

November 30, 2012

**VIA ELECTRONIC & HAND DELIVERY**

Sauntia Warfield  
Assistant Secretary  
Commodity Futures Trading Commission  
Three Lafayette Centre, 1155 21st Street N.W.  
Washington, DC 20581

Re: Supplemental Comments for 77 FR 52138: Proposed Order and Request for Comment on a Petition From Certain Independent System Operators and Regional Transmission Organizations

Dear Ms. Warfield:

Petitioner New York Independent System Operator, Inc. (“NYISO”) appreciates the opportunity to comment on the Proposed Order and Request for Comment released by the Commodity Futures Trading Commission (“CFTC” or the “Commission”) on August 28, 2012 (“Proposed Order”).<sup>1</sup> NYISO joined Petitioners California Independent System Operator Corporation (“CAISO”), Electric Reliability Council of Texas, Inc. (“ERCOT”), ISO New England Inc. (“ISO-NE”), Midwest Independent Transmission System Operator, Inc. (“MISO”), and PJM Interconnection, L.L.C. (“PJM”) (together, the “Petitioners”) in comments on the Proposed Order filed with the Commission on September 27, 2012 (“September 27 Comments”). NYISO respectfully requests that the Commission also consider these supplemental comments that further address one aspect of the Proposed Order.

**I. Background**

The Commission issued the Proposed Order in response to Petitioners’ consolidated requests for an exemption (“Exemption”) from all but the anti-manipulation and anti-fraud provisions of the Commodity Exchange Act, as amended (“CEA”) filed with the Commission on February 7, 2012, as updated on June 11, 2012 (the “Petition”). In its Proposed Order, the Commission applies the Exemption to only those market participants that are defined under the Commission’s regulations as “appropriate persons” or “eligible contract participants” (“Appropriate Persons”).

In the September 27 Comments, the NYISO, with the other Petitioners, urged the Commission to exercise its authority to extend the Exemption to all persons that are qualified to participate in FERC-regulated ISOs/RTOs. The Commission has discretion pursuant to Section

---

<sup>1</sup> Proposed Order and Request for Comment on a Petition From Certain Independent System Operators and Regional Transmission Organizations To Exempt Specified Transactions Authorized by a Tariff or Protocol Approved by the Federal Energy Commission or the Public Utility Commission of Texas From Certain Provisions of the Commodity Exchange Act, 77 Fed. Reg. 52138 (Aug. 28, 2012).

4(c)(3)(K) of the CEA to determine that such persons qualify as Appropriate Persons “in light of their financial or other qualifications, or the applicability of appropriate regulatory protections.” Petitioners, in the September 27 Comments, urged the Commission to exercise its statutory discretion under CEA Section 4(c)(3)(K) to conclude that all persons that are qualified to participate in ISO/RTO markets are Appropriate Persons, for the limited purpose of transacting in the ISO/RTO markets, “in light of their financial or other qualifications, or the applicability of appropriate regulatory protections.” Petitioners suggested that the Commission can base such a determination on the stringent mandatory participation criteria and financial posting requirements, including capitalization requirements, these participants must satisfy, together with the other mechanisms the ISOs/RTOs use to protect the financial integrity of their markets.

Language in the Proposed Order indicates that the Commission may be inclined to expand the definition of Appropriate Persons to include market participants that are generators, load serving entities, or demand response providers that would not otherwise satisfy the Commission’s definition of Appropriate Persons, based on their “direct link” to the physical production, transmission, or distribution of electricity. It is unclear from the Proposed Order whether the Commission might expand the definition of Appropriate Persons under Section 4(c)(3)(K) of the CEA to those market participants who (1) are qualified under the NYISO’s requirements to participate in Virtual Transactions and/or TCC transactions; (2) participate in Virtual Transactions and/or TCC transactions, without also participating in the physical production, transmission or distribution of electricity; and (3) do not otherwise satisfy the Commission’s “appropriate persons” or “eligible contract participants” definitions. For the purpose of these Supplemental Comments, the NYISO will refer to these entities as “Marketers.”

These supplemental comments provide the Commission with additional information regarding Marketers, including:

- how the participation of all Marketers is important to the fair and efficient functioning of the NYISO markets and details regarding the type and volume of such Marketers’ transactions in NYISO markets;
- how the NYISO’s rules ensure a level of sophistication and commercial qualifications that appropriately prevent participation by unqualified Marketers, limit participation of qualified Marketers, and protect against harm to the NYISO’s markets and the Marketers themselves; and
- how the NYISO’s markets, stakeholders and electricity customers in the State of New York, may be impacted if the Commission declines the Petitioners’ request to expand the definition of Appropriate Persons to encompass all market participants, including Marketers.

## **II. Marketer Transactions are Important to the Efficient Commitment of Physical Resources and to the Cost Recovery of Investment in the Physical Transmission System**

In the Proposed Order, the Commission states that “financial transactions that are not tied to the allocation of the physical capabilities of an electric transmission grid would not be suitable for exemption because such activity would not be inextricably linked to the physical delivery of

electricity.”<sup>2</sup> Marketers engaged in Virtual Transactions and TCC transactions, while the Commission may perceive them as “financial-only” participants, are in fact intertwined with the physical delivery of electricity by virtue of their direct impact on: (1) the allocation of the physical capabilities of the grid and (2) the efficient commitment of generation resources.

#### A. Virtual Transactions

At least 14 of the 75, or nearly 19%, of market participants who participate in the NYISO’s Virtual Transactions market have indicated that they do not satisfy the Appropriate Person criteria set forth in the Proposed Order.<sup>3</sup> Those Marketers have accounted for a significant volume of the Virtual Transactions market activity thus far in 2012. Through November 24, 2012, these 14 market participants have accounted for approximately \$20.4 million in transactions, or approximately 12% of the total dollar volume for all Virtual Transactions in the NYISO market in 2012. Moreover, all Virtual Transactions affect the physical operation of the system by impacting the commitment and dispatch of physical resources in the real-time market.

To appreciate the impact of Virtual Transactions in the NYISO’s energy market, it is important to first understand how Virtual Transactions are tied to the physical capabilities of the bulk power system. The NYISO’s spot markets for electricity operate in two time frames: real-time and day-ahead. The day-ahead market, among other things, determines what generation resources are started to satisfy the real-time load. Because anticipated load, available generation, and system conditions can change from the time the day-ahead market is run, NYISO operates a real-time market to efficiently and economically balance system changes.

Most generators in NYISO are “committed” through the day-ahead market. Since most large electric generators require advanced notice to start, the operation of a financially binding day-ahead market allows generators to receive operating schedules ahead of the real time need for their output. The commitment of generation through the day-ahead market schedules generation resources to run to satisfy the market’s demands at the lowest cost. The ultimate goal of this least-cost commitment process is to minimize production costs, thereby selecting the lowest-cost resources first. When there is poor convergence between the day-ahead and real-time markets, the market will, over-commit resources, under-commit resources, or commit resources in the wrong locations. All of these outcomes are inefficient. Inefficient commitment of resources in the day-ahead market can require the NYISO to commit more costly resources in the real-time market to satisfy the actual load or manage network congestion.

Virtual Transactions are important to achieve efficient day-ahead resource commitment and real-time balancing of load and supply because these transactions facilitate convergence of the day-ahead and real-time markets. Stated simply, the closer day-ahead and real-time prices converge, the more efficiently the physical supply will be utilized to meet load.

Through Virtual Transactions, a market participant can buy or sell energy in the NYISO’s day-ahead market and buy or sell back that energy in the NYISO’s real-time spot market without

---

<sup>2</sup> Proposed Order at 52143.

<sup>3</sup> It is important for the Commission to recognize that the estimation is based on informal polling by the NYISO (to which not all NYISO market participants responded) that in large part hinges upon the market participants’ understanding of what qualifies as an Appropriate Person.

physically producing or consuming energy.<sup>4</sup> The transaction is settled in the NYISO energy markets as if it were a physical transaction – the same as a generator scheduled day-ahead that does not perform in real-time, or load scheduled day-ahead that does not materialize in real-time. The NYISO clears the day-ahead market by modeling all bids and offers without distinction as to whether they are related to generation or load or whether they are virtual bids or offers.

The vast majority (typically over 90%) of energy is purchased and sold in the day-ahead market. Thus, optimal day-ahead market performance is critical to market efficiency. Day-ahead market performance is primarily evaluated by the degree to which its outcomes (*i.e.*, clearing prices) converge with those of the real-time market because the real-time market reflects *actual* physical supply and demand for electricity. Although all market participants' day-ahead market bids and offers should reflect their expectations of market conditions for the following day, “physical” participants are not generally very price-sensitive. Rather, most of the price-sensitive bids and offers in the day-ahead market (*i.e.*, day-ahead liquidity) are provided by “financial” participants that submit Virtual Transactions. Hence, these participants serve an essential role as they arbitrage price differences between the day-ahead and real-time markets and facilitate price convergence that results in more efficient day-ahead market outcomes.

Because price convergence is generally good in the NYISO and other ISO/RTO markets, virtual traders generally earn relatively low profits (less than \$1 per MWh on average over the past two years). As a low-margin activity, a substantial increase in costs via changes in credit requirements or other changes could significantly reduce participation by these players. Given the key role they play in the market, this would likely degrade the performance of the day-ahead market and result in less efficient commitment of generating resources as well as other inefficiencies.

## B. TCC Transactions

The NYISO's most recent polling of its market participants revealed that all current TCC participants believe they can meet the Appropriate Person definition, due in large part to the very stringent participation criteria the NYISO requires of applicants to the TCC markets. However, there is the potential for new market entrants who meet the NYISO minimum participation and other criteria, but do not satisfy the Appropriate Persons definition. It is therefore important to extend the Appropriate Persons definition to future TCC participants who satisfy the numerous requirements for participation in the NYISO's TCC market outlined below. Like Virtual Transactions, TCC transactions are also intertwined with and important for efficient functioning of the day-ahead market.

In New York, energy transactions are frequently impacted by congestion. Congestion occurs when transmission capacity between two points is constrained, and more expensive power must be produced nearer to the location of the demand for the power. The additional energy costs are the result of transmission congestion, and these congestion costs are borne by both NYISO-administered energy market transactions through the locational energy prices, and in bilateral contracts through a separate transmission usage charge (based on the locational energy

---

<sup>4</sup> A virtual sale in the day-ahead market at the day-ahead price carries with it a corresponding obligation to purchase the same number of MWhs in real-time at the real-time price and vice versa for virtual offers to buy in the day-ahead market.

prices at the source and sink for the bilateral contract). Hence, congestion costs are borne by each energy transaction scheduled through the NYISO.

TCCs serve two primary functions in the NYISO markets. First, a TCC enables the holder to hedge congestion costs – the costs directly attributable to the physical limitations of the transmission system. After absorbing the initial cost of the TCC, the holder will receive congestion payments to offset the congestion costs that the TCC holder will have to pay in its transmission usage charge (for a bilaterally scheduled energy transaction) or its energy charge (for an energy transaction in the NYISO-administered market). Thus, the TCC holder will, in effect, substitute a fixed cost for a variable cost, thereby hedging against congestion.

Second, TCC auction revenues are one means by which Transmission Owners are reimbursed for their considerable investment in the State’s transmission system. Thus all TCC-holders play an important role in the physical transmission of electricity as the revenues derived from their purchases help enable Transmission Owners to recover the costs of maintaining and improving the physical transmission system itself.

Further, the NYISO and its external market monitor have observed that “purely financial” TCC market participants – *i.e.*, those who do not use TCC transactions to hedge congestion associated with their physical generation or load – traditionally tend to be more price sensitive and risk neutral. As such, they contribute to the efficient performance of the TCC market for the same reasons that Virtual Transactions contribute to the efficiency of the day-ahead energy market. In other words, these participants provide additional liquidity that allows TCC prices to clear at levels that reflect a reasonable market expectation of congestion.

## **II. Stringent Application, Registration and Credit Requirements Prevent Unsophisticated Individuals from Participating as Marketers and Protect Against Potential Risks Posed By Marketers Who Do Participate**

The NYISO respectfully requests that the Commission exercise its statutory discretion under CEA Section 4(c)(3)(K) to conclude that all persons who are qualified to participate in NYISO’s markets, including all Marketers, are Appropriate Persons, for the limited purpose of transacting in the NYISO’s markets, “in light of their financial or other qualifications, or the applicability of appropriate regulatory protections.”<sup>5</sup> The Commission can justify the expansion of the Appropriate Persons definition under CEA Section 4(c)(3)(K) not only based on the NYISO’s stringent mandatory participation criteria and financial posting and capitalization requirements, but also based on additional mechanisms the NYISO uses to protect the financial integrity of its markets, as described in the September 27 Comments, and the additional protections described below.

All NYISO market participants, including Marketers, are business entities. There are no individuals who participate in an individual capacity in the NYISO markets. Indeed, it would be extraordinarily difficult for an individual to even qualify to participate in the NYISO markets. Prior to becoming a NYISO market participant, an applicant must satisfy a host of application and registration requirements:

---

<sup>5</sup> 7 U.S.C. 6(c)(3)(K).

- An applicant must submit a completed application and demonstrate to the NYISO’s satisfaction that it is capable of performing all functions required by the NYISO’s tariffs, including operational communications, financial and settlement requirements.<sup>6</sup> *See* Attachment A to these Supplemental Comments for a copy of the NYISO’s application packet (“Application Packet”).
- An applicant must provide NYISO with copies of organizational documents for the applicant entity and a certificate of good standing as evidence of the entity’s legal existence and authority to transact business.<sup>7</sup>
- An applicant must provide NYISO with a resolution of the governing body of the applicant authorizing it to participate in the NYISO-administered markets.<sup>8</sup>
- An applicant must certify to the NYISO that the entity has the appropriate personnel resources and technical abilities to promptly and effectively respond to all communications and directions from the NYISO related to settlements, billing, credit requirements, and other financial matters.<sup>9</sup>
- An applicant must satisfy training requirements for participants in Virtual Transactions and the TCC market. Applicants must pass qualifying exams before being permitted to transact in these markets.<sup>10</sup>
- An applicant must sign a service agreement in the form set forth in the NYISO’s tariffs that incorporates by reference all of the terms and conditions of the NYISO’s tariffs.<sup>11</sup>
- An applicant must provide the NYISO with audited financial statements that demonstrate \$10 MM in assets, \$1 MM in tangible net worth, or post \$200,000 or \$500,000 in financial security that may not be used to satisfy transaction-specific credit requirements, discussed in more detail below.<sup>12</sup>
- An applicant must maintain written risk management policies and procedures that address those risks that could materially and adversely affect a Customer’s ability to pay its ISO invoices when due, including, but not limited to, credit risks, liquidity risks, and market risks.<sup>13</sup> Such risk management policies and procedures must conform to the risk management standards and practices specifically set forth in the NYISO tariff:<sup>14</sup>

---

<sup>6</sup> *See* NYISO Market Administration and Control Area Services Tariff (“Services Tariff”) § 8.1.2.

<sup>7</sup> *See* Application Packet, Section M at p 22.

<sup>8</sup> *See* Id.

<sup>9</sup> *See* Services Tariff §§ 26.1.1(c) and 26.1.2; *see also* Application Packet, Section F-2 at p 11.

<sup>10</sup> *See* Services Tariff § 26.1.1(b); *see also* Application Packet, Section F-2 at p 11.

<sup>11</sup> *See* Services Tariff § 9.1 and OATT §§ 3.1.4 and 3.2.4; *see also* Application Packet, Section N at pp 57-63.

<sup>12</sup> *See* Services Tariff § 26.1.1(d).

<sup>13</sup> *See* Services Tariff § 26.1.1(a).

<sup>14</sup> *See* Services Tariff § 26.1.3.2.

1. Customer's risk management framework is documented in a risk policy addressing market, credit and liquidity risks that have been approved by the Customer's risk management function, which includes appropriate corporate persons or bodies that are independent of the Customer's trading functions, such as a risk management committee, a designated risk officer, a Customer's board of directors or board committee, or, if applicable, a board of directors or board committee of a Customer's parent company.
2. Customer maintains an organizational structure with clearly defined roles and responsibilities that appropriately, and to the extent practical, segregate trading functions from risk management functions (*e.g.*, segregation of front, middle, and back office functions).
3. Customer has established delegations of authority specifying the transactions into which its traders are allowed to enter.
4. Customer ensures that its traders have adequate training and/or experience relative to their delegations of authority in the systems and markets in which they transact.
5. As appropriate, risk limits are in place to control risk exposures.
6. Reporting is in place to ensure that risks are adequately communicated throughout the organization.
7. Processes are in place for qualified independent review of trading activities.
8. As appropriate, there is periodic valuation or mark-to-market of risk positions.

There is an extended waiting period from the initial application until an entity, if approved, can participate in the NYISO markets. A request for service under the NYISO's tariffs must be made at least sixty (60) days in advance of the calendar month in which service is to commence, after which the NYISO takes considerable time to review the application and identify any deficiencies.<sup>15</sup> In addition, the NYISO verifies the risk management policies of all TCC market applicants prior to authorizing participation in that market and has the right to verify the risk management policies and procedures of any applicant or market participant. The NYISO's tariffs require participants to submit to the NYISO, upon request, "any information or documentation reasonably required for the ISO to monitor and evaluate [a Market Participant's] creditworthiness and compliance with requirements set forth in the ISO Tariffs, ISO Procedures, and/or ISO Agreements related to settlements, billing, credit requirements, and other financial matters."<sup>16</sup>

In addition, market participants in the TCC market and Virtual Transactions must satisfy stringent credit requirements specific to their volume of activity in those markets. A market participant engaging in TCC transactions must post security to satisfy credit requirements

---

<sup>15</sup> See NYISO Open Access Transmission Tariff ("OATT") §§ 3.5.1, 3.5.4, and 9.3.

