

**To: NYISO Bylaws Working Group**

**From: Dan Allegretti and Allison Smith**  
**Anbaric Northeast Transmission Development Company**

**Re: Voting Rights under Associate Member status**

**Date: 5/8/2009**

### Introduction

Anbaric Northeast Transmission Development Company (“ANTDC”) joined the New York ISO on March 3, 2009 as a Non-voting Member with Associate Member status. Although we sought to join as a voting member we were deemed ineligible to do so under the rules, tariffs and by-laws which are currently in place. By contrast with the NYISO, both PJM and ISO-NE have made provision to enable independent transmission developers entering the marketplace to join the RTO as a voting member. We believe the membership policies of these RTOs better reflect the evolving nature of the electric industry and are more in sync with FERC policy in this regard. We are therefore asking the working group to consider a recommendation to the NYISO membership that voting rights similar to those granted in PJM be conferred upon non-voting members of the NYISO such as ourselves based upon a good faith intent to offer transmission services under the NYISO’s governing documents.

### PJM Other Supplier Voting Privilege

ANTDC is a member of the PJM Market in the “Other Supplier” sector. According to the PJM Membership rules:

“Other suppliers shall mean a Member that: (i) is engaged in buying selling or transmitting electric energy, capacity, ancillary services, financial transmission rights or other services available under PJM’s governing documents in or through the Interconnection or has a good faith intent to do so, and; (ii) does not qualify for the Generation Owner, Electric Distributer, Transmission Owner or End-Use Customer sectors. “

In PJM we applied for voting membership on good faith intent to engage in transmitting electricity and providing capacity services to the market. Upon review, we were deemed eligible by the PJM staff, without the need to seek approval from any PJM stakeholder body. Our membership was approved, effective February 12, 2009.

### ISO-NE

Our New England membership is a bit different. Prior to the creation of Anbaric, the principals in our company formed an affiliate, known as the New England Independent Transmission Company. In response to requests from NEITC and others NEPOOL created a category of membership known as

Provisional Membership which is designed to accommodate developers, such as ourselves, whose projects are still in their infancy but who have a very real need to participate in RTO matters. As a Provisional Member we are part of what is known within NEPOOL as a group member seat within the NEPOOL Transmission Sector. The group member seat has a weighted vote within that sector and that vote must be shared equally with the other Provisional Members within that sector. Our membership application was approved by NEPOOL and submitted to FERC in September of 2007 and was approved by the Commission later that fall. The Second Restated NEPOOL Agreement describes the criteria for Provisional Membership in the definition set forth in Section 1.68B.

### Conclusion

Effective participation in the debate and deliberations of the NYISO committees is simply not possible without some meaningful level of voting status. Members such as ourselves who are seeking to develop infrastructure and enter the marketplace have a vital business interest that is affected by the rules, tariffs and manuals produced through the stakeholder process and filed with the FERC. We can and will act to protect our business interests by seeking redress from the FERC where our concerns have not been addressed. However, our preference is to avoid the hearing process and to have our issues dealt with through the committee process instead. To do so we must be treated within that process with comparable legitimacy to incumbent market participants. Voting status is the fundamental element of comparable treatment in the participant process. We therefore look forward to discussing this important issue with the working group on May 21.