



July 15, 2009

Via Hand Delivery

Honorable Kimberly D. Bose, Secretary
Honorable Nathaniel J. Davis, Sr., Deputy Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Re: Informational Filing of ISO New England Inc., Docket No. ER09- -000

Dear Secretary Bose and Deputy Secretary Davis:

Pursuant to Section 3.3(a) of the ISO New England Information Policy (the “Information Policy”),¹ ISO New England Inc. hereby submits to the Federal Energy Regulatory Commission (the “Commission”) an original and 14 copies of this letter and its attachment, *i.e.*, a copy of the State Certification of the Connecticut Department of Public Utility Control (“CTDPUC”). The State Certification was submitted to the ISO pursuant to Section 3.3(b)(i)(3) of the Information Policy (the “CTDPUC Certification”). The CTDPUC Certification is attached hereto as Attachment 1.

In the CTDPUC Certification, CTDPUC has designated all of the Authorized Persons that may receive Confidential Market Information on behalf of the CTDPUC in accordance with Section 3.3 of the Information Policy. Pursuant to Section 3.3(b)(i)(1) of the Information Policy, in order to receive Confidential Market Information, each of the Authorized Persons designated on the CTDPUC Certification are required to enter into a Non-Disclosure Agreement with the ISO in the form appended as Appendix A to the Information Policy.

¹ The ISO New England Information Policy is Attachment D to the ISO’s Transmission, Markets and Services Tariff (the “Tariff”). Capitalized terms not otherwise defined herein shall have the meanings ascribed thereto in the Tariff.

Correspondence and communications regarding this informational filing should be addressed to the undersigned for the ISO as follows:

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*Persons designated for service

Please acknowledge receipt of the foregoing by date-stamping the enclosed extra copy of this filing and returning it to the courier delivering this filing.

Respectfully submitted,

ISO NEW ENGLAND INC.

By: 

James H. Douglass
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Holyoke, MA 01040-2841
(413) 535-4000

By: 

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cc: Counsel for New England Power Pool Participants Committee

ATTACHMENT 1

CERTIFICATION

This Certification (the "Certification") is given this 12 day of June, 2009, by Connecticut Department of Public Utility Control (the "Authorized Commission"), to and for the benefit of ISO New England Inc. ("ISO") and its Governance Participants. The Authorized Commission and ISO shall be referred to herein collectively as the "Parties".

Whereas, the Authorized Commission has designated the individuals on attached Exhibit "A" (the "Authorized Persons") to receive Confidential Market Information from ISO, and

Whereas, the Authorized Persons and ISO have, or will, enter into non-disclosure agreements, governing the rights and obligations of the Authorized Persons, ISO and others regarding the Authorized Persons' access to, provision of, use and control of the Confidential Market Information (the "Non-Disclosure Agreements"), and

Whereas, as a condition precedent to the execution of the Non-Disclosure Agreements and provision of Confidential Market Information to the Authorized Persons, the Authorized Commission is required to make certain representations and warranties to ISO, and

Whereas, ISO agrees to provide Confidential Market Information to the Authorized Persons, in their capacity as agents of the Authorized Commission, subject to the terms of this Certification, the Non-Disclosure Agreements, and an appropriate order of the Federal Energy Regulatory Commission protecting the confidentiality of such data;

Whereas, the Parties desire to set forth those representations and warranties herein.

Now, therefore, the Authorized Commission hereby makes the following representations and warranties, all of which shall be true and correct as of the date of execution of this Certification, and at all times thereafter, and with the express understanding that ISO and any Affected Member shall rely on each representation and/or warranty:

1. **Definitions.** Terms contained, but not defined, herein shall have the definitions or meanings ascribed to such terms in the Non-Disclosure Agreement or the ISO New England Information Policy.
2. **Requisite Authority.**
 - a. The Authorized Commission hereby certifies that it has all necessary legal authority to execute, deliver, and perform the obligations in this Certification.
 - b. Each Authorized Person is, at the time of the execution of this Certification, an employee of, or consultant to, the Authorized Commission, and has not materially breached any existing or past non-disclosure agreement or obligation, except as has been disclosed by the Authorized Commission to ISO in writing.