<sup>16</sup> See Services Tariff § 26.1.4.

tailored specifically to the obligations that it may incur in that market.<sup>17</sup> These credit requirements are conservative, based on a statistical analysis of historical TCC auction prices and congestion rents. NYISO's current credit requirements for holding TCCs are calculated as the greater of: (1) an amount determined based on historical TCC data and probabilistic loss expectations per TCC, calculated using a 97% confidence level for monthly and six-month TCCs and a 95% confidence level for annual TCCs, or (2) a mark-to-market analysis calculated as the projected amount of the TCC holder's payment obligations to the NYISO at the end of the TCC term based on average congestion rents over the previous 90 days.<sup>18</sup>

Similarly, to participate in Virtual Transactions, a customer must also provide an acceptable form of credit support that is sufficient to cover any bids submitted plus the net amount owed to the NYISO for any settled Virtual Transactions outstanding.<sup>19</sup> Virtual bids and offers submitted by a customer with insufficient credit support are automatically rejected. Furthermore, the NYISO's tariffs allow the NYISO to immediately suspend a customer's trading privileges in the event the customer exhausts its credit support.

NYISO employs a strict margining methodology with respect to TCC and Virtual Transaction credit requirements. NYISO adjusts each Market Participant's TCC or Virtual Transaction credit requirement upwards on a daily basis to the extent the net mark-to-market value of all of the TCCs or Virtual Transactions in the Market Participant's portfolio exceeds the Market Participant's baseline credit requirement.<sup>20</sup> Using this calculation, NYISO imposes a strict margin factor. If, at any time, the net amount owed by a market participant for TCC congestion rents or Virtual Transactions reaches fifty percent (50%) of the security posted by the market participant to meet its credit requirement, the NYISO will make a margin call and demand additional security.<sup>21</sup> If the market participant fails to meet the demand by 4:00 pm, the NYISO may suspend the market participant and cancel any pending TCC bids/Virtual Transactions.<sup>22</sup> If, at any time, the net amount owed by a market participant for Virtual Transactions reaches one hundred percent (100%) of the market participant's Virtual Transaction credit support, the NYISO will immediately suspend the market participant and cancel any pending Virtual Transaction bids.<sup>23</sup>

The NYISO further limits the exposure that Marketers in the TCC market and Virtual Transactions can accumulate through weekly (versus monthly) invoicing. Marketers have significantly decreased market exposure with this reduced settlement cycle. Weekly payment obligations are approximately 25% of prior monthly invoice amounts.

In the unlikely event a Marketer that was unable to satisfy the Commission's Appropriate Persons definition experienced a loss in excess of the financial security it posted to satisfy the above credit requirements, the NYISO would have an additional \$200,000 or \$500,000 available

---

<sup>17</sup> See Services Tariff § 26.4.2.3.

<sup>18</sup> See Id.

<sup>19</sup> See Services Tariff § 26.4.2.5.

<sup>20</sup> See Services Tariff §§ 26.4.2.3(b) and 26.4.2.5.

<sup>21</sup> See Services Tariff §§ 26.7.1 and 26.8.2.

<sup>22</sup> See Id.

<sup>23</sup> See Id.



to cover that loss because such Marketers, if unable to satisfy the net worth/total assets requirement in the NYISO's minimum participation criteria, would have been required to satisfy the capitalization requirement by posting additional security. The additional financial security not only provides further protection against loss but, taken together with the other mandatory qualification requirements described above, ensures a baseline level of sophistication and resources that appropriately limits harm to the NYISO markets and participants. Notably, the NYISO's cumulative bad debt loss is miniscule in relation to the dollar volume of transactions in its markets. Since the NYISO's inception nearly 13 years ago, it has experienced only \$2.1 million in bad debt loss out of approximately \$82 billion in transactions (0.003%).

### **III. Impact of Excluding Marketers From the Definition of Appropriate Persons**

If the Commission declines the NYISO's request to expand the definition of Appropriate Persons to encompass all market participants, including Marketers, then one of the following two consequences will result: (1) NYISO would be subject to Commission regulation by virtue of the ongoing participation by market participants that do not qualify as Appropriate Persons; or (2) NYISO would have to seek to amend its tariffs with FERC to change its participation criteria to effectively exclude these market participants. Each of these alternatives is an undesirable outcome.

Subjecting even one NYISO market participant to Commission regulation in effect subjects the NYISO to Commission regulation and defeats the purpose of the requested exemption. The potential for inconsistent regulatory requirements would significantly weaken the regulatory certainty that is the intended benefit of the Exemption. Such additional and potentially conflicting regulation would be certain to lead to increased costs to the NYISO, its market participants, and ultimately electric ratepayers.

In addition, the Commission's resources will be taxed with the additional burden of actively regulating NYISO's complex electricity markets, due to the participation of a relatively few players who meet NYISO's FERC-approved credit requirements but do not satisfy the Commission's Appropriate Persons criteria. Likewise, the NYISO will have to devote resources to respond to the regulatory and compliance requirements that would result from Commission oversight. As NYISO's operating costs are recovered through a tariff rate schedule and ultimately passed on to New York electricity consumers, it would be consumers who would ultimately pay for this additional, duplicative regulation.

If the Commission declines the NYISO's request to expand the definition of Appropriate Persons to encompass all market participants, the only way for the NYISO to avoid costly, conflicting regulation would be to seek approval to amend its tariffs to make its minimum participation criteria consistent with the Commission's definition of Appropriate Persons. Such a tariff amendment would require a formal order from the FERC under Section 205 of the Federal Power Act, which requires a showing that the proposed tariff amendments are "just and reasonable" and do not "grant any undue preference or advantage to any person or subject any person to any undue prejudice or disadvantage."<sup>24</sup>

---

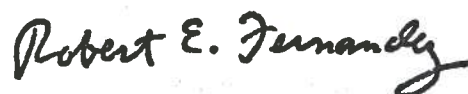
<sup>24</sup> See 16 U.S.C. § 824d; see also 16 U.S.C. § 824e(a) (barring any "unduly discriminatory or preferential" rate).

Even assuming the “just and reasonable” standard could be satisfied, such tariff amendments could serve to exclude a significant number of entities from the NYISO’s markets even though those entities meet stringent participation criteria and are already subject to comprehensive regulatory and market oversight designed to ensure the financial integrity of market transactions, minimize systemic risk, promote fair and liquid markets, and protect both market participants and, ultimately, electric ratepayers. As noted above, if the Commission denies the requested relief, almost 19% of NYISO’s Virtual Traders could be adversely impacted.

#### IV. Conclusion

The Commission should apply the Exemption to all persons that qualify to participate in NYISO’s markets, including all Marketers. The NYISO’s stringent mandatory participation criteria ensure a level of sophistication and commercial qualifications that appropriately limit harm to markets and participants. The Commission can support such a determination based on the financial and other participation qualifications that apply to all NYISO market participants, as described above and in the September 27 Comments. Moreover, it is in the public interest for the Commission to apply the Exemption to all persons qualified to transact in the NYISO markets. Such action promotes the effectiveness of the NYISO markets by allowing participants who do not present any systemic risk, to continue participating in those markets.

Respectfully submitted,



---

Robert E. Fernandez  
Sara B. Keegan  
NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.  
10 KREY BOULEVARD  
RENSSELAER, NY 12144  
Tel: (518) 356.6000  
[RFernandez@nyiso.com](mailto:RFernandez@nyiso.com)  
[SKeegan@nyiso.com](mailto:SKeegan@nyiso.com)

CC (via electronic mail, with enclosures):

Robert B. Wasserman, Chief Counsel, CFTC Division of Clearing and Intermediary Oversight  
Laura Astrada, Associate Chief Counsel, CFTC Division of Clearing and Intermediary Oversight  
Jocelyn Partridge, Special Counsel, CFTC Division of Clearing and Intermediary Oversight  
Eve Gutman, Attorney-Advisor, CFTC Division of Market Oversight  
Gloria P. Clement, Assistant General Counsel, CFTC Office of the General Counsel  
Thuy Dinh, Counsel, CFTC Office of the General Counsel  
Robert Pease, CFTC Division of Enforcement

# **Attachment A**



Dear Applicant:

The attached Application Packet contains the necessary documents required to apply for participation in the electric markets administered by the New York Independent System Operator (NYISO) as a NYISO Customer, a NYISO Limited Customer, or to obtain view only access to a Market Participant's information as a NYISO Guest. Customers may participate in the full range of markets and programs administered by the NYISO only after the registration process is complete. Limited Customers may participate only in the Emergency Demand Response Program.

The rules and requirements for participating in the NYISO-administered markets are stated in the NYISO's Market Administration and Control Area Services Tariff and the NYISO's Open Access Transmission Tariff, which are on file with FERC. The NYISO is responsible for administrating the NYISO tariffs and maintaining reliable, safe and efficient operation of the New York State Power System. It is highly recommended that Applicants review the NYISO tariffs to understand the various markets and associated obligations. Copies of the NYISO tariffs can be downloaded from the NYISO website at: <http://www.nyiso.com> → For Market Participants → Document Library → Tariffs.

The NYISO requires a **minimum of 60 days** to process an application for a new registration or a modification to an existing registration. The process to register as a NYISO Customer, Limited Customer, or Guest, or to modify an existing registration, may take more than 60 days, depending on the type of participation that the prospective Customer, Limited Customer, or Guest desires, the level of software modification required on the NYISO's part, and whether there is any need to coordinate the application with external entities, such as the Transmission Owners and/or meter authorities. **Due to the lead time which may be required, Applicants applying as new generators, LESR, DADRP, or DSASP resources should submit the one-line drawing and resource specific sections of the Application Packet approximately six months in advance of the date on which the prospective or current Market Participant wishes to begin transacting business in the NYISO markets.** If inadequate time is available for the NYISO to process the application, the NYISO may not be able to meet the customer's desired business start date.

The NYISO will not begin the process of registering a customer until it receives a Completed Application. A Completed Application is an application that has been fully and properly completed, that provides all requested information and that satisfies the requirements of the NYISO's registration process and tariffs. The Applicant should promptly bring any questions to the NYISO Customer Relations Department to avoid unnecessary delay in the registration process. **Please note that incomplete applications will only delay the Applicant's registration.**

Once registered, the NYISO also requires each Customer, Limited Customer, or Guest to inform the NYISO of organizational changes that may impact the initial registration information

submitted to the NYISO. This includes, for example, company name changes, reorganizations and mergers, and changes to affiliates.

For any assistance in completing the Application Packet, please contact the Customer Relations Department at (518) 356-6060 or via e-mail at [market\\_services@nyiso.com](mailto:market_services@nyiso.com).

## **CUSTOMER REGISTRATION APPLICATION FORMS**

## Section A Company Information

<b>Date</b>	
<b>Applicant Name</b>	

### Company Address

<b>Address Line 1</b>			
<b>Address Line 2</b>			
<b>City</b>		<b>State/Province</b>	
<b>Zip Code</b>		<b>Country</b>	
<b>24 Hour Phone Contact #</b>			

### Main Contact Information

<b>Name</b>			
<b>Title</b>			
<b>Address Line 1</b>			
<b>Address Line 2</b>			
<b>City</b>		<b>State/Province</b>	
<b>Zip Code</b>		<b>Country</b>	
<b>Primary Phone</b>		<b>Secondary Phone</b>	
<b>Cell Phone</b>			
<b>FAX Number</b>			
<b>E-mail Address</b>			

### Alternate Main Contact Information

<b>Name</b>			
<b>Title</b>			
<b>Address Line 1</b>			
<b>Address Line 2</b>			
<b>City</b>		<b>State/Province</b>	
<b>Zip Code</b>		<b>Country</b>	
<b>Primary Phone</b>		<b>Secondary Phone</b>	
<b>Cell Phone</b>			
<b>FAX Number</b>			
<b>E-mail Address</b>			



## Section B Role of Applicant

<b>Date</b>	
<b>Applicant Name</b>	

<b>Requested Customer Status (check one):</b>		
a) NYISO Customer <input type="checkbox"/>	b) NYISO Limited Customer <input type="checkbox"/>	c) NYISO Guest <input type="checkbox"/>

	Yes	No
1. Will the Applicant be a Load Serving Entity (LSE) that will serve retail customers?		
2. Will the Applicant be a LSE solely for purposes of serving its own end-use consumption?		
3. Will the Applicant provide Energy or Capacity to the New York Control Area (NYCA) from a generating facility?		
4. Will the Applicant provide Ancillary Services to the NYCA from a generating facility?		
5. Will the Applicant provide services from a wind facility?		
6. Will the Applicant submit bilateral transaction schedules that are into, from, or through the NYCA (Import, Export, Wheel)?		
7a. Will the Applicant submit bilateral transaction schedules that are internal to NYISO only?		
7b. Will the Applicant submit bilateral transaction schedules involving Trading Hubs?		
8. Will the Applicant buy TCCs in the NYISO Centralized TCC Auction Period or by Direct Sale?		
9. Will the Applicant buy/sell UCAP in the NYISO ICAP auctions?		
10. Will the Applicant participate in Virtual Transactions?		
11. Will the Applicant participate in the SCR program?		
12. Will the Applicant participate in the LESR program?		
13. Will the Applicant participate in DADRP?		
14. Will the Applicant participate in DSASP?		
15. Will the Applicant participate in EDRP only (i.e., be a Limited Customer)?		
16. Will the Applicant use an agent to schedule and bid with the NYISO (Scheduling Service Provider)?		
17. Will the Applicant be an agent of a Customer that schedules or bids for the Customer (Scheduling Service Provider)?		
18. Will the Applicant transfer its load buses to a separate LSE Customer pursuant to a Customer Registration Agreement? <sup>1</sup>		
19. Will the Applicant transfer its generators to a separate Supplier Customer pursuant to a Customer Registration Agreement? <sup>1</sup>		
20. Will a separate Customer transfer its load buses or generators to the Applicant pursuant to a Customer Registration Agreement? <sup>1</sup>		

<sup>1</sup> All parties to Customer Registration Agreements must complete the full application process and register as a Customer.

**Section C**  
**MIS Administrator(s)**

<b>Date</b>	
<b>Applicant Name</b>	

Primary Administrator's Name (REQUIRED)

<b>First Name</b>		<b>Last Name</b>	
<b>Title</b>			
<b>Address Line 1</b>			
<b>Address Line 2</b>			
<b>City</b>		<b>State/Province</b>	
<b>Zip Code</b>		<b>Country</b>	
<b>Primary Phone</b>		<b>Secondary Phone</b>	
<b>Cell Phone</b>		<b>Pager Number</b>	
<b>FAX Number</b>			
<b>E-mail Address</b>			

Alternate Administrator's Name (RECOMMENDED)

<b>First Name</b>		<b>Last Name</b>	
<b>Title</b>			
<b>Address Line 1</b>			
<b>Address Line 2</b>			
<b>City</b>		<b>State/Province</b>	
<b>Zip Code</b>		<b>Country</b>	
<b>Primary Phone</b>		<b>Secondary Phone</b>	
<b>Cell Phone</b>			
<b>FAX Number</b>			
<b>E-mail Address</b>			

Use additional sheets if necessary.

## Section D Billing Contact

<b>Date</b>	
<b>Applicant Name</b>	

Primary Billing Contact (REQUIRED)

<b>First Name</b>		<b>Last Name</b>	
<b>Title</b>			
<b>Address Line 1</b>			
<b>Address Line 2</b>			
<b>City</b>		<b>State/Province</b>	
<b>Zip Code</b>		<b>Country</b>	
<b>Primary Phone</b>		<b>Secondary Phone</b>	
<b>Cell Phone</b>			
<b>FAX Number</b>			
<b>E-mail Address</b>			
<b>FEDEX Address (if different from above)</b>			

Alternate Billing Contact (RECOMMENDED)

<b>First Name</b>		<b>Last Name</b>	
<b>Title</b>			
<b>Address Line 1</b>			
<b>Address Line 2</b>			
<b>City</b>		<b>State/Province</b>	
<b>Zip Code</b>		<b>Country</b>	
<b>Primary Phone</b>		<b>Secondary Phone</b>	
<b>Cell Phone</b>			
<b>FAX Number</b>			
<b>E-mail Address</b>			

## Section E DSS Super Administrator

<b>Date</b>	
<b>Applicant Name</b>	

Primary DSS Super Administrator (REQUIRED)

<b>First Name</b>		<b>Last Name</b>	
<b>Title</b>			
<b>Address Line 1</b>			
<b>Address Line 2</b>			
<b>City</b>		<b>State/Province</b>	
<b>Zip Code</b>		<b>Country</b>	
<b>Primary Phone</b>		<b>Secondary Phone</b>	
<b>Cell Phone</b>			
<b>FAX Number</b>			
<b>E-mail Address</b>			
<b>FEDEX Address (if different from above)</b>			

Alternate DSS Super Administrator (RECOMMENDED)

<b>First Name</b>		<b>Last Name</b>	
<b>Title</b>			
<b>Address Line 1</b>			
<b>Address Line 2</b>			
<b>City</b>		<b>State/Province</b>	
<b>Zip Code</b>		<b>Country</b>	
<b>Primary Phone</b>		<b>Secondary Phone</b>	
<b>Cell Phone</b>			
<b>FAX Number</b>			
<b>E-mail Address</b>			

**Section F**  
**Creditworthiness**

## Section F-1 Credit Information

<b>Date</b>	
<b>Applicant/Customer Name</b>	

### A. Credit Contact(s)

The NYISO will coordinate with the primary credit contact (or alternate if primary is not available) regarding credit allocations for the various markets, refunds and general credit related issues.

