



Straw Proposal for Sharing Data with State Commissions and among Market Monitoring Organizations

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Location

August 10, 2010

Goals of the Proposal

- ◆ Develop standard rules for sharing sensitive data among ISOs and market monitors.
- ◆ Develop rules governing the NYISO MMU's response to requests from State Commissions.
- ◆ Preserve confidentiality of Market Participant data to the maximum extent possible.

FERC concerns

- ♦ August 21, 2008: in response to the loop flow investigation, FERC states “The Commission is concerned by the suggestion that its market monitoring rules may preclude prompt identification and resolution of possible market manipulation...NYISO should continue to work with its market participants...and neighboring RTOs to develop potential solutions to this issue.” *Order accepting tariff sheets, Docket No. ER08-1281-000.*

FERC concerns, cont.

- ◆ Order 719 directs ISO's and RTO's to develop tariff rules governing MMU disclosure of commercially sensitive material to State Commissions.
- ◆ NYISO May 15, 2009 compliance filing proposed to address “the new/additional confidentiality protections that are needed to permit ISOs/RTOs and the Market Monitoring Units to exchange Protected Information” in the same tariff filing.
- ◆ FERC accepted the NYISO proposal. *Order on Compliance Filing, Docket No. ER09-1142-000 (November 20, 2009).*

Key Elements of the Proposal

- ◆ Maintain “no disclosure without specific authorization” principle
- ◆ No release of NY data to States or other ISOs/MMUs without enforceable protection against further disclosure
- ◆ Disclose only to ISOs and MMUs that have adopted reciprocal protections

Roadmap to the Tariff Changes

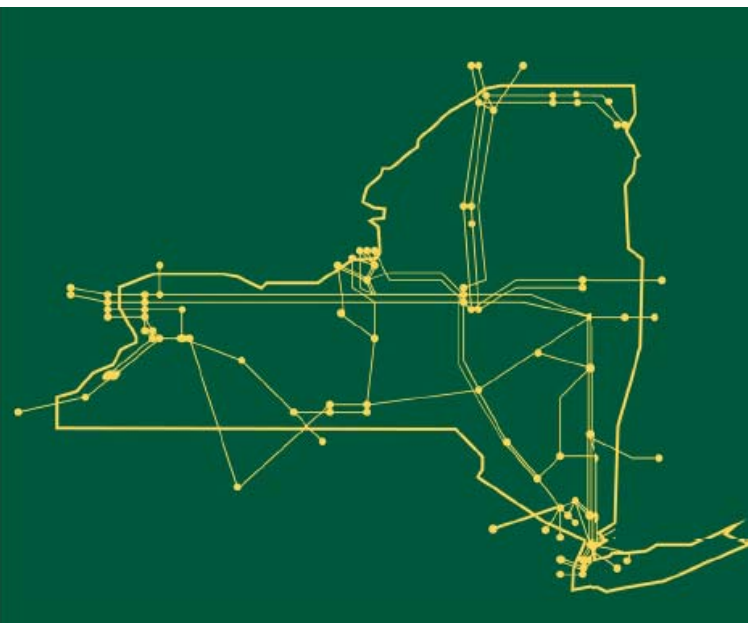
- ◆ Majority of changes are in Attachment O, the Market Monitoring Plan, Article 6
- ◆ Section 6.5 – specific authorization for NYISO and Potomac Economics to share data
- ◆ Section 6.5.5 – rules for MMU response to a State Commission request
 - *Prior notice to the MP*
 - *No disclosure in aid of state enforcement*
- ◆ Section 6.6 – authorization for MMU or NYISO to disclose information to another RTO or MMU
 - *Reciprocity requirement*

Next Steps

- ◆ Consider MP comments and suggestions
- ◆ Continue discussions with other ISOs/RTOs
- ◆ Seek MP and Board approvals in time for a November filing

Questions?

The New York Independent System Operator (NYISO) is a not-for-profit corporation that began operations in 1999. The NYISO operates New York's bulk electricity grid, administers the state's wholesale electricity markets, and conducts comprehensive planning for the state's bulk electricity system.



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