervised and participated directly in the development of transmission tariffs for the provision of transmission services to other parties. Activities included considerable interaction with FERC and with attorneys representing UI in FERC filings and proceedings. Prepared testimony and responded to interrogatories and data requests for FERC proceedings.
- Management of certain regulatory activities. Supervised and participated directly in the docket management of certain required state-level regulatory filings, including preparation of filed materials, preparation of testimony, preparation of interrogatories and data requests, responding to interrogatories and data requests, participating as a witness in hearings, and evaluating the effect on UI of various outcomes of the proceedings.

Responsibilities in previous positions:

- Supervision at different levels of transmission system planning, transmission services, and transmission analysis for system operations.
- Development of plans for expansion of transmission and distribution system facilities, at times through joint studies with neighboring utilities.
- Representation of UI on NEPOOL Operations Committee; chaired this committee for the years 1991 and 1992.
- Representation of UI on NEPOOL Transmission Task Force.
- Representation of UI on various ad hoc NEPOOL task forces and working groups.