#### 1. Primary

<b>First Name</b>		<b>Last Name</b>	
<b>Title</b>			
<b>Address Line 1</b>			
<b>Address Line 2</b>			
<b>City</b>		<b>State/Province</b>	
<b>Zip Code</b>		<b>Country</b>	
<b>Primary Phone</b>		<b>Secondary Phone</b>	
<b>Cell Phone</b>		<b>FAX Number</b>	
<b>E-mail Address</b>			

#### 2. Alternate

<b>First Name</b>		<b>Last Name</b>	
<b>Title</b>			
<b>Address Line 1</b>			
<b>Address Line 2</b>			
<b>City</b>		<b>State/Province</b>	
<b>Zip Code</b>		<b>Country</b>	
<b>Primary Phone</b>		<b>Secondary Phone</b>	
<b>Cell Phone</b>		<b>FAX Number</b>	
<b>E-mail Address</b>			

**Section F - Creditworthiness (continued)**

**B. Virtual Transaction Credit Contact(s)**

<b>Applicant Name</b>	
-----------------------	--

**Applicants for Virtual Transactions MUST have at least one designated credit contact available 24 hours a day/7 days per week. The person(s) named below will be authorized to initiate Virtual Transaction credit limit revisions. This contact may be the same person listed as the primary credit contact in Section A on previous page.**

1. Primary

<b>First Name</b>		<b>Last Name</b>	
<b>Title</b>			
<b>Address Line 1</b>			
<b>Address Line 2</b>			
<b>City</b>		<b>State/Province</b>	
<b>Zip Code</b>		<b>Country</b>	
<b>Primary Phone</b>		<b>Secondary Phone</b>	
<b>Cell Phone</b>		<b>FAX Number</b>	
<b>E-mail Address</b>			

2. Alternate

<b>First Name</b>		<b>Last Name</b>	
<b>Title</b>			
<b>Address Line 1</b>			
<b>Address Line 2</b>			
<b>City</b>		<b>State/Province</b>	
<b>Zip Code</b>		<b>Country</b>	
<b>Primary Phone</b>		<b>Secondary Phone</b>	
<b>Cell Phone</b>		<b>FAX Number</b>	
<b>E-mail Address</b>			

**Section F - Creditworthiness (continued)**

**C. Credit Support**

<b>Applicant/Customer Name</b>	
--------------------------------	--

1. Check appropriate credit support

<b>Cash (Complete the “Market Participant Cash Collateral Form” at <a href="http://www.nyiso.com">http://www.nyiso.com</a> → For Market Participants → NYISO Services → Financial Services → Credit)</b>	
<b>Letter of Credit</b>	
<b>Surety Bond</b>	
<b>Affiliate Guaranty</b>	
<b>Unsecured Credit Line (Please submit 3 years audited company financial statements or provide URL)</b>	
<b>N/A – No credit support required per role in NYISO’s Markets</b>	

2. Dun and Bradstreet

<b>Number</b>	
---------------	--



## Section F-2 Officer Certification Form

### NYISO MINIMUM PARTICIPATION CRITERIA OFFICER CERTIFICATION FORM

Customer Name:	
----------------	--

I, \_\_\_\_\_, a duly authorized officer of \_\_\_\_\_ ("Customer"), understanding that the NYISO is relying on this certification as evidence that Customer meets the minimum participation requirements set forth in Section 26.1 of Attachment K to the NYISO Market Administration and Control Area Services Tariff ("Attachment K"), hereby certify that I have full authority to bind Customer and further certify as follows:

1. Risk Management. Customer maintains current, written risk management policies and procedures that address those risks that could materially and adversely affect Customer's ability to pay its NYISO invoices when due, including, but not limited to, credit risks, liquidity risks, and market risks.
2. Training.
  - a. Each employee and agent with the right to Bid or schedule in the NYISO-administered markets on behalf of Customer has appropriate training and/or experience to transact on behalf of Customer in the NYISO-administered markets.
  - b. Each employee and agent with the right to Bid on Virtual Transactions or TCCs on behalf of Customer has successfully completed the designated NYISO-administered training course on Virtual Transactions and/or TCCs, as applicable.
3. Operational Capabilities. Customer has appropriate personnel resources and technical abilities to promptly and effectively respond to all communications and directions from the NYISO related to settlements, billing, credit requirements, and other financial matters.
4. Capitalization. Customer has demonstrated compliance with the NYISO's capitalization criteria as follows (check one):
  - a. By submitting a copy of Customer's, or its guarantor's, most recent audited financial statements that show at least:
 

\$10 million in assets OR  \$1 million in tangible net worth

Customer acknowledges that pursuant to Section 26.1.1 of Attachment K that Customer is required to notify the NYISO promptly in the event Customer's financial position no longer satisfies these minimum capitalization criteria and to post the appropriate amount of additional security; or
  - b. By posting with the NYISO the amount of security indicated below, which security Customer acknowledges it may not use to support its NYISO credit requirements:
 

\$200,000; Customer is not authorized to participate in the TCC market OR  \$500,000; Customer is authorized to participate in the TCC market

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Subscribed and sworn before me \_\_\_\_\_, a notary public of the State of \_\_\_\_\_, in and for the County of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Notary Public Signature)

My commission expires: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

## Section G Corporate Affiliate/Parent Form

<b>Date</b>	
<b>Applicant Name</b>	

### Main Contact

<b>First Name</b>		<b>Last Name</b>	
<b>Primary Phone</b>		<b>Secondary Phone</b>	

### Parent Company

If no parent , please mark "N/A" (do not leave blank)

<b>Company Name</b>			
<b>Address Line 1</b>			
<b>Address Line 2</b>			
<b>City</b>		<b>State/Province</b>	
<b>Zip Code</b>		<b>Country</b>	
<b>Publicly Traded? *</b>	(check one) Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>Stock Symbol</b>	
<b>* Stocks, Bonds, Commercial Paper, Debentures, etc</b>			
<b>Primary Business Purpose</b>			

### Other Affiliates

If no affiliates, please mark "N/A" (do not leave blank)

Under the NYISO tariffs, the term "Affiliate" is defined as follows: "With respect to a person or entity, any individual, corporation, partnership, firm, joint venture, association, joint-stock company, trust or unincorporated organization, directly or indirectly controlling, controlled by, or under common control with, such person or entity. The term "Control" shall mean the possession, directly or indirectly, of the power to direct the management or policies of a person or an entity. A voting interest of ten percent or more shall create a rebuttable presumption of control."

Based on the above definition, please list any Affiliates of the Applicant. Indicate whether the Affiliate is publicly traded (Stocks, Bonds, Commercial Paper, Debentures, etc.) and if so, supply the stock symbol.

Affiliate Name	Publicly Traded (Check below)		Stock Symbol
	Yes	No	

Please use additional sheets as necessary.

**Section H  
Signatory Page**

<b>Date Submitted</b>	
<b>Applicant Name</b>	

I, the undersigned, in my capacity as a duly authorized representative of the NYISO Applicant named above (“Applicant”), hereby certify, understanding that the NYISO is relying on such certification, that:

1. The Applicant is now, or shall be at the time the Applicant requests service from the NYISO, an Eligible Customer under the OATT and/or a Customer under the Services Tariff;
2. The information provided by the Applicant in this Application is true and accurate as of the date of submission of the Completed Application to the NYISO;
3. The person indicated in Section C of this Application has been appointed to act as the MIS administrator for the Applicant and will be the person authorized and responsible for providing and maintaining MIS user security information for the Applicant as a NYISO customer; and

Furthermore, the Applicant acknowledges that it is solely responsible for accurately and completely entering bids and any other required information into the MIS in a timely fashion, and that the Applicant will be responsible for all results, intended or otherwise, of the Applicant’s bids.

**IN WITNESS WHEREOF**, the undersigned has executed this Application as of the date first written above.

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_  
(Print)  
Title: \_\_\_\_\_  
(Print)

**Section I**  
**Affidavit of Reciprocity**

*Only complete this section if the Applicant is to be a Transmission Customer under the OATT and your company does not own, control or operate transmission facilities.*

**Certification**

I, \_\_\_\_\_, certify that I am duly authorized representative of \_\_\_\_\_ (Transmission Customer) and that \_\_\_\_\_ (Transmission Customer) will not request service under this Service Agreement to assist an Eligible Customer to avoid the reciprocity provision of this Open Access Transmission Tariff.

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

(Print)

Title: \_\_\_\_\_

(Print)

Subscribed and sworn before me

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
(Notary Public Signature)

My Commission expires: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**Section J  
Bank Account Information**

Date	Application # <i>[NYISO use only]</i>	MIS Org ID <i>[NYISO use only]</i>	Date Received <i>[NYISO use only]</i>
<b>Applicant Name</b>			

**BANK ACCOUNT INFORMATION**

<b>Financial Institution</b>			
<b>Address Line 1</b>			
<b>Address Line 2</b>			
<b>City</b>		<b>State/ Province</b>	
<b>Zip Code</b>		<b>Country</b>	
<b>ABA #</b>		<b>Account Number</b>	

**AUTHORIZED SIGNATURES FOR BANK INFORMATION**

First signature **must be same as Primary Billing Contact**

<b>First Name</b>		<b>Last Name</b>	
<b>Title</b>			
<b>Primary Phone</b>		<b>Secondary Phone</b>	
<b>E-mail Address</b>			
<b>Signature</b>		<b>Date</b>	

Second signature **REQUIRED**

<b>First Name</b>		<b>Last Name</b>	
<b>Title</b>			
<b>Primary Phone</b>		<b>Secondary Phone</b>	
<b>E-mail Address</b>			
<b>Signature</b>		<b>Date</b>	

Any changes to bank account information must be submitted to the NYISO in writing under the signatures of the individuals designated above.

\*Please note: The second banking contact must have a different e-mail address to comply with the NYISO's dual-verification procedures. If your company does not have a second banking contact, with a distinct e-mail address, you may provide the NYISO with written documentation, on company letterhead, stating that the company has only one primary banking contact, and as such, that contact is authorized to independently verify the company's banking instructions.

**Section K**  
**Federal & New York Tax Documentation**

## **Section K-1 Federal Tax Documentation**

### **U.S. Entities - (Form W-9)**

- All Applicants other than Guests must complete the Request for Taxpayer Identification Number and Certification W-9 tax form. This form is required by the NYISO to enable it to report to the Internal Revenue Service payments made to Customer or Limited Customers. The NYISO is required to file an information return with the IRS that, in turn, requires a correct Taxpayer Information Number (TIN) from the Customer or Limited Customer. Please complete the Request for Taxpayer Identification Number and Certification W-9 tax form using the **most recent version** and directions that accompany the document as posted on the IRS website.

### **Foreign Entities - (Forms W-8BEN or W-8ECI)**

- Foreign entities must submit a W-8BEN, W-8ECI or W-8IMY. An EIN Number is required. If you do not have one, you will need to obtain one and provide it to the NYISO.



## Section K-2 New York State Tax Documentation

### New York State Sales Tax Documentation

- Please submit the required New York State sales tax documentation as required by the NYISO tariffs. Examples of acceptable documentation include: ST-119, ST-120, ST-121, Direct Pay Permit, Tax Exempt Letter, Affidavit (must be signed by the CEO or other corporate officer). Please refer to the NY State Tax Department web page for the **current versions** of the forms. Please refer to your accounting department or tax advisor to determine the appropriate document for your company. Please sign and complete the appropriate form using the number from your NY State Certificate of Authority. Also include a photocopy of NY State Certificate of Authority along with your completed NY State form.
- **Please Note Name of Seller:** The “Name of seller” section of the ST-120 and ST-121 should identify the NYISO as the “seller” as follows:

The New York Independent System Operator, Inc.  
10 Krey Blvd.  
Rensselaer, NY 12144
- **Please Note Exceptions:** A company that registers for **Virtual Transactions and/or EDRP ONLY**, does not have to submit New York State tax documentation. However, if the company wishes to participate in other markets now, or in the future, it will be required to submit the New York State tax documentation.

**Section L**  
**MIS Acknowledgement and Service of Process Authorization**

<b>Date</b>	
<b>Applicant/Customer Name</b>	

The undersigned, a duly authorized representative of the NYISO Applicant named above (“Applicant”), in his/her capacity as an officer of Applicant, hereby acknowledges and agrees as follows, understanding that the NYISO is relying on such acknowledgement and agreement:

1. Applicant hereby acknowledges and agrees that in order to schedule Transactions or participate in the ISO Administered Markets, Applicant must submit all Bids and Transaction schedules to the NYISO via the Market Information System (MIS). Applicant further acknowledges and agrees that the NYISO will not accept Bids or Transaction schedules delivered by telephone, facsimile, e-mail, or any means other than via MIS.
2. Applicant hereby acknowledges and agrees that it is the exclusive owner and solely responsible for the confidentiality and protection of its MIS password(s) and the administration of its MIS users. Applicant further acknowledges and agrees that it is fully responsible for all activities that arise from Applicant’s MIS users or the use of Applicant’s MIS password(s). Applicant agrees to indemnify the NYISO and hold the NYISO harmless if any other person utilizing Applicant’s confidential information provides instructions to the NYISO that may be contrary to Applicant’s instructions. Applicant agrees to immediately notify the NYISO in writing of any loss, theft, or unauthorized use of its MIS password(s) or by its MIS users.
3. Applicant hereby acknowledges and agrees that the NYISO does not warrant access to MIS will be uninterrupted or error-free, or that the site or server that makes MIS available will be virus-free, and that Applicant accesses MIS at its own discretion and risk and will be solely responsible for any damage to its computer systems or loss of information that may result.
4. WITH REGARD TO ANY DISPUTE, CLAIM, CONTROVERSY OR DISAGREEMENT (OF WHATEVER KIND, NATURE OR TYPE, AND WHETHER BASED IN CONTRACT, TORT, STATUTE OR OTHERWISE) ARISING OUT OF, IN CONNECTION WITH, OR IN ANY WAY RELATED TO THE SCHEDULING OF TRANSACTIONS OR PARTICIPATION IN THE ISO ADMINISTERED MARKETS OR OTHER SERVICE OFFERED BY THE NYISO (“DISPUTE”), APPLICANT CONSENTS TO SERVICE OF PROCESS IN ANY SUCH DISPUTE BY MEANS OF FEDEX OVERNIGHT/NEXT BUSINESS DAY DELIVERY SERVICE (OR A COMPARABLE OVERNIGHT/NEXT BUSINESS DAY DELIVERY SERVICE), TO THE ADDRESS PROVIDED IN THE APPLICATION AS UPDATED FROM TIME

TO TIME; NOTWITHSTANDING THE FOREGOING, NOTHING HEREIN PREVENTS NYISO FROM SERVING PROCESS BY ANY OTHER MEANS AUTHORIZED BY LAW.

**IN WITNESS WHEREOF**, the undersigned has executed this certificate as of the date first written above.

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Print

Title: \_\_\_\_\_

Print

## Section M

### Organizational Documents and Authorizations

Please provide the organizational documents and authorizations described below.

- **Formation and Internal Governance Documentation.** The Applicant must provide a copy of the current version of its formation documents (e.g., articles of incorporation for a corporation, articles of organization for an LLC, certificate of limited partnership for an LP) and internal governance documents (e.g., bylaws, limited liability company agreement, partnership agreement).
- **Certificate of Good Standing.** The Applicant must provide a Certificate of Good Standing (or similar certificate evidencing the legal existence of Applicant)<sup>1</sup> from the jurisdiction under which laws the Applicant is organized. This document should be obtained from the Secretary of State (or similar), and must be issued within approximately 30 days prior to the date the **Completed** Application is submitted (in final form) to the NYISO. An example of the appropriate document for a New York entity follows as Example 19.
- **Resolution/Consent of Applicant’s Governing Body.** The Applicant must provide a resolution (or unanimous consent) of its governing body (e.g., board of directors of a corporation, members of a member-managed LLC, managers of a manager-managed LLC) approving the Applicant’s application and related actions.<sup>2</sup>

The resolution/consent must be substantially similar to the form examples that follow. Applicants should be familiar with their governance structure and normal governance procedures and should modify the text of the form examples as appropriate (so long as the resolution remains substantially similar to the form examples provided). Upon request, the NYISO can provide example resolutions for other types of legal entities and/or governance structures.

- Example 1 is appropriate for a corporation passing a resolution at a duly called meeting of its board of directors.
- Example 2 is appropriate for a corporation passing a resolution by unanimous written consent.

---

<sup>1</sup> Note that in some states the official document evidencing the existence of an entity is known by a different name. For example, in Texas the document evidencing the existence of an entity is known as a “Certificate of Existence” (issued by the Secretary of State), and the “Certificate of Account Status” references the entity’s good standing with regard to franchise tax payments and is issued by the Texas Comptroller. The NYISO requires the appropriate documentation evidencing the existence of the entity (e.g., in Texas, the “Certificate of Existence”).

<sup>2</sup> If the Applicant is a limited partnership, the “governing body” is the general partner. Any general partner of a limited partnership generally has the authority under law to act on behalf of the partnership. The only resolution that is necessary is if the general partner is itself a legal entity, as described in the bullet below.

- Example 3 is appropriate for a member-managed LLC passing a resolution of its multiple members by unanimous written consent.
- Example 4 is appropriate for a member-managed LLC passing a resolution of its sole member by unanimous written consent.
- Example 5 is appropriate for a manager-managed LLC passing a resolution of its multiple managers by unanimous written consent.
- Example 6 is appropriate for a manager-managed LLC passing a resolution of its sole manager by unanimous written consent.
- **Additional Resolution Required When Applicant’s Governing Body is Itself a Legal Entity.** In the event that (i) Applicant is a limited partnership where the general partner is a legal entity (such as the general partner being a manager-managed LLC, member-managed LLC, or corporation) or (ii) Applicant is a limited liability company where the sole manager or sole member is a legal entity (such as the LLC applicant being managed by a corporation), then the Applicant must also provide a resolution (or unanimous consent) of the governing body of the legal entity that is acting on behalf of the Applicant.<sup>3</sup>

The resolution/consent must be substantially similar to the form examples that follow. Applicants should be familiar with their governance structure and normal governance procedures and should modify the text of the form examples as appropriate (so long as the resolution remains substantially similar to the form examples provided). Upon request, the NYISO can provide example resolutions for other types of legal entities and/or governance structures.

- Example 7 is appropriate for a limited partnership Applicant where the general partner is a corporation.
- Example 8 is appropriate for a limited partnership Applicant where the general partner is a member-managed LLC with more than one member.<sup>4</sup>
- Example 9 is appropriate for a limited partnership Applicant where the general partner is a manager-managed LLC with only one manager.<sup>5</sup>
- Example 10 is appropriate for an Applicant that is a manager-managed LLC where the sole manager of the Applicant is a corporation and the corporation is acting by resolution.

---

<sup>3</sup> The NYISO reserves the right to require resolutions from other legal entities further “up the chain” or when the governing body is made up of multiple legal entities. In addition, the NYISO reserves the right to demand governance documents from such “up the chain” entities. However, the NYISO does not ordinarily require this documentation in the ordinary course.

<sup>4</sup> Example 8 is also appropriate, after replacing the term “members” with “managers,” for a limited partnership where the general partner is a manager-managed LLC with more than one manager.

<sup>5</sup> Example 9 is also appropriate, after replacing the term “manager” with “member,” for a limited partnership where the general partner is a member-managed LLC with only one member.

