

OUTLINE OF PSC DISPUTE RESOLUTION PROCESS FOR NYISO COMPREHENSIVE RELIABILITY PLANNING

Parties should note that the guidelines set forth below are intended for use after the NYISO's dispute resolution process has been exhausted. Generally, the New York State Public Service Commission's (Commission's) Rules of Procedures will be followed (16 NYCRR, Chapter I, Subchapter A).

1. A party seeking Commission review of a NYISO board determination concerning the final conclusions or recommendations of the reliability needs assessment (NYISO Tariff §5.3), or a final determination of the NYISO in the CRP that a proposed solution will or will not meet a reliability need (NYISO Tariff 8.3), should file and serve a petition pursuant to 16NYCRR § 3.5.
2. The adjudication of disputes shall be limited to the issues raised by the disputing party, as ultimately determined by the Commission.
3. The party bringing the dispute has the burden of going forward and of challenging the NYISO decision.
4. If required, a notice pursuant to §202 of the New York State Administrative Procedure Act will be submitted by the Commission to the New York Department of State.
5. The Department of Public Service's dispute resolution processes will be available upon request.
6. An Administrative Law Judge (ALJ) will be assigned to each petition filed. If the parties agree to resolve (or attempt to resolve) their disputes using mediation or another form of alternative dispute resolution, a Settlement Judge and/or other Staff will be assigned as appropriate.
7. Multiple disputes with respect to the same NYISO decision will be consolidated into one proceeding, unless the ALJ determines otherwise.
8. Disputes being addressed through the Department's dispute resolution process may also proceed on a parallel litigation path, depending on the schedule for the proceeding established by the ALJ.
9. The litigation track will not include an evidentiary hearing, unless the ALJ determines that there are factual issues that require a hearing. The ALJ, after consultation with the parties, will establish the procedural process and schedule.
10. After the conclusion of the litigation process, a report will be prepared for the Commission.
11. Every reasonable effort will be made to complete the litigation and issue a decision in a timely manner.