

23.3.1.2.3.3 The Bids or Bid components submitted for the Generator that were accepted outside the economic evaluation process to protect or maintain New York Control Area or local system reliability:

- i exceeded the Generator's Minimum Generation Bid reference level by the greater of 10% or \$10/MWh, or
- ii. exceeded the Generator's Incremental Energy Bid reference level by the greater of 10% or \$10/MWh, or
- iii. exceeded the Generator's Start-Up Bid reference level by 10%, or
- iv. exceeded the Generator's minimum run time, start-up time, and minimum down time reference levels by more than one hour in aggregate, or
- v. exceeded the Generator's minimum generation MW reference level by more than 10%, or
- vi. decreased the Generator's maximum number of stops per day below the Generator's reference level by more than one stop per day, or to one stop per day.

23.3.1.2.4 For In-City Generators committed in the Day-Ahead Market for local reliability, additional Mitigation Measures are specified in Section 23.5.2.1.

23.3.1.3 Thresholds for Identifying Uneconomic Production and Uneconomic Withdrawal of Energy

23.3.1.3.1 The following thresholds will be employed by the ISO to identify uneconomic production that may warrant the imposition of a mitigation measure:

23.3.1.3.1.1 Energy scheduled at an LBMP [that is less than the applicable reference level minus the greater of \\$25 per MWh or 80% of the applicable reference level \(i.e., \$LBMP < \(Applicable\ Reference\ Level - \max\(\\$25, 80\% \times Applicable\ Reference\ Level\)\)\$; provided, however, the ISO shall not evaluate Generators to](#)

identify uneconomic production when the applicable LBMP is greater than \$25 per MWh~~that is less than 20 percent of the applicable reference level and causes or contributes to transmission congestion;~~ or

23.3.1.3.1.2 Real-time output from a Generator or generation resulting in real-time operation at a higher output level than would have been expected had the Market Party's and the Affiliate's Generator or generation followed the ISO's dispatch instructions, if such failure to follow ISO dispatch instructions in real-time causes or contributes to transmission congestion, and it results in an output difference that exceeds (i) 15 minutes times a Generator's stated response rate per minute at the output level that would have been expected had the Generator followed the ISO's dispatch instructions, or (ii) 100 MW for a Generator, or (iii) 200 MW of the total capability of a Market Party and its Affiliates.

23.3.1.3.2 The following thresholds will be employed by the ISO to identify uneconomic withdrawals of Energy by Withdrawal-Eligible Generators that may warrant the imposition of a mitigation measure:

23.3.1.3.2.1 Energy withdrawn at an LBMP that is at least 300 percent or \$75/MWh, whichever is greater, more than the Withdrawal-Eligible Generator's applicable reference level~~and that causes or contributes to transmission congestion;~~ provided, however, that schedules to withdraw Energy that are determined by the ISO based on the economics of an offer to withdraw Energy, including the Incremental Energy Bid spread of a Withdrawal-Eligible Generator, shall not be considered uneconomic withdrawals under this Section 23.3.1.3.2.1; or

23.3.1.3.2.2 Real-time withdrawals by a Withdrawal-Eligible Generator resulting in different real-time operation than would have been expected had the Market Party's and the Affiliate's Generator or generation followed the ISO's dispatch instructions, if such failure to follow ISO dispatch instructions in real-time causes or contributes to transmission congestion, and it results in an output difference that exceeds (i) 15 minutes times a Generator's stated response rate per minute at the output level that would have been expected had the Generator followed the ISO's dispatch instructions, or (ii) 100 MW for a Generator, or (iii) 200 MW of the total capability of a Market Party and its Affiliates.

23.3.1.4 Reference Levels

23.3.1.4.1 Except as provided in Sections 23.3.1.4.3 – 23.3.1.4.6 below, a reference level for each component of a Generator's Bid to produce Energy shall be calculated on the basis of the following methods, listed in the order of preference subject to the existence of sufficient data.

A reference level for each component of a Withdrawal-Eligible Generator's Bid to produce or withdraw Energy shall be calculated consistent with Sections 23.3.1.4.1.3 or 23.3.1.4.2 below, subject to the existence of sufficient data.

23.3.1.4.1.1 The lower of the mean or the median of a Generator's accepted Bids or Bid components, in hour beginning 6 to hour beginning 21 but excluding weekend and designated holiday hours, in competitive periods over the most recent 90 day period for which the necessary input data are available to the ISO's reference level calculation systems, adjusted for changes in fuel prices consistent with Section 23.3.1.4.6, below. To maintain appropriate reference levels (i) the

circumstances, the ISO may retroactively reflect in Real-Time Market reference levels opportunity cost information that was not timely submitted by a Market Party. While it should ordinarily be possible for a Market Party to timely submit updated opportunity cost information for use in developing a Generator's Day-Ahead Market reference levels, the ISO may retroactively accept and utilize late-submitted Day-Ahead Market opportunity cost information upon a showing of extraordinary circumstances.

23.3.2 Material Price Effects or Changes in Guarantee Payments

23.3.2.1 Market Impact Thresholds

In order to avoid unnecessary intervention in the ISO Administered Markets, Mitigation Measures shall not be imposed unless conduct identified as specified above (i) causes or contributes to a material change in one or more prices in an ISO Administered Market, or (ii) substantially increases guarantee payments to participants in the New York Electric Market. Initially, the thresholds to be used by the ISO to determine a material price effect or change in guarantee payments shall be:

23.3.2.1.1 an increase of 200 percent or \$100 per MWh, whichever is lower, in the hourly Day-Ahead or Real-Time Energy LBMP at any location, or of any other price in an ISO Administered Market; or

23.3.2.1.1.1 for uneconomic production or uneconomic withdrawal, a change (*i.e.*, the absolute value of the difference) of 200 percent or \$100 per MWh, whichever is lower, in the hourly Day-Ahead Energy LBMP, Real-Time Energy LBMP, or the Congestion Component of the Day-Ahead LBMP or the Real-Time LBMP at any

location. Provided, however, the ISO shall not consider a price change of less than \$25 per MWh a material price effect for uneconomic production; or

23.3.2.1.2 an increase of 200 percent, or 50 percent for Generators in a Constrained Area₂ in Bid Production Cost guarantee payments to a Market Party for a Generator for a day; or

23.3.2.1.2.1 for uneconomic production or uneconomic withdrawal, an increase of 200 percent, or 50 percent for Generators in a Constrained Area, in Bid Production Cost guarantee payments or Day-Ahead Margin Assurance Payments to a Market Party or to an Affiliate for a Generator for a day; or

23.3.2.1.3 for a Constrained Area Generator subject to either a Real-Time Market or Day-Ahead Market conduct threshold, as specified above in Sections 23.3.1.1.1, 23.3.1.2.2.1, or 23.3.1.2.2.3: for all Constrained Hours (as defined in Section 23.3.1.2.2.1 for the Real-Time Market and in Section 23.3.1.2.2.3 for the Day-Ahead Market) for the unit being Bid, a threshold determined in accordance with the formula specified in Section 23.3.1.2.2.1 for the Real-Time Market or Section 23.3.1.2.2.3 for the Day-Ahead Market.

23.3.2.2 Price Impact Analysis

23.3.2.2.1 When it has the capability to do so, the ISO shall determine the effect on prices or guarantee payments of questioned conduct through the use of sensitivity analyses performed using the ISO's SCUC, RTC and RTD computer models, and such other computer modeling or analytic methods as the ISO shall deem appropriate following consultation with its Market Monitoring Unit. The responsibilities of the Market Monitoring Unit that are addressed in this section of