- Example 11 is appropriate for an Applicant that is a manager-managed LLC where the sole manager of the Applicant is a corporation and the corporation is acting by written consent.<sup>6</sup>
- Example 12 is appropriate for an Applicant that is a member-managed LLC where the sole member of the Applicant is a member-managed LLC.
- Example 13 is appropriate for an Applicant that is a member-managed LLC where the sole member of the Applicant is a manager-managed LLC.
- Example 14 is appropriate for an Applicant that is a manager-managed LLC where the sole manager of the Applicant is a member-managed LLC.
- Example 15 is appropriate for an Applicant that is a manager-managed LLC where the sole manager of the Applicant is a manager-managed LLC.
- **Secretary's/Officer's Certificate.** The Applicant that is a corporation must provide a certificate of the secretary of the corporation, and all other Applicants must provide a certificate signed by one of the officers given signatory authority in the Applicant's resolution, that certifies the validity of the documents submitted by the Applicant.

The form of certificate should be substantially similar to the example form certificates that follow. Applicants may modify the text of the example form certificates as appropriate for their governance structure (so long as the certificate remains substantially similar to the examples provided). Upon request, the NYISO can provide example certificates for other types of legal entities and/or governance structures.

- Example 16 is appropriate for a corporation.
- Example 17 is appropriate for a limited liability company.
- Example 18 is appropriate for a limited partnership.

In some instances, the NYISO may require additional supporting documents and other information with respect to the operations and affairs of the Applicant. This may, at the discretion of the NYISO, include a requirement that Applicant present a legal opinion or a more recent Certificate of Good Standing.

In addition, the NYISO reserves the right to waive or alter these requirements in certain circumstances as it deems appropriate, in its sole discretion.

---

<sup>6</sup> Example 11 is also appropriate, after replacing the term "sole manager" with "sole member," for a member-managed LLC where the sole member is a corporation.

**EXAMPLE 1**  
**CORPORATION APPLICANT – RESOLUTION OF BOARD OF DIRECTORS**

At a duly called meeting of the Board of Directors of \_\_\_\_\_,  
Full Legal Name of Applicant  
a \_\_\_\_\_ corporation (“Applicant”), held on the \_\_\_ day of \_\_\_\_\_,  
Jurisdiction of Organization/Formation  
20\_\_\_, at which a quorum was present, the following resolution was offered, seconded, and adopted:

WHEREAS, Applicant desires to participate in the markets of or otherwise take service from the New York Independent System Operator, Inc. (“NYISO”); and

WHEREAS, the Board of Directors deems the NYISO application and the transactions contemplated thereby to be advisable and in the best interests of Applicant.

NOW, THEREFORE, BE IT RESOLVED, that Applicant is hereby authorized and directed to apply to become a NYISO customer and, accordingly, to schedule energy transactions with the NYISO, participate in transactions within the NYISO markets, and otherwise take service in accordance with the NYISO tariffs; and further

RESOLVED, that any one of the following:

_____ Name	_____ Title	_____ Signature
_____ Name	_____ Title	_____ Signature

is hereby authorized and directed to execute and deliver service agreements and all such other documents, instruments and agreements, and to take all such actions in the name and on behalf of Applicant, as may be reasonably necessary or desirable to give effect to the foregoing resolutions; and further

RESOLVED, that the authority given hereunder shall be deemed retroactive and any and all acts authorized hereunder performed prior to the passage of this resolution are hereby ratified and affirmed.

I hereby certify that the foregoing preamble and resolutions were adopted by the Board of Directors of Applicant at a duly called meeting at which a quorum was present.

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Title: Secretary

Date: \_\_\_\_\_





**IN WITNESS WHEREOF**, the undersigned, being all of the members of the Board of Directors have executed this unanimous written consent effective as of the date indicated above.

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**EXAMPLE 3**  
**LLC APPLICANT – UNANIMOUS WRITTEN CONSENT OF MEMBERS**  
**IN LIEU OF MEETING**

The undersigned, being all of the members (“Members”) of \_\_\_\_\_, a  
\_\_\_\_\_ limited liability company (“Applicant”), hereby consent to and adopt  
\_\_\_\_\_ the following preamble and resolutions:  
Jurisdiction of Organization/Formation

WHEREAS, Applicant desires to participate in the markets of or otherwise take service from the New York Independent System Operator, Inc. (“NYISO”); and

WHEREAS, the Members deem the NYISO application and the transactions contemplated thereby to be advisable and in the best interests of Applicant.

NOW, THEREFORE, BE IT RESOLVED, that Applicant is hereby authorized and directed to apply to become a NYISO customer and, accordingly, to schedule energy transactions with the NYISO, participate in transactions within the NYISO markets, and otherwise take service in accordance with the NYISO tariffs; and further

RESOLVED, that any one of the following:

_____	_____	_____
Name	Title	Signature
_____	_____	_____
Name	Title	Signature

is hereby authorized and directed to execute and deliver service agreements and all such other documents, instruments and agreements, and to take all such actions in the name and on behalf of Applicant, as may be reasonably necessary or desirable to give effect to the foregoing resolutions; and further

RESOLVED, that the authority given hereunder shall be deemed retroactive and any and all acts authorized hereunder performed prior to the passage of this resolution are hereby ratified and affirmed.

This consent of the Members may be executed in any number of counterparts, each of which shall, taken together, constitute one and the same consent.

Effective Date: \_\_\_\_\_, 20\_\_

**IN WITNESS WHEREOF**, the undersigned, being all of the Members of Applicant have executed this unanimous written consent effective as of the date indicated above.

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**EXAMPLE 4**  
**LLC APPLICANT – WRITTEN CONSENT OF SOLE MEMBER**

The undersigned, being the sole member (“Member”) of \_\_\_\_\_, a  
Full Legal Name of Applicant  
\_\_\_\_\_ limited liability company (“Applicant”), hereby consents to and  
Jurisdiction of Organization/Formation  
adopts the following preamble and resolutions:

WHEREAS, Applicant desires to participate in the markets of or otherwise take service from the New York Independent System Operator, Inc. (“NYISO”); and

WHEREAS, the Member deems the NYISO application and the transactions contemplated thereby to be advisable and in the best interests of Applicant.

NOW, THEREFORE, BE IT RESOLVED, that Applicant is hereby authorized and directed to apply to become a NYISO customer and, accordingly, to schedule energy transactions with the NYISO, participate in transactions within the NYISO markets, and otherwise take service in accordance with the NYISO tariffs; and further

RESOLVED, that any one of the following:

_____	_____	_____
Name	Title	Signature
_____	_____	_____
Name	Title	Signature

is hereby authorized and directed to execute and deliver service agreements and all such other documents, instruments and agreements, and to take all such actions in the name and on behalf of Applicant, as may be reasonably necessary or desirable to give effect to the foregoing resolutions; and further

RESOLVED, that the authority given hereunder shall be deemed retroactive and any and all acts authorized hereunder performed prior to the passage of this resolution are hereby ratified and affirmed.

Effective Date: \_\_\_\_\_, 20\_\_

**IN WITNESS WHEREOF**, the undersigned, being the sole member of Applicant has executed this written consent effective as of the date indicated above.

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_  
Date: \_\_\_\_\_

**EXAMPLE 5**  
**LLC APPLICANT – UNANIMOUS WRITTEN CONSENT OF MANAGERS IN LIEU OF MEETING**

The undersigned, being all of the managers (“Managers”) of \_\_\_\_\_,  
Full Legal Name of Applicant  
a \_\_\_\_\_ limited liability company (“Applicant”), hereby consent to and  
Jurisdiction of Organization/Formation  
adopt the following preamble and resolutions:

WHEREAS, Applicant desires to participate in the markets of or otherwise take service from the New York Independent System Operator, Inc. (“NYISO”); and

WHEREAS, the Managers deem the NYISO application and the transactions contemplated thereby to be advisable and in the best interests of Applicant.

NOW, THEREFORE, BE IT RESOLVED, that Applicant is hereby authorized and directed to apply to become a NYISO customer and, accordingly, to schedule energy transactions with the NYISO, participate in transactions within the NYISO markets, and otherwise take service in accordance with the NYISO tariffs; and further

RESOLVED, that any one of the following:

_____ Name	_____ Title	_____ Signature
_____ Name	_____ Title	_____ Signature

is hereby authorized and directed to execute and deliver service agreements and all such other documents, instruments and agreements, and to take all such actions in the name and on behalf of Applicant, as may be reasonably necessary or desirable to give effect to the foregoing resolutions; and further

RESOLVED, that the authority given hereunder shall be deemed retroactive and any and all acts authorized hereunder performed prior to the passage of this resolution are hereby ratified and affirmed.

This consent of the Managers may be executed in any number of counterparts, each of which shall, taken together, constitute one and the same consent.

Effective Date: \_\_\_\_\_, 20\_\_

**IN WITNESS WHEREOF**, the undersigned, being all of the Managers of Applicant have executed this unanimous written consent effective as of the date indicated above.

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**EXAMPLE 6**  
**LLC APPLICANT – WRITTEN CONSENT OF SOLE MANAGER**

The undersigned, being the sole manager (“Manager”) of \_\_\_\_\_, a  
Full Legal Name of Applicant  
\_\_\_\_\_ limited liability company (“Applicant”), hereby consents to and  
Jurisdiction of Organization/Formation  
adopts the following preamble and resolutions:

WHEREAS, Applicant desires to participate in the markets of or otherwise take service from the New York Independent System Operator, Inc. (“NYISO”); and

WHEREAS, the Manager deems the NYISO application and the transactions contemplated thereby to be advisable and in the best interests of Applicant.

NOW, THEREFORE, BE IT RESOLVED, that Applicant is hereby authorized and directed to apply to become a NYISO customer and, accordingly, to schedule energy transactions with the NYISO, participate in transactions within the NYISO markets, and otherwise take service in accordance with the NYISO tariffs; and further

RESOLVED, that any one of the following:

_____ Name	_____ Title	_____ Signature
_____ Name	_____ Title	_____ Signature

is hereby authorized and directed to execute and deliver service agreements and all such other documents, instruments and agreements, and to take all such actions in the name and on behalf of Applicant, as may be reasonably necessary or desirable to give effect to the foregoing resolutions; and further

RESOLVED, that the authority given hereunder shall be deemed retroactive and any and all acts authorized hereunder performed prior to the passage of this resolution are hereby ratified and affirmed.

Effective Date: \_\_\_\_\_, 20\_\_

**IN WITNESS WHEREOF**, the undersigned, being the sole manager of Applicant has executed this written consent effective as of the date indicated above.

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_



**EXAMPLE 7**  
**LP APPLICANT – UNANIMOUS WRITTEN CONSENT OF  
BOARD OF DIRECTORS OF CORPORATION  
THAT IS GENERAL PARTNER OF LP APPLICANT**

The undersigned, being all of the members of the Board of Directors of \_\_\_\_\_, a \_\_\_\_\_ corporation (“General Partner”)  
Full Legal Name of General Partner                      Jurisdiction of Organization/Formation  
hereby consent to and adopt the following preamble and resolutions:

WHEREAS, General Partner is the general partner of \_\_\_\_\_,  
Full Legal Name of Applicant  
a \_\_\_\_\_ limited partnership (“Applicant”);  
Jurisdiction of Organization/Formation

WHEREAS, Applicant desires to participate in the markets of or otherwise take service from the New York Independent System Operator, Inc. (“NYISO”);

WHEREAS, General Partner, in its capacity as general partner of Applicant, will act on behalf of Applicant in applying for entry into and participating in the markets of, or otherwise taking service from, the NYISO;

WHEREAS, the Board of Directors deems Applicant’s NYISO application and the transactions contemplated thereby to be advisable and in the best interests of Applicant.

NOW, THEREFORE, BE IT RESOLVED, that General Partner, in its capacity as general partner of Applicant, is hereby authorized and directed to take such actions as are necessary to authorize and cause Applicant to apply to become a NYISO customer and to authorize Applicant to schedule energy transactions with the NYISO, participate in transactions within the NYISO markets, and otherwise take service in accordance with the NYISO tariffs; and further

RESOLVED, that the authority given hereunder shall be deemed retroactive and any and all acts authorized hereunder performed prior to the passage of this resolution are hereby ratified and affirmed.

This consent of the Board of Directors may be executed in any number of counterparts, each of which shall, taken together, constitute one and the same consent.

Effective Date: \_\_\_\_\_, 20\_\_.

**IN WITNESS WHEREOF**, the undersigned, being all of the members of the Board of Directors of General Partner, have executed this unanimous written consent as of the dates indicated below.

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**EXAMPLE 8**  
**LP APPLICANT – UNANIMOUS WRITTEN CONSENT OF**  
**MEMBERS OF MEMBER-MANAGED LLC**  
**THAT IS GENERAL PARTNER OF LP APPLICANT**

The undersigned, being all of the members (“Members”) of \_\_\_\_\_,  
Full Legal Name of General Partner  
a \_\_\_\_\_ limited liability company (“General Partner”), hereby consent to  
Jurisdiction of Organization/Formation  
and adopt the following preamble and resolutions:

WHEREAS, General Partner is the managing general partner of \_\_\_\_\_,  
Full Legal Name of Applicant  
a \_\_\_\_\_ limited partnership (“Applicant”);  
Jurisdiction of Organization/Formation

WHEREAS, Applicant desires to participate in the markets of or otherwise take service from the New York Independent System Operator, Inc. (“NYISO”);

WHEREAS, General Partner, in its capacity as managing general partner of Applicant, will act on behalf of Applicant in applying for entry into and participating in the markets of, or otherwise taking service from, the NYISO;

WHEREAS, the Members deem Applicant’s NYISO application and the transactions contemplated thereby to be advisable and in the best interests of Applicant.

NOW, THEREFORE, BE IT RESOLVED, that General Partner, in its capacity as managing general partner of Applicant, is hereby authorized and directed to take such actions as are necessary to authorize and cause Applicant to apply to become a NYISO customer and to authorize Applicant to schedule energy transactions with the NYISO, participate in transactions within the NYISO markets, and otherwise take service in accordance with the NYISO tariffs; and further

RESOLVED, that the authority given hereunder shall be deemed retroactive and any and all acts authorized hereunder performed prior to the passage of this resolution are hereby ratified and affirmed.

This consent of the Board of Directors may be executed in any number of counterparts, each of which shall, taken together, constitute one and the same consent.

Effective Date: \_\_\_\_\_, 20\_\_.

**IN WITNESS WHEREOF**, the undersigned, being all of the Members of General Partner, have executed this unanimous written consent as of the dates indicated below.

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**EXAMPLE 9**  
**LP APPLICANT – UNANIMOUS WRITTEN CONSENT OF  
SOLE MANAGER OF LLC  
THAT IS GENERAL PARTNER OF LP APPLICANT**

The undersigned, being the sole manager (“Manager”) of \_\_\_\_\_,  
Full Legal Name of General Partner  
a \_\_\_\_\_ limited liability company (“General Partner”), hereby consents to  
Jurisdiction of Organization/Formation  
and adopts the following preamble and resolutions:

WHEREAS, General Partner is the managing general partner of \_\_\_\_\_,  
Full Legal Name of Applicant  
a \_\_\_\_\_ limited partnership (“Applicant”);  
Jurisdiction of Organization/Formation

WHEREAS, Applicant desires to participate in the markets of or otherwise take service from the New York Independent System Operator, Inc. (“NYISO”);

WHEREAS, General Partner, in its capacity as managing general partner of Applicant, will act on behalf of Applicant in applying for entry into and participating in the markets of, or otherwise taking service from, the NYISO;

WHEREAS, Manager deems Applicant’s NYISO application and the transactions contemplated thereby to be advisable and in the best interests of Applicant.

NOW, THEREFORE, BE IT RESOLVED, that General Partner, in its capacity as managing general partner of Applicant, is hereby authorized and directed to take such actions as are necessary to authorize and cause Applicant to apply to become a NYISO customer and to authorize Applicant to schedule energy transactions with the NYISO, participate in transactions within the NYISO markets, and otherwise take service in accordance with the NYISO tariffs; and further

RESOLVED, that the authority given hereunder shall be deemed retroactive and any and all acts authorized hereunder performed prior to the passage of this resolution are hereby ratified and affirmed.

This consent of the Board of Directors may be executed in any number of counterparts, each of which shall, taken together, constitute one and the same consent.

Effective Date: \_\_\_\_\_, 20\_\_.

**IN WITNESS WHEREOF**, the undersigned, being all the sole manager of General Partner, has executed this unanimous written consent as of the date indicated below.

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**EXAMPLE 10**  
**LLC APPLICANT – RESOLUTION OF  
BOARD OF DIRECTORS OF CORPORATION  
THAT IS SOLE MANAGER OF LLC APPLICANT**

At a duly called meeting of the Board of Directors of \_\_\_\_\_,  
Full Legal Name of Manager  
a \_\_\_\_\_ corporation (“Manager”) the following resolution was offered,  
Jurisdiction of Organization/Formation  
seconded, and adopted:

WHEREAS, Manager is the sole manager of \_\_\_\_\_, a  
Full Legal Name of Applicant  
\_\_\_\_\_ limited liability company (“Applicant”);  
Jurisdiction of Organization/Formation

WHEREAS, Applicant desires to participate in the markets of or otherwise take service from the New York Independent System Operator, Inc. (“NYISO”);

WHEREAS, Manager, in its capacity as sole manager of Applicant, will act on behalf of Applicant in applying for entry into and participating in the markets of, or otherwise taking service from, the NYISO; and

WHEREAS, the Board of Directors deems Applicant’s NYISO application and the transactions contemplated thereby to be advisable and in the best interests of Applicant.

NOW, THEREFORE, BE IT RESOLVED, that Manager, in its capacity as sole manager of Applicant, is hereby authorized and directed to take such actions as are necessary to authorize and cause Applicant to apply to become a NYISO customer and to authorize Applicant to schedule energy transactions with the NYISO, participate in transactions within the NYISO markets, and otherwise take service in accordance with the NYISO tariffs; and further

RESOLVED, that the authority given hereunder shall be deemed retroactive and any and all acts authorized hereunder performed prior to the passage of this resolution are hereby ratified and affirmed.

I hereby certify that the foregoing preamble and resolutions were adopted by the Board of Directors of Applicant at a duly called meeting at which a quorum was present.

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Title: Secretary

Date: \_\_\_\_\_





Effective Date: \_\_\_\_\_, 20\_\_

**IN WITNESS WHEREOF**, the undersigned, being all of the members of the Board of Directors have executed this unanimous written consent effective as of the date indicated above.

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**EXAMPLE 12**  
**LLC APPLICANT – UNANIMOUS WRITTEN CONSENT OF  
MEMBERS IN MEMBER-MANAGED LLC  
THAT IS SOLE MEMBER OF LLC APPLICANT**

The undersigned, being all of the members (“Members”) of \_\_\_\_\_,  
Full Legal Name of Member  
a \_\_\_\_\_ limited liability company (“Parent/Member”) hereby consent to and  
Jurisdiction of Organization/Formation  
adopt the following preamble and resolutions:

WHEREAS, Parent/Member is the sole member of \_\_\_\_\_,  
Full Legal Name of Applicant  
a \_\_\_\_\_ limited liability company (“Applicant”);  
Jurisdiction of Organization/Formation

WHEREAS, Applicant desires to participate in the markets of or otherwise take service from the New York Independent System Operator, Inc. (“NYISO”);

WHEREAS, Parent/Member, in its capacity as sole member of Applicant, will act on behalf of Applicant in applying for entry into and participating in the markets of, or otherwise taking service from, the NYISO; and

WHEREAS, the Members deem Applicant’s NYISO application and the transactions contemplated thereby to be advisable and in the best interests of Applicant.

NOW, THEREFORE, BE IT RESOLVED, that Parent/Member, in its capacity as sole member of Applicant, is hereby authorized and directed to take such actions as are necessary to authorize and cause Applicant to apply to become a NYISO customer and to authorize Applicant to schedule energy transactions with the NYISO, participate in transactions within the NYISO markets, and otherwise take service in accordance with the NYISO tariffs; and further

RESOLVED, that the authority given hereunder shall be deemed retroactive and any and all acts authorized hereunder performed prior to the passage of this resolution are hereby ratified and affirmed.

This consent of Members may be executed in any number of counterparts, each of which shall, taken together, constitute one and the same consent.

Effective Date: \_\_\_\_\_, 20\_\_

**IN WITNESS WHEREOF**, the undersigned, being all of the members of Parent/Member have executed this unanimous written consent effective as of the date indicated above.

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**EXAMPLE 13**  
**LLC APPLICANT – UNANIMOUS WRITTEN CONSENT OF  
MANAGERS IN MANAGER-MANAGED LLC  
THAT IS SOLE MEMBER OF LLC APPLICANT**

The undersigned, being all of the managers (“Managers”) of \_\_\_\_\_,  
Full Legal Name of Member  
a \_\_\_\_\_ limited liability company (“Parent/Member”) hereby consent to and adopt  
Jurisdiction of Formation  
the following preamble and resolutions:

WHEREAS, Parent/Member is the sole member of \_\_\_\_\_,  
Full Legal Name of Applicant  
a \_\_\_\_\_ limited liability company (“Applicant”);  
Jurisdiction of Organization/Formation

WHEREAS, Applicant desires to participate in the markets of or otherwise take service from the New York Independent System Operator, Inc. (“NYISO” );

WHEREAS, Parent/Member, in its capacity as sole member of Applicant, will act on behalf of Applicant in applying for entry into and participating in the markets of, or otherwise taking service from, the NYISO; and

WHEREAS, the Managers deem Applicant’s NYISO application and the transactions contemplated thereby to be advisable and in the best interests of Applicant.

NOW, THEREFORE, BE IT RESOLVED, that Parent/Member, in its capacity as sole member of Applicant, is hereby authorized and directed to take such actions as are necessary to authorize and cause Applicant to apply to become a NYISO customer and to authorize Applicant to schedule energy transactions with the NYISO, participate in transactions within the NYISO markets, and otherwise take service in accordance with the NYISO tariffs; and further

RESOLVED, that the authority given hereunder shall be deemed retroactive and any and all acts authorized hereunder performed prior to the passage of this resolution are hereby ratified and affirmed.

This consent of Managers may be executed in any number of counterparts, each of which shall, taken together, constitute one and the same consent.

Effective Date: \_\_\_\_\_, 20\_\_

**IN WITNESS WHEREOF**, the undersigned, being all of the managers of Parent/Member have executed this unanimous written consent effective as of the date indicated above.

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**EXAMPLE 14**  
**LLC APPLICANT – UNANIMOUS WRITTEN CONSENT OF**  
**MEMBERS IN MEMBER-MANAGED LLC**  
**THAT IS SOLE MANAGER OF LLC APPLICANT**

The undersigned, being all of the members (“Members”) of \_\_\_\_\_,  
Full Legal Name of Parent/Manager  
a \_\_\_\_\_ limited liability company (“Parent/Manager”) hereby consent to and  
Jurisdiction of Organization/Formation  
adopt the following preamble and resolutions:

WHEREAS, Parent/Manager is the sole manager of \_\_\_\_\_,  
Full Legal Name of Applicant  
a \_\_\_\_\_ limited liability company (“Applicant”);  
Jurisdiction of Organization/Formation

WHEREAS, Applicant desires to participate in the markets of or otherwise take service from the New York Independent System Operator, Inc. (“NYISO” );

WHEREAS, Parent/Manager, in its capacity as sole manager of Applicant, will act on behalf of Applicant in applying for entry into and participating in the markets of, or otherwise taking service from, the NYISO; and

WHEREAS, the Members deem Applicant’s NYISO application and the transactions contemplated thereby to be advisable and in the best interests of Applicant.

NOW, THEREFORE, BE IT RESOLVED, that Parent/Manager, in its capacity as sole manager of Applicant, is hereby authorized and directed to take such actions as are necessary to authorize and cause Applicant to apply to become a NYISO customer and to authorize Applicant to schedule energy transactions with the NYISO, participate in transactions within the NYISO markets, and otherwise take service in accordance with the NYISO tariffs; and further

RESOLVED, that the authority given hereunder shall be deemed retroactive and any and all acts authorized hereunder performed prior to the passage of this resolution are hereby ratified and affirmed.

This consent of Members may be executed in any number of counterparts, each of which shall, taken together, constitute one and the same consent.

Effective Date: \_\_\_\_\_, 20\_\_

**IN WITNESS WHEREOF**, the undersigned, being all of the members of Parent/Manager have executed this unanimous written consent effective as of the date indicated above.

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_



**EXAMPLE 15**  
**LLC APPLICANT – UNANIMOUS WRITTEN CONSENT OF**  
**MANAGERS IN MANAGER-MANAGED LLC**  
**THAT IS SOLE MANAGER OF LLC APPLICANT**

The undersigned, being all of the managers (“Managers”) of \_\_\_\_\_,  
Full Legal Name of Member  
a \_\_\_\_\_ limited liability company (“Parent/Manager”) hereby consent to and  
adopt the  
Jurisdiction of Formation  
following preamble and resolutions:

: WHEREAS, Parent/Manager is the sole manager of \_\_\_\_\_,  
Full Legal Name of Applicant  
a \_\_\_\_\_ limited liability company (“Applicant”);  
Jurisdiction of Organization/Formation

WHEREAS, Applicant desires to participate in the markets of or otherwise take service from the New York Independent System Operator, Inc. (“NYISO” );

WHEREAS, Parent/Manager, in its capacity as sole manager of Applicant, will act on behalf of Applicant in applying for entry into and participating in the markets of, or otherwise taking service from, the NYISO; and

WHEREAS, the Managers deem Applicant’s NYISO application and the transactions contemplated thereby to be advisable and in the best interests of Applicant.

NOW, THEREFORE, BE IT RESOLVED, that Parent/Manager, in its capacity as sole manager of Applicant, is hereby authorized and directed to take such actions as are necessary to authorize and cause Applicant to apply to become a NYISO customer and to authorize Applicant to schedule energy transactions with the NYISO, participate in transactions within the NYISO markets, and otherwise take service in accordance with the NYISO tariffs; and further

RESOLVED, that the authority given hereunder shall be deemed retroactive and any and all acts authorized hereunder performed prior to the passage of this resolution are hereby ratified and affirmed.

This consent of Managers may be executed in any number of counterparts, each of which shall, taken together, constitute one and the same consent.

Effective Date: \_\_\_\_\_, 20\_\_

**IN WITNESS WHEREOF**, the undersigned, being all of the managers of Parent/Manager have executed this unanimous written consent effective as of the date indicated above.

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**EXAMPLE 16**  
**SECRETARY'S CERTIFICATE**

I, the undersigned, hereby certify that I am the duly elected Secretary of \_\_\_\_\_ (“Applicant”) and further certify as follows:

1. Submitted with this certificate is a true and correct copy of the Articles of Incorporation (or Certificate of Incorporation, or similar, as the case may be) of Applicant and any amendments thereto as in effect on the date of this certificate. No amendment or other document has been filed affecting such submitted documents, and no such amendment has been authorized or is presently contemplated.
2. Submitted with this certificate is a true and correct copy of the by-laws of Applicant and any amendments thereto as in effect on the date of this certificate. No amendment or other document has been authorized or is presently contemplated affecting such submitted document.
3. Submitted with this certificate is a true and correct copy of the Certificate of Good Standing (or Certificate of Existence, or similar, as the case may be) of Applicant from the jurisdiction in which Applicant is incorporated. To my knowledge, no event has occurred since the date of the Certificate that could adversely affect such good standing of Applicant.
4. Submitted with this certificate is a true and correct copy of the duly adopted resolutions or consents of the Board of Directors of Applicant. Such resolutions or consents have not been amended, modified, annulled, or revoked and are in full force and effect as of the date of this certificate.
5. No proceedings looking toward liquidation or dissolution of Applicant are pending or, to my knowledge, contemplated.

IN WITNESS WHEREOF, I have hereunto signed my name as of the \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Title: Secretary

**EXAMPLE 17**  
**LLC APPLICANT – OFFICER’S CERTIFICATE**

I, the undersigned, hereby certify that I am a duly appointed officer with signatory authority of \_\_\_\_\_ (“Applicant”) and further certify as follows:

1. Submitted with this certificate is a true and correct copy of the Articles of Formation (or Certificate of Formation, or similar, as the case may be) of Applicant and any amendments thereto as in effect on the date of this certificate. No amendment or other document has been filed affecting such submitted documents, and no such amendment has been authorized or is presently contemplated.
2. Submitted with this certificate is a true and correct copy of the Operating Agreement (or Limited Liability Agreement, or similar, as the case may be) of Applicant and any amendments thereto as in effect on the date of this certificate. No amendment or other document has been authorized or is presently contemplated affecting such submitted document.
3. Submitted with this certificate is a true and correct copy of the Certificate of Good Standing (or Certificate of Existence, or similar, as the case may be) of Applicant from the jurisdiction in which Applicant is formed. To my knowledge, no event has occurred since the date of the Certificate that could adversely affect such good standing of Applicant.
4. Submitted with this certificate is a true and correct copy of the duly adopted resolutions or consents of the Applicant’s governing body. Such resolutions or consents have not been amended, modified, annulled, or revoked and are in full force and effect as of the date of this certificate.
5. No proceedings looking toward liquidation or dissolution of Applicant are pending or, to my knowledge, contemplated.

IN WITNESS WHEREOF, I have hereunto signed my name as of the \_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**EXAMPLE 18**  
**LIMITED PARTNERSHIP APPLICANT – OFFICER’S CERTIFICATE**

I, the undersigned, hereby certify that I am a duly appointed officer with signatory authority of \_\_\_\_\_ (“Applicant”) and further certify as follows:

1. Submitted with this certificate is a true and correct copy of the Certificate of Limited Partnership of Applicant and any amendments thereto as in effect on the date of this certificate. No amendment or other document has been filed affecting such submitted documents, and no such amendment has been authorized or is presently contemplated.
2. Submitted with this certificate is a true and correct copy of Applicant’s Limited Partnership Agreement and any amendments thereto as in effect on the date of this certificate. No amendment or other document has been authorized or is presently contemplated affecting such submitted document.
3. Submitted with this certificate is a true and correct copy of the Certificate of Good Standing (or Certificate of Existence, or similar, as the case may be) of Applicant from the jurisdiction in which Applicant is formed. To my knowledge, no event has occurred since the date of the Certificate that could adversely affect such good standing of Applicant.
4. Submitted with this certificate is a true and correct copy of the duly adopted resolutions or consents of the general partner of Applicant. Such resolutions or consents have not been amended, modified, annulled, or revoked and are in full force and effect as of the date of this certificate.
5. No proceedings looking toward liquidation or dissolution of Applicant are pending or, to my knowledge, contemplated.

IN WITNESS WHEREOF, I have hereunto signed my name as of the \_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_  
Title: \_\_\_\_\_

EXAMPLE 19  
CERTIFICATE OF GOOD STANDING

**State of New York**  
**Department of State** } **ss:**

I hereby certify, that the Certificate of Incorporation of [REDACTED] was filed on [REDACTED] with perpetual duration, and that a diligent examination has been made of the Corporate index for documents filed with this Department for a certificate, order, or record of a dissolution, and upon such examination, no such certificate, order or record has been found, and that so far as indicated by the records of this Department, such corporation is an existing corporation.

\*\*\*

*WITNESS my hand and the official seal  
of the Department of State at the City of  
Albany, this [REDACTED] day of [REDACTED] two  
thousand and eight.*



*Special Deputy Secretary of State*

200812230431 102

## Section N Service Agreements

The forms of Service Agreements are set forth on the following pages. **Please complete the Service Agreements in accordance with the instructions set forth below.**

### OATT Firm and Non-Firm Service Agreements

Instructions for completing the blank spaces in the OATT Firm and Non-Firm Service Agreements are set forth below:

1. Section 1.0, **leave first line blank**,
2. Section 1.0, insert full legal name of Applicant on second line,
3. Section 5.0, insert name and address of Applicant, and
4. Signature, complete as shown below:

Transmission Customer:

*(insert name of Applicant)* \_\_\_\_\_

By: *(signature of authorized signatory)* \_\_\_\_\_

Name: *(print name of authorized signatory)* \_\_\_\_\_

Title: *(print title of authorized signatory)* \_\_\_\_\_

Date: *(print date signed)* \_\_\_\_\_

### Services Tariff Service Agreement

Instructions for completing the blank spaces in the Services Tariff Service Agreement are set forth below:

1. Section 1.0, **leave first line blank**,
2. Section 1.0, insert full legal name of Applicant on second line,
3. Section 3.0(a), insert Applicant's jurisdiction of organization **AND** one of the following:
  - if Applicant is a corporation, Articles of Incorporation (or similar) **AND** Bylaws, or
  - if Applicant is a limited liability company, Certificate of Formation (or similar) **AND** Operating Agreement (or Limited Liability Company Agreement, as appropriate), or
  - if Applicant is a partnership, Certificate of Limited Partnership (or similar) **AND** Partnership Agreement
4. Section 3.0(c), insert Applicant's organizational documents (should be the same as 3.0(a)).

5. Section 4.0, **leave commencement date blank** (the NYISO will insert in this blank the date that the Applicant is fully approved and authorized to commence services),
6. Section 4.0, insert “TBD” for termination date,
7. Section 6.0, insert name and address of Applicant, and
8. Signature, complete as shown below:

Customer: (insert name of Applicant)

By: (signature of authorized signatory)

Name: (print name of authorized signatory)

Title: (print title of authorized signatory)

Date: (print date signed)



**SERVICE AGREEMENT FOR FIRM POINT-TO-POINT  
TRANSMISSION SERVICE UNDER THE OATT**

- 1.0 This Service Agreement, dated as of \_\_\_\_\_, is entered into, by and between the New York Independent System Operator, Inc. (the “ISO”), and \_\_\_\_\_ (“Transmission Customer”).
- 2.0 The Transmission Customer has been determined by the ISO to have a Completed Application for Firm Point-To-Point Transmission Service under the OATT (the “Tariff”).
- 3.0 Service under this agreement shall commence on the later of (1) the requested service commencement date, or (2) the date on which construction of any Direct Assignment Facilities and/or Network Upgrades are completed, or (3) such other date as it is permitted to become effective by the Federal Energy Regulatory Commission. Service under this agreement shall terminate on such date as mutually agreed upon by the parties.
- 4.0 The ISO agrees to provide and the Transmission Customer agrees to pay for Firm Point-To-Point Transmission Service in accordance with the provisions of Section 3 of the Tariff and this Service Agreement.
- 5.0 Any notice or request made to or by either Party regarding this Service Agreement shall be made to the representative of the other Party as indicated below.

ISO:

New York Independent System Operator, Inc.  
Attention: Manager, Customer Relations  
10 Krey Blvd  
Rensselaer, NY 12144

Transmission Customer:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 6.0 The Tariff is incorporated herein and made a part hereof.

IN WITNESS WHEREOF, the Parties have caused this Service Agreement to be executed by their respective authorized officials.

Transmission Customer:

\_\_\_\_\_

By: \_\_\_\_\_  
(Signature)

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

ISO:

New York Independent System Operator, Inc.

By: \_\_\_\_\_  
(Signature)

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**SERVICE AGREEMENT FOR NON-FIRM POINT-TO-POINT  
TRANSMISSION SERVICE UNDER THE OAT TARIFF**

- 1.0 This Service Agreement, dated as of \_\_\_\_\_, is entered into, by and between the New York Independent System Operator, Inc. (the ISO), and \_\_\_\_\_ (Transmission Customer).
- 2.0 The Transmission Customer has been determined by the ISO to be a Transmission Customer under Section 3 of the OATT (the "Tariff") and has filed a Completed Application for Non-Firm Point-To-Point Transmission Service in accordance with Section 3 of this Tariff.
- 3.0 Service under this Agreement shall be provided by the ISO upon request by an authorized representative of the Transmission Customer.
- 4.0 The Transmission Customer agrees to supply information the ISO deems reasonably necessary in accordance with Good Utility Practice in order for it to provide the requested service.
- 5.0 The ISO agrees to provide and the Transmission Customer agrees to pay for Non-Firm Point-To-Point Transmission Service in accordance with the provisions of Section 3 of the Tariff and this Service Agreement.
- 6.0 Any notice or request made to or by either Party regarding this Service Agreement shall be made to the Representative of the other Party as indicated below.

ISO:  
New York Independent System Operator, Inc.  
Attention: Manager, Customer Relations  
10 Krey Blvd  
Rensselaer, NY 12144

Transmission Customer:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7.0 The Tariff incorporated herein and made a part hereof.

IN WITNESS WHEREOF, the Parties have caused this Service Agreement to be executed by their respective authorized officials.

Transmission Customer:  
\_\_\_\_\_

ISO:  
New York Independent System Operator, Inc.

By: \_\_\_\_\_  
(Signature)

By: \_\_\_\_\_  
(Signature)

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## SERVICE AGREEMENT FOR NEW YORK ISO

### MARKET ADMINISTRATION AND CONTROL AREA SERVICES TARIFF

- 1.0** This Service Agreement dated as of \_\_\_\_\_ is entered into by and between the New York Independent System Operator (“ISO”) and \_\_\_\_\_ (“the Customer”).
- 2.0** The Customer represents and warrants that it has met all applicable requirements set forth in the ISO Market Administration and Control Area Services Tariff (the “ISO Services Tariff”) and has complied with all applicable ISO Procedures. The Customer has submitted a Completed Application pursuant to Section 9 of the ISO Services Tariff.

The ISO agrees to provide and the Customer agrees to pay for Market Services and Control Area Services in accordance with the provisions of the Tariff and to satisfy all obligations under the terms and conditions of the ISO Services Tariff, as may be amended from time-to-time, filed with the Federal Energy Regulatory Commission (the “Commission”). The ISO and the Customer also agree that this Service Agreement shall be subject to, and shall incorporate by reference, all of the terms and conditions of the ISO Services Tariff and ISO Procedures.

It is understood that, in accordance with the ISO Services Tariff, the ISO may amend the terms and conditions of this Service Agreement by notifying the Customer in writing and making the appropriate filing with the Commission.

- 3.0** The Customer represents and warrants that:
- (a) The Customer is an entity duly organized, validly existing and/or otherwise qualified to do business under the laws of the State of New York, and is in good standing under its \_\_\_\_\_ [insert organizational document] and the laws of the State of \_\_\_\_\_ [insert state of organization];
  - (b) This Service Agreement, or any Transaction entered into pursuant to the Service Agreement, as applicable, has been duly authorized;
  - (c) The execution, delivery and performance of this Service Agreement will not materially conflict with, constitute a material breach of, or a material default under, any of the terms, conditions, or provisions of any law or order of any agency of government, the \_\_\_\_\_ [insert organizational document] of the Customer, any contractual limitation, organizational limitation or outstanding trust indenture, deed of trust, mortgage, loan agreement, other evidence of indebtedness, or any other agreement or instrument to which the Customer is a party or by which it or any of its property is bound, or result in a material breach of, or a material default under, any of the foregoing; and

- (d) This service Agreement is the legal, valid, and binding obligation of the Customer enforceable in accordance with its terms, except as it may be rendered unenforceable by reason of bankruptcy or other similar laws affecting creditors' rights, or general principles of equity.

The Customer warrants and covenants that, during the term of the Service Agreement the Customer shall be in compliance with all federal, state and local laws, rules and regulations related to the Customer's performance under the agreement.

**4.0** Service under this Service Agreement shall commence on the later of: \_\_\_\_\_, or such other date as it is permitted to become effective by the Commission, Service under this Service Agreement shall terminate on \_\_\_\_\_.

**5.0** The ISO agrees to provide and the Customer agrees to take and pay for, or to supply to the ISO, Energy, Capacity and Ancillary Services in accordance with the provisions of the ISO Services Tariff and this Service Agreement.

**6.0** Any notice or request made to or by either Party regarding this Service Agreement shall be made to the representative of the other Party as indicated below:

ISO:

New York Independent System Operator, Inc.  
Attention: Manager, Customer Relations  
10 Krey Blvd  
Rensselaer, NY 12144

Customer:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7.0** Cancellation Rights:

If the Commission or any regulatory agency having authority over this Service Agreement determines that any part of this Service Agreement must be changed, the ISO shall offer to the Customer an amended Service Agreement reflecting such changes. In the event that the Customer does not execute such an amendment within thirty (30) days, or longer if the Parties mutually agree to an extension, after the Commission's action, this Service Agreement and the amended Service Agreement shall be void.

**8.0** Early termination by the Customer:

The Customer may terminate service under this Service Agreement no earlier than ninety (90) days after providing the ISO with written notice of the Customer's intention to terminate; except that a Load Serving Entity must continue to take service under this Tariff as long as it continues to serve Load within the NYCA. In the event that tax-exempt financing of a Customer is jeopardized by its participation under this Service Agreement, the Customer may terminate this Service Agreement upon thirty (30) days prior written notice to the ISO. The Customer's provision of notice to terminate service under this Service Agreement shall not relieve the Customer of its obligation to pay any rates, charges, or fees due under this Service Agreement, and which are owed as of the date of termination, or later calculated to be owed as of the date of termination.

**9.0** The Customer hereby appoints the ISO as its agent for the limited purpose of effectively transacting on the Customer's behalf in accordance with the Customer's written instructions, listed herein and the terms of the ISO Services Tariff and ISO Procedures. The Customer agrees to pay all amounts due and chargeable to Customer in accordance with the terms of the ISO Services Tariff and ISO Procedures.

IN WITNESS WHEREOF, the Parties have caused this Service Agreement to be executed by their respective authorized officials.

ISO: New York Independent System Operator, Inc.

By: \_\_\_\_\_  
(Signature)

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Customer: \_\_\_\_\_

By: \_\_\_\_\_  
(Signature)

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## Section AA Registration of Load

<b>Date</b>	
<b>Applicant/Customer Name</b>	

Check the Zone and the Transmission Service District(s) where your company plans to serve load.

Please note:

1. Request Zones and Transmission districts only where load will be served. Total load should be estimated in **1 MWh increments** (initial credit requirement will be established for no less than 1 MWh).
2. An LSE that qualifies with a Transmission Owner must check all Zones served by that Transmission Owner.
3. Amendments may be submitted at future dates to register with additional Transmission Owners. See Section **Error! Reference source not found.**

LSE Name (if known)\_\_\_\_\_

Zone	Transmission Service District	Check to Request	Estimated Peak MWhs (Hourly)	Priced Capped Bidding? (Y/N)
[A] West	NMPC			
	NYSEG			
[B] Genesee	NMPC			
	RG&E			
[C] Central	NMPC			
	NYSEG			
[D] North	NMPC			
	NYSEG			
[E] Mohawk Valley	Central Hudson			
	NMPC			
	NYSEG			
[F] Capital	NMPC			
	NYSEG			
[G] Hudson Valley	Central Hudson			
	NYSEG			
	O&R			
[H] Millwood	Con Ed			
	NYSEG			
[I] Dunwoodie	Con Ed			
[J] NYC	Con Ed			
[K] Long Island	Long Island			
<b>Total MWh</b>				

**Section AA - Registration of Load (continued)**

**ICAP**

All LSEs are required to buy ICAP. LSEs must register to buy/sell ICAP. Please see Section LL of Annex 0 for more information.

**LSE Registration with PSC and Transmission Owner Required**

1) Is the LSE registered with the New York Public Service Commission? (Check One)

Yes  No  Applied

2) Is the LSE registered with each Transmission Owner for the service districts requested by the LSE? (Check One)

Yes  No  Applied

Answers to either of the above questions as NO or APPLIED **may delay your registration** until your company is registered with the appropriate organization.

**Section BB**  
**Registration of a Generating Facility**

<b>Date</b>	
<b>Applicant/Customer Name</b>	

**Generator Contact(s)**

Outage Scheduling E-mail: \_\_\_\_\_

Primary

<b>First Name</b>		<b>Last Name</b>	
<b>Title</b>			
<b>Address Line 1</b>			
<b>Address Line 2</b>			
<b>City</b>		<b>State/Province</b>	
<b>Zip Code</b>		<b>Country</b>	
<b>Primary Phone</b>		<b>Cell Phone</b>	
<b>E-mail Address</b>			
<b>24/7 Contact Phone</b>			

Alternate

<b>First Name</b>		<b>Last Name</b>	
<b>Title</b>			
<b>Address Line 1</b>			
<b>Address Line 2</b>			
<b>City</b>		<b>State/Province</b>	
<b>Zip Code</b>		<b>Country</b>	
<b>Primary Phone</b>		<b>Cell Phone</b>	
<b>E-mail Address</b>			
<b>24/7 Contact Phone</b>			



**Section BB – Registration of a Generating Facility (continued)**

Are you the record title holder of the generator? (Y/N)	
<b>If no, for example, you control the generator pursuant to a bilateral agreement but do not hold title to the asset, please provide the name and contact information for the title holder.</b>	
Title Holder Name:	
Address:	

**Generator Parameters**

Generator PTID (NYISO will assign for new generator)					
Generator Name* (Subject to NYISO naming conventions)					
Generation Type <sup>(1)*</sup>					
Combined Cycle		Hydro		Steam Turbine	
Gas Landfill		Nuclear		Wind	
Gas Turbine (10 min.)		Renewable <sup>(2)</sup>		Other	
Gas Turbine (30 min.)		Solar			
PURPA Qualified? (Include documents) <sup>(3)</sup>		yes/no			
Physical min Gen (MWs)*			Bid Flags <sup>(4)</sup>	DAM	RTM
Emergency Response Rate (MWs/Min)*			Fixed Energy*	yes/no	yes/no
Max Regulation Response Rate (MWs/Min) *			Dispatch Energy*	yes/no	yes/no
Normal Response Rate 1 (MWs/Min)*			10 min Spin	yes/no	yes/no
Normal Response Rate 2 (MWs/Min)			30 min Spin	yes/no	yes/no
Normal Response Rate 3 (MWs/Min)			10 min Non-Sync	yes/no	yes/no
Voltage Support <sup>(5)</sup>		yes/no	30 min Non-Sync	yes/no	yes/no
NYISO Station Service Program <sup>(6)</sup>		yes/no	Regulation Control	yes/no	yes/no
Estimated Summer Operating Capacity* (MWs)					
Estimated Winter Operating Capacity* (MWs)					

**\*Required.**

<sup>(1)</sup> Hydro, Combined Cycle, Wind, Gas Turbines and Misc/Other generators need to supply additional information to the NYISO. Please see the section titled “Market Monitoring Additional Information for Generators” below.

<sup>(2)</sup> “Renewable” means Geothermal, Wood, Biomass, or Tidal.

<sup>(3)</sup> See Technical Bulletin #16.

<sup>(4)</sup> Bid Flags identify which services the resource will offer into the market and are subject to NYISO’s generator bid rules.

<sup>(5)</sup> Customers that plan to provide Voltage Support Service must qualify their generator facilities and provide appropriate data for review and approval. Please see Section 3 of the Ancillary Services Manual for this information, at: <http://www.nyiso.com/public/webdocs/documents/manuals/operations/ancserv.pdf>

<sup>(6)</sup> Customers that plan on participating in the optional NYISO Station Service Program for their generators should review Technical Bulletins #117–#121.

**Section BB – Registration of a Generating Facility (continued)**

New Generators Only (*Modeling Required*)

<b>Generator Name (<i>Subject to naming conventions</i>)</b>	
<b>Transmission Owner (TO)</b>	
<b>Interconnection Point (Name of Nearest 115kV or above Transmission Station)</b>	
<b>Zone</b>	
<b>Metering Installed (Yes/No) If yes, list meter #</b>	
<b>Metering Installation Date</b>	
<b>Engineering Diagrams Submitted (One-Line)</b>	
<b>TO Contact Name</b>	
<b>TO Contact Phone</b>	
<b>Target Test Synchronization to Grid Date (approx.)</b>	
<b>Target Commercial Operation Date (approx.)</b>	
<b>ICCP Communications Installed (Y/N)</b>	
<b>Is There a Signed Interconnection Agreement for this Generator (Yes/No)? (Lack of a signed agreement will prevent the generator from being granted bidding privileges.)</b>	

**Generators must submit reference price information on the unit through the Reference Level Software.**

**Section BB – Registration of a Generating Facility (continued)**

Operating Limits and Installed Capacity

1. Generators that are not already qualified to provide Installed Capacity but wish to become qualified must submit DMNC (Dependable Maximum Net Capability) test data (or equivalent) thirty (30) days in advance of the Installed Capacity Auction date that such Capacity will be offered for sale into the New York Control Area Installed Capacity Auctions or through a Bilateral Contract. (See Installed Capacity Manual and Technical Bulletin #29)
2. Generators must send a notification letter to the NYISO by the first business day of the month before that month in which it wishes to qualify as an Installed Capacity Supplier. (See Section HH— ICAP Notification Template and Section 4.2.1 of the Installed Capacity Manual).
3. Winter and summer values are defined in the Installed Capacity Manual – Attachment D

<b>Will unit provide Installed Capacity? (Yes/No)</b>	
<b>Estimated Summer Operating Capacity (MWs)</b>	_____ MW @ _____ °F
<b>Estimated Winter Operating Capacity (MWs)</b>	_____ MW @ _____ °F
<b>*Summer Contract Capacity (MWs)</b>	To Be Determined
<b>*Winter Contract Capacity (MWs)</b>	To BE Determined
<b>DMNC or equivalent data will be provided? (Yes/No)</b>	

\* Contract Capacity is determined by the DMNC test results and MWs sold

**Section BB – Registration of a Generating Facility (continued)**

**Market Monitoring Additional Information For Generators**

**HYDRO GENERATOR ONLY**

Design Nameplate Rating	_____	MW
Frequency of Meter Reading	_____	
	<u>Yes</u>	<u>No</u>
Run of River	_____	_____
Upstream Controlled Reservoir	_____	_____

**WIND GENERATOR ONLY**

Our forecast vendor requires details of each wind farm operating in the NY Control area in order to model them properly in the forecasting tool.

A spread sheet with instructions (WindPlantInformation.xls) has been provided on the NYISO website. You may expand the spreadsheet as necessary.

Please send the information to [customer\\_registration@nyiso.com](mailto:customer_registration@nyiso.com) or mail to: NYISO, Customer Relations Department, Attention: Customer Registration, 10 Krey Blvd., Rensselaer, NY 12144. (Attention - Customer Registration). This information must be received as part of the Registration process. Attach pages as necessary.

**Other Wind Information**

Nameplate Rating of Unit	_____	MW
Number of Installed Units	_____	
Maximum Ramp Rate Down	_____	MW/Min
Startup Time for a Unit	_____	Minutes
Startup Time for the Entire Facility	_____	Minutes
Shutdown Time for a Unit	_____	Minutes
Shutdown Time for the Entire Facility	_____	Minutes

**Section BB – Registration of a Generating Facility (continued)**

**COMBINED CYCLE GENERATOR ONLY**

Design Nameplate Rating \_\_\_\_\_ MW at \_\_\_\_\_ °F

Maximum Hot Day Performance \_\_\_\_\_ MW at \_\_\_\_\_ °F

Maximum Cold Day Performance \_\_\_\_\_ MW at \_\_\_\_\_ °F

**Configuration**

# of Gas Turbine(s) \_\_\_\_\_

# of Steam Turbine(s) \_\_\_\_\_

Gas Turbine Manufacturer and Model \_\_\_\_\_

Yes

No

Inlet Cooling \_\_\_\_\_

Supplemental Firing \_\_\_\_\_

Natural Gas Fuel \_\_\_\_\_

Distillate Oil Fuel \_\_\_\_\_

**GAS TURBINE GENERATOR ONLY**

Gas Turbine

Design Nameplate Rating \_\_\_\_\_ MW at \_\_\_\_\_ °F

Maximum Hot Day Performance \_\_\_\_\_ MW at \_\_\_\_\_ °F

Maximum Cold Day Performance \_\_\_\_\_ MW at \_\_\_\_\_ °F

**OTHER/MISC GENERATOR**

Type \_\_\_\_\_

Design Nameplate Rating \_\_\_\_\_ MW

Fuel \_\_\_\_\_

Frequency of Meter Reading \_\_\_\_\_

Any Constraints or Limitations \_\_\_\_\_

## **Section CC**

### **One Line Diagram and Name Plates**

(Required for New Resources, Generators, LESR, DADRP and DSASP)

Applicants should submit a breaker station diagram and a station voltage one-line diagram indicating the kilovolt level at which the unit will be modeled. Any situation that requires a transformer to connect to the grid also requires additional step-up transformer and transformer impedance information that should be submitted with the Application. Applicants must also submit a photocopy of name plates.

DSASP providers: for additional information, please see the DSASP registration pages posted on the NYISO's website ([www.nyiso.com](http://www.nyiso.com)).

DADRP providers: for additional information, please see the DADRP registration pages posted on the NYISO's website ([www.nyiso.com](http://www.nyiso.com)).

Please submit as a PDF file with contact information to: [customer\\_registration@nyiso.com](mailto:customer_registration@nyiso.com).

**Section DD**  
**NYISO Reference Level Software**

(Required for Generators or LESRs)

For instructions on using the NYISO RLS application, please refer to the NYISO website and select the instructions at: <http://www.nyiso.com> → For Market Participants → Document Library → Manuals & Guides → Guides → Reference Level Software User's Guide.

New Generators and LESRs – Reference Price information must be entered in the RLS application prior to testing and bidding of a generator.

## **Section EE**

### **Wind Plant Coordinates Worksheet**

The vendor that provides the NYISO's wind forecasting tool requires details on each wind farm operating in the NYCA in order to model them properly in the forecasting tool.

The Wind Plant Coordinates Worksheet and instructions may be found on the NYISO website under Registration Resources at <http://www.nyiso.com> → For Market Participants → NYISO Services—Customer Registration → Registration Resources → Windplant Coordinates Worksheet.

Return the completed wind plant coordinates worksheet **at least 30 business days in advance** of initial test/bidding date in the NYISO markets to [customer\\_registration@nyiso.com](mailto:customer_registration@nyiso.com).



**Section FF  
Station Power**

**OPTIONAL:** Complete this Section FF (including Section FF-1, Section FF-2, Section FF-3, and Section FF-4) **ONLY** if applying for the NYISO Station Power Program (See Technical Bulletin #117).

**Section FF-1  
Station Power Questionnaire**

1. Identify the corporate affiliation of each generation facility and the associated billing organization as defined in the Market Information System (MIS).

Market Participant (MP) Name:

Billing Organization:  Same as MP?

Contact name: _____
Contact e-mail: _____
Contact phone: _____

2. Identify all generation facilities at a location that will be bid and measured as an aggregate for actual Station Power service. Each individual facility should align with those that are currently bid for power supply.

Generator Name (PTID)

---

---

---

---

3. When unit(s) is (are) providing energy to the network, is all Station Power provided internal to the station?

Yes       No, Please provide additional details

---

---

---

---

**Section FF-1 – Station Power Questionnaire (continued)**

4. In the event the Generator falls into the “3rd Party” (retail) classification for a given month, who will be the retail provider? If no retail provider is named, the third party supplier will be the Transmission Owner. Any retail provider listed has to be a load serving entity in the Generator’s transmission district.

<input type="checkbox"/> 3rd Party (retail) Provider	<input type="text"/>
<input type="checkbox"/> T.O.	_____
<input type="checkbox"/> Supplier	_____
<input type="checkbox"/> Contact Name	_____
<input type="checkbox"/> Phone	_____
<input type="checkbox"/> E-mail	_____
<input type="checkbox"/> Address	_____

The third party supplier or the Transmission Owner must submit NYISO Form FF-2 “Designation of Load Serving Entity for Generating Units in NYISO’s Station Power Program” located in Section FF-2 of Annex 0.

5. Provide any additional information with respect to the provision of Station Power that Generator feels may require special consideration or additional definition of metering requirements (i.e., Station Power metering is shared between two units under different corporate entities.)

---

---

---

---

---

---

---

---

---

---

**Section FF-2**  
**Designation of Load Serving Entity for Generating Units in**  
**NYISO's Station Power Program**

The NYISO Station Power Program requires that in the event the Generator does not have sufficient output to supply itself (via Self-Supply or Remote Self-Supply), the Generator must take third party supply from a qualified New York State Load Serving Entity (LSE). (See Services Tariff Section 4.7 and Technical Bulletin #117).

NYISO Form FF-2 is used to (i) designate the LSE or Transmission Owner<sup>7</sup> that will supply Station Power in the event output in a month is net negative, (ii) change a designated third party supplier, and (iii) provide notice of this information, and any changes, to Market Participants.<sup>8</sup> Generators must have a retail account with a third party supplier in the Transmission Owner's transmission district in which the station receiving Station Power is located. NYISO Form FF-2 follows.

Instructions:

1. Fill in the blanks for Generator Owner information.
2. Have an authorized representative of Generator Owner sign NYISO Form FF-2.
3. Forward the form to the respective LSE or Transmission Owner. The LSE will fill in the blanks for any remaining information. The LSE or Transmission Owner should then sign the form and forward the form to:

NYISO Registration Coordinator  
10 Krey Blvd., Rensselaer, NY 12144

4. Upon receipt, the NYISO will review the form for completion and forward the completed NYISO Form FF-2 to the respective Transmission Owner along with the Generator Owner's Station Power registration materials.

---

<sup>7</sup> This is the LSE or Transmission Owner that is the third party retail supplier for the Generator.

<sup>8</sup> For just cause, the NYISO may with prior approval accept a letter on the Applicant's letterhead and countersigned by the relevant Transmission Owner and LSE.

**FORM FF-2**

**DESIGNATION OF LOAD SERVING ENTITY FOR GENERATING UNITS IN  
NYISO'S STATION POWER PROGRAM**

<b>Generator Owner:</b> _____	<b>Load Serving Entity</b> _____
<b>Address:</b> _____ _____	<b>Address:</b> _____ _____
<b>Contact Name/</b> _____	<b>Contact Name/</b> _____
<b>Title:</b> _____	<b>Title:</b> _____
<b>Generating Unit Name:</b> _____	
<b>Generator PTID:</b> _____	

Generator Owner hereby designates the Load Serving Entity identified above as its third party supplier of Station Power, as necessary, for purposes of and pursuant to the NYISO's Station Power program.

**ACKNOWLEDGED AND AGREED TO BY:**

**GENERATOR OWNER**

**LOAD SERVING ENTITY**

\_\_\_\_\_  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**TRANSMISSION OWNER**

\_\_\_\_\_  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

## **Section FF-3 Station Power Diagram**

Applicants must submit a Station Power diagram and identify on the diagram the billing quality meters providing Station Power services to the generation facilities.

Please note, the Station Power Diagram must show detailed schematics and metering information. In addition, the schematics provided should clearly show locations of metering to the grid and the location of metering for purposes of station service load determination. The NYISO will assume that the actual Station Power consumed on an hourly basis for each generating facility, or group of facilities, equals the sum of the amounts indicated for each billing quality meter identified on the Station Power diagram. The schematics should show details of the path from the Generator, to the metering and through to the grid. It should also show the flow path for power in both normal and shut-down conditions.

For examples of schematics and metering diagrams, see the following pages of this Section FF-3.

## Section FF-3 – Station Power Diagram (continued)

For illustration purposes only for Section FF-3

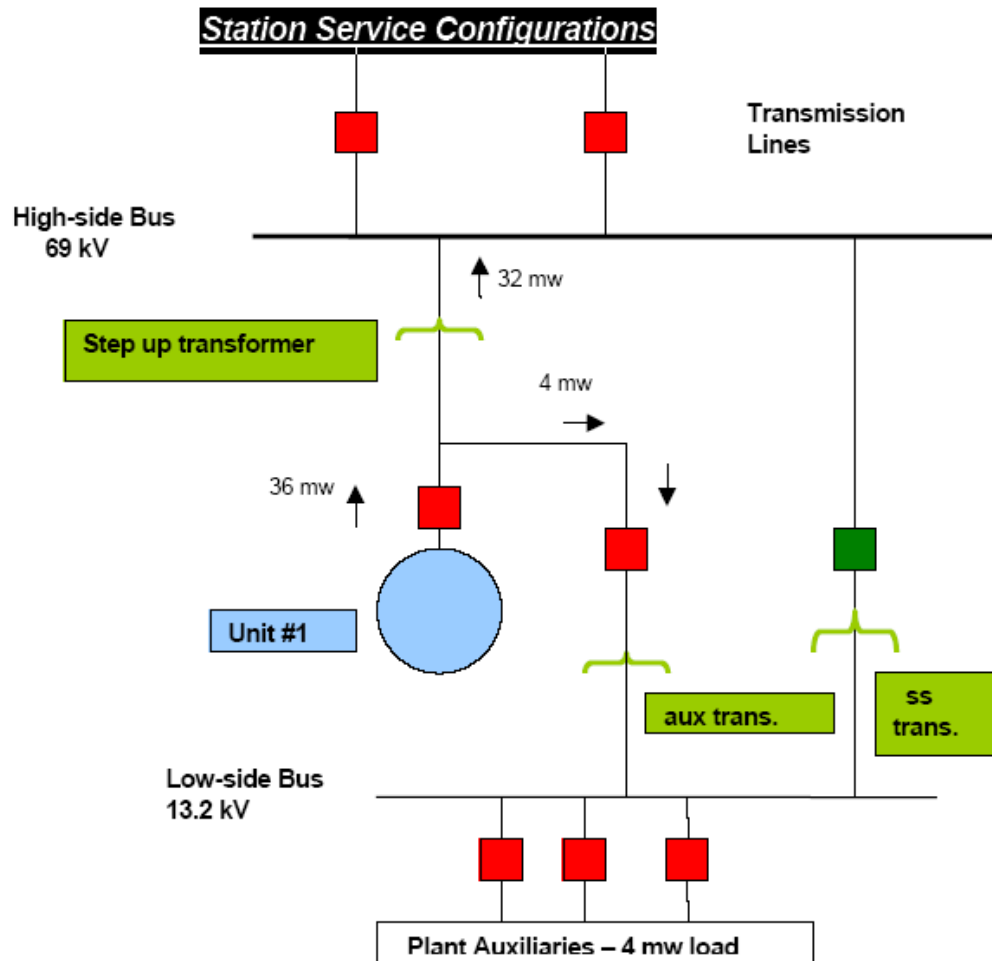


Figure 1 – Self Supply

When the generator is on line, it self supplies the plant auxiliaries off the low side, 13.2 kV bus, through the auxiliary transformer

For illustration purposes only

## Section FF-3 – Station Power Diagram (continued)

For illustration purposes only for Section FF-3

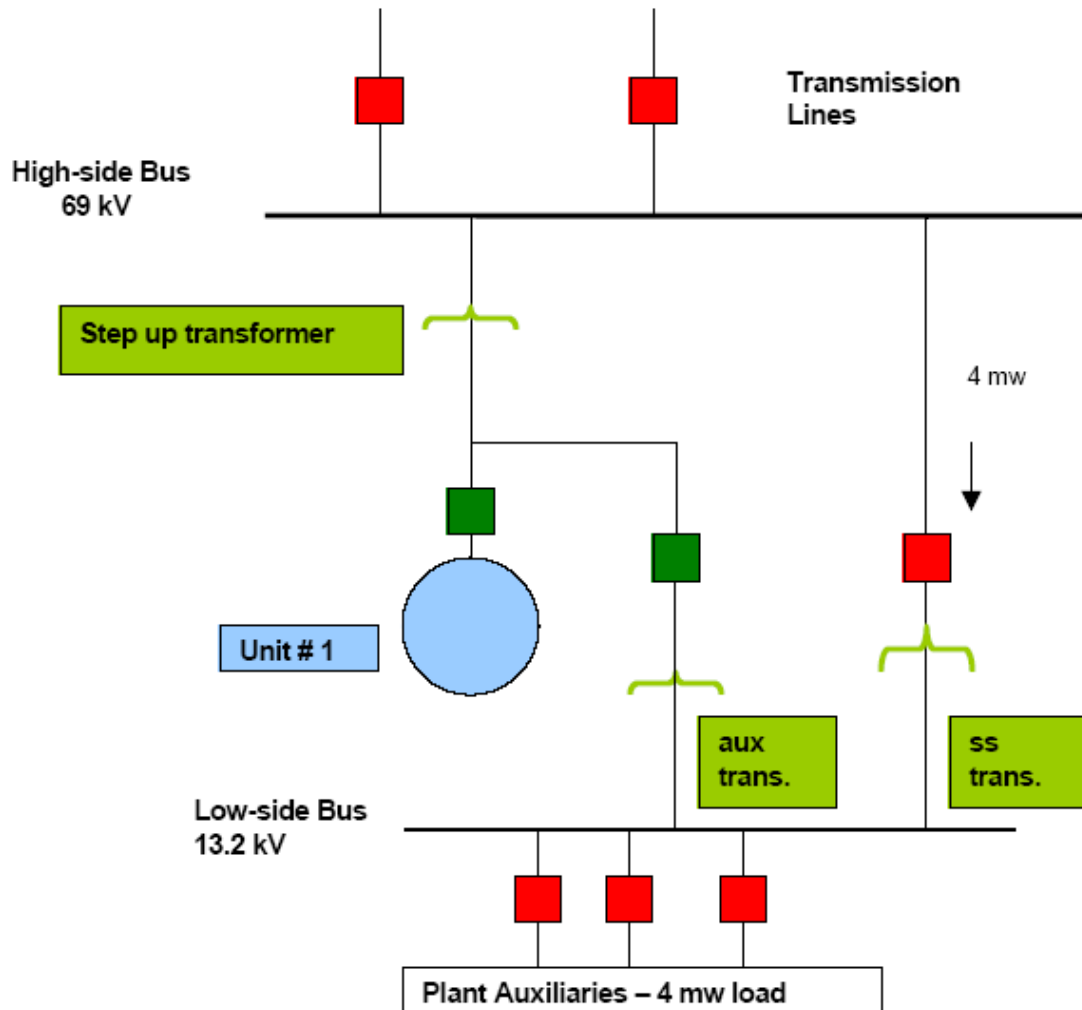


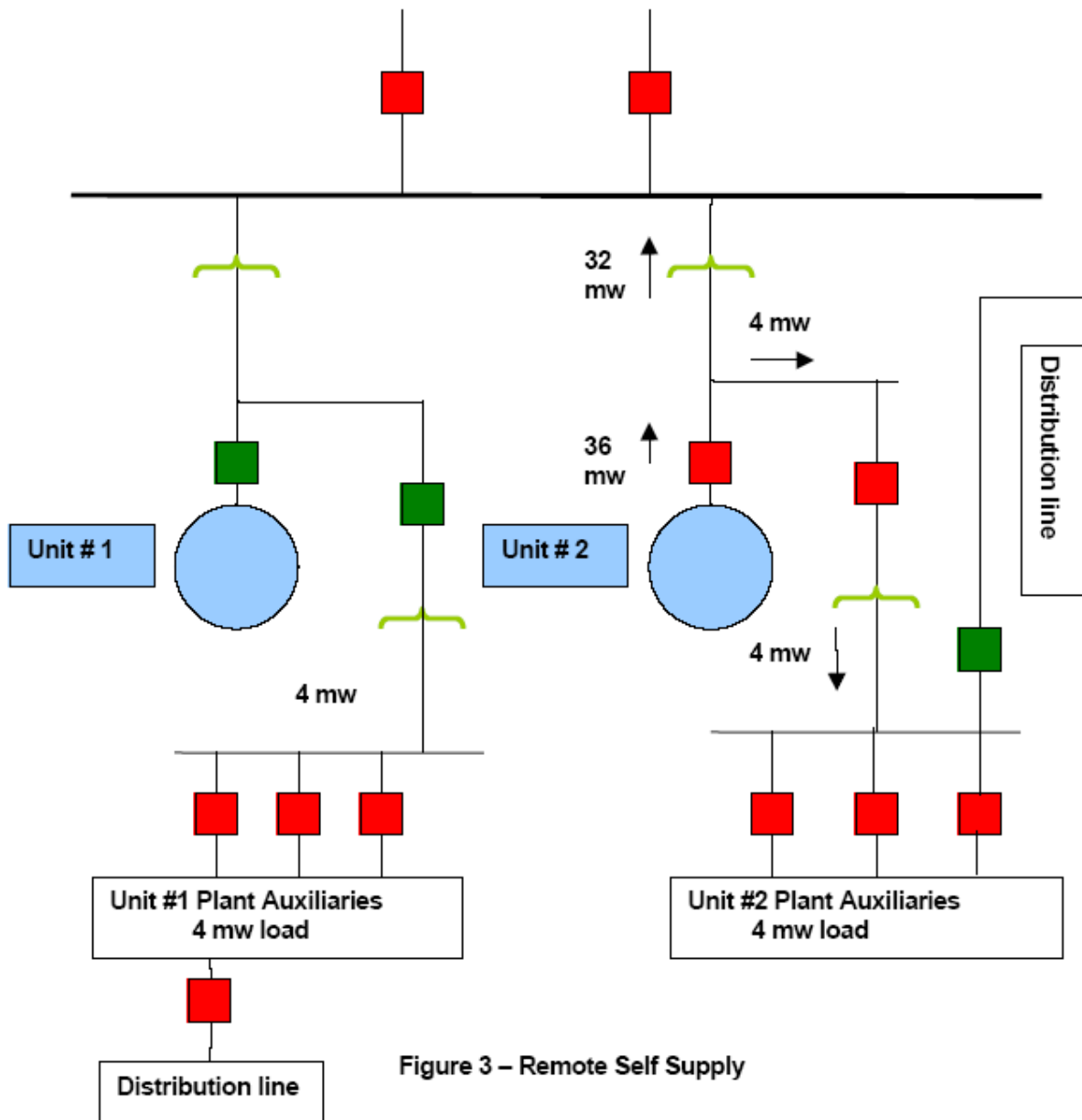
Figure 2 – off system

When the generator is off line, the plant auxiliaries are fed from the system through the station service transformer. In this example the feed is from the 69 kv bus. It could also come from a distribution line.



**Section FF-3 – Station Power Diagram (continued)**

For illustration purposes only for Section FF-3



**Figure 3 – Remote Self Supply**

When unit #1 is off line, Unit 2 feeds both its own 4 mw plant load plus unit 1's 4 mw plant load. The feed in this example is through Unit #2's auxiliary transformer and across the bus tie.  
 Note that there is a distribution line backup feed in case both units are off line.

For illustration purposes only

**Section FF-4**  
**Table of Electric Accounts**

Please list each of the facilities identified in item number 2 of the Station Power Questionnaire (Section FF-1 of Annex 0). In addition, please list meters whose reading(s) will be used for the determination of Station Power service, including each billing quality meter identified on the Station Power diagram in accordance with Section FF-3 of Annex 0. For purposes of identifying Generator Station Power, please complete the remaining columns with the information that the Applicant will bid and settle as one point for reporting load.

GEN PTID	Gen Name	Meter Authority	Account #	Meter #	Description

For examples, see the following pages of this Section FF-4.

**Section FF-4 – Table of Electric Accounts (continued)**

For illustration purposes only for Section FF-4

**Electric Accounts**

Please list meters whose reading(s) will be used for the determination of station power service. The GENLSE item shown in column 1 will actually be named by NYISO but, for purposes of identifying generator station power we need for you to identify the remaining columns with the information that will be bid and settled as one point for reporting load.

Identify the individual generators as illustrated below:

GENLSE_1	GEN PTID	GEN Name	Meter Authority	Account #	Meter #	Description
	12345	GENX1	DMP01	xxxxx	yyyyyy	zzzzzzzz
				aaaaaa	bbbbbb	ccccccc
				dddddd	eeeeee	fffffff
	12001	GENY2	DMP01	ggggg	hhhhh	iiiiiii
				jjjjjj	kkkkk	lllllll
				mmmm	nnnnn	ooooo
GENLSE_2	22222	GENE3	DMP02	ppppp	sssssss	ttttttt
				qqqqqq	rrrrr	uuuuu

This spreadsheet should include all generators that you currently bid as identified in the Market Information System (MIS).

## Section GG Qualifications for ICAP Suppliers

Generators that are not already qualified to provide Installed Capacity but wish to become qualified must submit Dependable Maximum Net Capability (“DMNC”) test data (or equivalent) **by the due date identified in the ICAP Event Calendar at [http://icap.nyiso.com/ucap/public/evt\\_calendar\\_display.do](http://icap.nyiso.com/ucap/public/evt_calendar_display.do)**. This form may be found on the NYISO website under Forms for the ICAP Manual at <http://www.nyiso.com> → For Market Participants → Market Data → Manual & Forms → ICAP Manual → Installed Capacity Manual → Attachment D (DMNC/PMPC Test Form). For additional information, see the ICAP Manual at: <http://www.nyiso.com> → For Market Participants → Document Library → Manuals → Operations → Installed Capacity Manual and Technical Bulletin #29 at: <http://www.nyiso.com> → For Market Participants → Document Library → Technical Bulletins.

Please see Section QQ of Annex 0 for additional information about requirements for Special Case Resources.

For additional information on DMNC please also refer to the ICAP Automated Market User’s Guide at: <http://www.nyiso.com> → For Market Participants → Document Library → Manuals & Guides → Guides → ICAP Automated Market User’s Guide.

**Section HH**  
**ICAP Notification Template (Required for generators entering  
the ICAP Market)**

*Current Date*

*Market Participant Name*

*Market Participant Street Address*

*City, State, Zip*

Kathy Whitaker  
Manager - Auxiliary Market Operations  
New York Independent System Operator  
3890 Carman Road  
Schenectady, NY 12303

Subject: Notification of *Resource Name* Active Status

Ms. Whitaker:

*MP Name* intends to have a new Resource available for participation in the NYISO Installed Capacity market effective in the month of *Month-name*. Listed below are the details of this new Resource for the required notification prior to participation in the Installed Capacity Auctions.

Market Participant Name: *list here*

New Resource Name: *list here*

New Resource Point ID: *list here*

New Resource DMNC Rating: *list here*

New Resource Location: *list here*

New Resource Control Area Load Zone: *list here*

Signature

*Market Participant Employee Name*

*Market Participant Employee Title*

*Market Participant Employee Phone Number*

## **Section II**

### **ICAP Purchase/Sell Agreement**

(Required for LSE and SCR. A generator that intends to participate in the ICAP market must complete this form; a generator that does not intend to participate in the ICAP market does not need to complete this form.)

This form may be found on the NYISO website under Attachments for the ICAP Manual at <http://www.nyiso.com> → For Market Participants → Market Data → ICAP → Manual & Forms → ICAP Manual → Installed Capacity Manual → Appendix-Attachments for the ICAP Manual → Attachment F. Sending duplicates is unnecessary as a photocopy of the finalized document will be mailed to the Applicant.

## Section JJ Ancillary Services<sup>9</sup>

(Complete this form only if generator intends to supply reserves, regulation, voltage support, black start or other ancillary services.)

<b>Date</b>	
<b>Applicant/Customer Name</b>	

Types = Reserves, Regulation, Voltage Support, Black Start  
Source = Gen Name and PTID if known

Ancillary Service Data:

Type \_\_\_\_\_ Source \_\_\_\_\_

Type \_\_\_\_\_ Source \_\_\_\_\_

Type \_\_\_\_\_ Source \_\_\_\_\_

Type \_\_\_\_\_ Source \_\_\_\_\_

Type \_\_\_\_\_ Source \_\_\_\_\_

Type \_\_\_\_\_ Source \_\_\_\_\_

---

<sup>9</sup> The NYISO's acceptance of a generator as an ancillary service provider is conditioned, in part, upon the generator's compliance with the NYISO's ancillary service requirements. For additional information, see the Ancillary Services Manual available at: <http://www.nyiso.com> → For Market Participants → Document Library → Manuals & Guides → Manuals → Operations → Ancillary Services Manual.

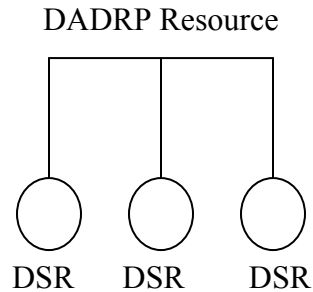
**Section KK**  
**DADRP (Day Ahead Demand Response Program)**

<b>Date</b>	
<b>Applicant/Customer Name</b>	

The applicable registration material found in the Day-Ahead Demand Response Program Registration Packet (Attachments A, B and C) must be signed, submitted, and approved prior to admission into the Day-Ahead Demand Response Program. Day Ahead Demand Response Program registration material and forms may be found at: <http://www.nyiso.com> → For Market Participants → Market Data → Demand Response → Day-Ahead Demand Response Program.

DADRP participants must also submit:

Section CC of Annex 0 – One Line Diagram for each demand side resource (DSR) - please send as .pdf to [customer\\_registration@nyiso.com](mailto:customer_registration@nyiso.com) (see diagram below).





**Section LL**  
**DSASP (Demand Side Ancillary Services Program)**

<b>Date</b>	
<b>Applicant/Customer Name</b>	

Please complete and submit the signed original DSASP Registration Packet if you wish to register a resource(s) in the DSASP Program. The packet is located on the NYISO webpage at the following location: <http://www.nyiso.com> → For Market Participants → Market Data → Demand Response → Demand-Side Ancillary Service Program (DSASP).

For DSASP credit considerations, please review the Price Differential information located at: <http://www.nyiso.com> → For Market Participants → NYISO Services → Financial Services → Credit → DSASP Price Differentials.

DSASP participants must also submit:

Section CC of Annex 0 – One Line Diagram for each resource - please send as .pdf to [customer\\_registration@nyiso.com](mailto:customer_registration@nyiso.com).

## Section MM LESR Data Sheet

<b>Date</b>	
<b>Applicant/Customer Name</b>	

Unit Name:

Owner:

Location:

Summer MW Rating	- MWs available for regulation (Pmax) _____
Winter MW Rating	- MWs available for regulation (Pmax) _____
Summer Installed Capacity	- default to 0
Winter Installed Capacity	- default to 0
Physical Min Generation	- default to 0
Normal Response Rate	- N/A
Emergency Response Rate	- N/A
Max Regulation Response Rate	- Set to Summer or Winter MW Rating divided by 5 _____

Bid Flags                                    - The only bid flag that can be set will be regulation control

New Parameters:

Charge Time	- Minimum time in minutes to take a unit from minimum charge to maximum charge (Tc) _____
Charge MW	- MWs withdrawn to meet the stated charge time (MWc) _____
Discharge Time	- Minimum time required to take a unit from maximum charge to minimum charge (Td) _____
Discharge MW	- MWs injected to meet the stated discharge time (MWd) _____

LESR must also submit:

- 1) Section BB of Annex 0 - Generator Requirements
- 2) Section CC of Annex 0 – One Line Diagram for each resource - send as .pdf to customer\_registration@nyiso.com.
- 3) Section DD of Annex 0 – NYISO Reference Level Software application
- 4) Section JJ of Annex 0 - Ancillary Services Requirements

## Section NN Transactions

<b>Date</b>	
<b>Applicant/Customer Name</b>	

### Market Privileges

1. Will Applicant Submit External Import Transactions? Circle: yes/no
2. Import Peak Hourly Flow MWhs [estimate] \_\_\_\_\_MWhs
3. Will Applicant Submit External Export Transactions? Circle: yes/no
4. Export Peak Hourly Flow MWhs [estimate] \_\_\_\_\_MWhs
5. Will Applicant Submit Internal Bilateral Transactions? Circle: yes/no
6. Will Applicant Participate in Trading Hub transactions? Circle: yes/no

### Purchasing / Selling Entity (PSE) Code(s) — REQUIRED for External Transactions

<b>PSE Entity 1</b>		<b>PSE Entity 2</b>	
<b>PSE Entity 3</b>		<b>PSE Entity 4</b>	

### NOTES:

1. The Purchasing / Selling Entity (PSE) Code(s) associated with External Transactions that will be used in NERC’s E-Tag system **MUST** be registered in the NYISO MIS database to validate External Transactions.
2. Customers participating in External Transactions must also register with Transmission System Information Networks (TSIN). After becoming a NYISO registered Customer, approval from the NYISO’s Operations Department is required to register with TSIN for Transactions with the NYISO. Register with TSIN for Transactions with the NYISO as Source or Sink or both Source and Sink. Please note that the correct NERC registry code for the NYISO is “**NYIS**.”
3. The PSE Entity Code listed above must exactly match the code(s) the Customer enters for Import, Export or Wheels Through transactions in the NYISO transaction scheduling system and NERC’s E-Tag system.

**Section OO**  
**Virtual Transactions**

*For each Load Zone in which Applicant wishes to participate in Virtual Transactions, please check the appropriate box below. Upon approval, a Virtual Load bus and Virtual Supply bus will be established for each Load Zone requested below.*

<b>Date</b>	
<b>Applicant/Customer Name</b>	

<b>LOAD ZONE</b>	<b>Virtual Bus Requested</b>
<i><b>West</b></i>	
<i><b>Genesee</b></i>	
<i><b>Central</b></i>	
<i><b>North</b></i>	
<i><b>Mohawk Valley</b></i>	
<i><b>Capital</b></i>	
<i><b>Hudson Valley</b></i>	
<i><b>Millwood</b></i>	
<i><b>Dunwoodie</b></i>	
<i><b>NY City</b></i>	
<i><b>Long Island</b></i>	

## **Section PP**

### **TCC Purchase/Sell Agreements**

These forms may be found on the NYISO website at: <http://www.nyiso.com> → For Market Participants → Market Data → TCC → TCC Auctions → TCC Manual → Attachment A or Attachment B. Sending duplicates is unnecessary as a photocopy of the finalized document will be mailed to the Applicant.

## Section QQ Special Case Resources

<b>Date</b>	
<b>Applicant/Customer Name</b>	

To participate as a Special Case Resource, please complete and return this form with your Application.

After a company becomes a registered Customer, the company can enroll individual resources in the SCR program through the NYISO's online DRIS system.

### SCR DRIS Contact Information

<b>First Name</b>		<b>Last Name</b>	
<b>Title</b>			
<b>Address Line 1</b>			
<b>Address Line 2</b>			
<b>City</b>		<b>State/Province</b>	
<b>Zip Code</b>		<b>Country</b>	
<b>Primary Phone</b>		<b>Secondary Phone</b>	
<b>Cell Phone</b>			
<b>FAX Number</b>			
<b>E-mail Address</b>			
<b>24/7 Contact Phone</b>			

**Section RR  
EDRP**

<b>Date</b>	
<b>Applicant/Customer Name</b>	

The applicable registration material found in the Emergency Demand Response Program Manual must be signed, submitted, and approved prior to admission into the Emergency Demand Response Program.

After a company becomes a registered Customer, the company will be able to access the NYISO's online DRIS system.

**EDRP DRIS Contact Information**

<b>First Name</b>		<b>Last Name</b>	
<b>Title</b>			
<b>Address Line 1</b>			
<b>Address Line 2</b>			
<b>City</b>		<b>State/Province</b>	
<b>Zip Code</b>		<b>Country</b>	
<b>Primary Phone</b>		<b>Secondary Phone</b>	
<b>Cell Phone</b>			
<b>FAX Number</b>			
<b>E-mail Address</b>			
<b>24/7 Contact Phone</b>			

**Section SS  
Retail Access Certification**

<b>Date</b>	
<b>Applicant/Customer Name</b>	

The undersigned, a duly authorized representative of the NYISO Applicant named above (“Applicant”), in his/her capacity as an officer of the Applicant, hereby certifies, as follows, understanding that the NYISO is relying on such certification:

1. The Applicant has satisfied all criteria set forth by the Public Service Commission of the State of New York, and any other criteria required by New York state law, necessary to become a Load Serving Entity authorized to serve retail access customers.
2. Attached is a true, correct, and complete copy of the letter from the Public Service Commission stating that the Applicant is authorized to serve retail load in New York.
3. The Applicant has satisfied all criteria (other than the requirement to be a NYISO Customer, if any) set forth in the approved retail access plan of the Transmission Owner(s) in the service territory in which the NYISO Applicant will serve retail access customers.
4. The Applicant is the duly authorized agent of the retail access customers that it will serve.
5. The Applicant is currently participating in (or on the date service under the NYISO tariffs commences, will be participating in) the retail access program of the relevant Transmission Owner(s), and plans to continue participating in such program(s) during the time the Applicant remains a customer of the NYISO.
6. Applicant certifies that it is (or expects to be on the date service under the NYISO tariffs commences) either: (a) aggregating or serving load that is of an amount greater than or equal to one (1) MW in each hour as measured between a single Point of Injection and a single Point of Withdrawal; or (b) making purchases from the NYISO-administered markets at a single bus of an amount greater than or equal to one (1) MW in each hour.

**IN WITNESS WHEREOF**, the undersigned has executed this certificate as of the date first written above.

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Title: \_\_\_\_\_



**Section TT**  
**Market-Based Ratemaking Authority Certification**

<b>Date</b>	
<b>Applicant/Customer Name</b>	

The undersigned, a duly authorized representative of the NYISO Applicant named above (“Applicant”), in his/her capacity as an officer of the Applicant, hereby certifies, understanding that the NYISO is relying on such certification, that either:

1. The Applicant is authorized to sell energy or ancillary services at market-based prices and has satisfied all criteria set forth by the Public Service Commission of the State of New York, New York state law, and any other state or federal laws or regulations required in order for the Applicant to obtain authorization to sell energy or ancillary services at market-based prices; or
2. The activities of the Applicant in the NYISO-administered markets will not require the Applicant to obtain market-based ratemaking authority under any state or federal laws or regulations.

**IN WITNESS WHEREOF**, the undersigned has executed this certificate as of the date first written above.

\_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

## Section UU Trading Hubs

**Please complete the following form to add/remove Trading Hub Energy Owner privileges.**

<b>Date</b>	
<b>Applicant/Customer Name</b>	

The Trading Hub Energy Owner privilege allows a Customer to serve as the source organization or sink organization for Trading Hub transactions. The Trading Hub Energy Owner is responsible for any Trading Hub energy settlement obligations associated with Trading Hub transactions for which it is the source or sink organization.

1. For Customers that are currently credit-approved and have active authorization flags for participation in Transactions:

Please complete this section of the form to request the NYISO Customer Relations Department to add (or remove) Trading Hub Energy Owner privileges.

CHECK ONE:

ADD Trading Hub Energy Owner Privileges

**OR**

REMOVE Trading Hub Energy Owner Privileges

2. For Customers that are NOT currently credit-approved or are without active authorization flags for participation in Transactions:

Please complete this section of the form to request the NYISO to amend your existing market authorization flags to add Transactions and add Trading Hub Energy Owner privileges.

CHECK BOTH:

ADD Transaction authorization flags

ADD Trading Hub Energy Owner Privileges

**Section UU - Trading Hubs (continued)**

SELECT HOW YOU WILL UTILIZE NYISO TRANSACTIONS IN THE MARKETPLACE (CHECK ONE):

In-state bilaterals only

**OR**

IMPORT/EXPORT/WHEEL through NY Control Area

**Also required for this selection:**

TSIN PS/E code to be used for NYIS as Source/Sink \_\_\_\_\_

Submission of Section NN of Annex 0 to add Import/Export/Wheel participation.

**CUSTOMER:**

SIGNATURE: \_\_\_\_\_  
*Must be signed by an Officer of your Company*

PRINTED NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE SIGNED: \_\_\_\_\_

**Section VV**  
**Trust Relationship Form - for Bilateral Transaction Confirmation**

(For Transactions Customers only: Complete this form to request the NYISO Customer Relations Department to establish or to remove Trust Relationships.)

An Applicant should return its completed Trust Relationship Form with the Applicant’s Completed Application to: NYISO, Customer Relations, 10 Krey Blvd., Rensselaer, NY 12144.

A registered Market Participant may scan its completed Trust Relationship Form and e-mail the form to: [Market\\_Relations@nyiso.com](mailto:Market_Relations@nyiso.com).

Bilateral Transactions involve multiple parties (i.e., the source, the sink, and the financially responsible party). In order for the NYISO to evaluate bids for Bilateral Transactions, these bids must be confirmed by all of the transaction parties prior to market close. For additional information, see Section 7.6.3 of the Market Participant User Guide available at: <http://www.nyiso.com/public/webdocs/documents/guides/mpug.pdf>.

Select one:    CREATE the following Trust Relationships \_\_\_\_\_  
**OR**  
                   REMOVE the following Trust Relationships \_\_\_\_\_

**DEFINITIONS:**

Trust Granting Organization – The Organization who establishes a trust relationship with another organization.

Trusted Organization – The Organization that is trusted by the Trust Granting Organization.

**REQUIRED INFORMATION:**

Please provide the following information for each type of trust relationship you plan on utilizing:

1.    Trust Type: Source Confirmation  
 By establishing this trust relationship, the Source waives the need for manual source confirmation when the Trusted Organization creates, updates, or manually confirms a transaction involving both parties. Specify the other Organization(s), and the specific Generators to which this trust shall apply.

Trust Granting Organization	Trust Granting Organization’s Generator Name	PTID	Trusted Organization

2. Trust Type: Sink Confirmation

By establishing this trust relationship, the Sink waives the need for manual sink confirmation when the Trusted Organization creates, updates, or manually confirms a transaction involving both parties. Specify the other Organization(s), and the specific Load Bus to which this trust shall apply.

**Section VV – Trust Relationship Form - for Bilateral Transaction Confirmation  
(continued)**

Trust Granting Organization	Trust Granting Organization's Load Bus Name	PTID	Trusted Organization

3. Trust Type: FRP Confirmation

By establishing this trust relationship, the Financially Responsible Party (FRP) waives the need for manual FRP confirmation when the Trusted Organization creates, updates, or manually confirms a transaction involving both parties. Specify the other organization(s) to which this trust applies.

Trust Granting Organization	Trusted Organization

4. Trust Type: Financial Data Access

By establishing this trust relationship, the FRP grants the Trusted Organization the ability to view and update financial data associated with the transaction. Financial data in this case refers to the Decremental Dollar, Sink Price Cap and HAM Bid Price values.

Trust Granting Organization	Trusted Organization

**AUTHORIZATION:**

This Trust Relationship Form must be signed by the Main Contact, MIS Administrator or an officer on behalf of the Trust Granting Organization and the Trusted Organization. Please add additional signature lines as necessary.

TRUST GRANTING ORGANIZATION:

\_\_\_\_\_

SIGNATURE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

DATE SIGNED: \_\_\_\_\_

TRUSTED ORGANIZATION:

\_\_\_\_\_

SIGNATURE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

DATE SIGNED: \_\_\_\_\_