- c. The Authorized Persons have, through all necessary action of the Authorized Commission, been appointed and directed by the Authorized Commission to execute and deliver the Non-Disclosure Agreements to ISO and receive Confidential Market Information on the Authorized Commission's behalf and for its benefit.
- d. The Authorized Commission will, at all times after the provision of Confidential Market Information to the Authorized Persons, provide ISO with: (i) written notice of any changes in the Authorized Persons' qualification as an Authorized Person within two (2) business days of such change; (ii) written confirmation to any inquiry by ISO regarding the status or identification of any specific Authorized Person within two (2) business days of such request, and (iii) periodic written updates, no less often than semi-annually, containing the names of all Authorized Persons appointed by the Authorized Commission.

3. Protection of Confidential Market Information.

- a. The Authorized Commission has adequate internal procedures, to protect against the release of any Confidential Market Information by the Authorized Persons or other employee or agent of the Authorized Commission, and the Authorized Commission and the Authorized Persons will strictly enforce and periodically review all such procedures. In the event that ISO terminates a Non-Disclosure Agreement with an Authorized Person, and does not restore such individual's status as an Authorized Person, then the Authorized Commission shall review such internal procedures.
- b. The Authorized Commission has legal authority to protect the confidentiality of Confidential Market Information from public release or disclosure and/or from release or disclosure to any other person or entity, either by the Authorized Commission or the Authorized Persons, as agents of the Authorized Commission.
- c. The Authorized Commission shall ensure that Confidential Market Information and shall be maintained by, and accessible only to, the Authorized Persons.
- d. The Authorized Commission and its Authorized Person(s) shall not disclose the Confidential Market Information.

4. Defense Against Requests for Disclosure. The Authorized Commission shall defend against, and will direct the Authorized Persons to defend against, disclosure of any Confidential Market Information pursuant to any Third Party Request through all available legal process, including, but not limited to, obtaining any necessary protective orders. The Authorized Commission shall provide ISO with prompt notice of any such Third Party Request or legal

proceedings, and shall consult with ISO and/or any Affected Governance Participant in its efforts to deny the request or defend against such legal process. In the event a protective order or other remedy is denied, the Authorized Commission agrees to furnish only that portion of the Confidential Market Information which their legal counsel advises ISO (and of which ISO shall, in turn, advise any Affected Member) in writing is legally required to be furnished, and to exercise then-best efforts to obtain assurance that confidential treatment will be accorded to such Confidential Market Information.

5. Use and Destruction of Confidential Market Information.

- a. The Authorized Commission shall use, and allow the use of, the Confidential Market Information solely for the purpose of assisting the Authorized Commission in discharging its legal responsibility to monitor the wholesale and retail electricity markets, operations, transmission planning and siting, and generation planning and siting materially affecting retail customers within the State in which the Authorized Commission has regulatory jurisdiction, and for no other purpose. Without limiting the foregoing, the Authorized Commission shall not use its right to acquire Confidential Market Information as a means of conducting discovery or providing evidence during an adversarial proceeding against an Affected Governance Participant or any group of Participants. The Authorized Commission, however, shall not be prevented from using in an adversarial proceeding Confidential Market Information the Authorized Commission has obtained if: (i) such information becomes known in that proceeding through disclosure by entities other than the Authorized Commission; and (ii) the Authorized Commission discloses such Confidential Market Information consistent with the protections and procedures governing the disclosure of Confidential Market Information to parties in that proceeding; or (iii) the information being disclosed no longer meets the definition of Confidential Market Information.
- b. Upon completion of the inquiry or investigation referred to in any Information Request initiated by or on behalf of the Authorized Commission, or for any reason any Authorized Person is, or will no longer be an Authorized Person, the Authorized Commission will ensure that such Authorized Person either (a) returns the Confidential Market Information and all copies thereof to ISO, or (b) provides a certification that the Authorized Person and/or the Authorized Commission has destroyed all paper copies and deleted all electronic copies of the Confidential Market Information, unless such actions are inconsistent with or prohibited by applicable state law, in which case the Authorized Commission shall continue to maintain the confidentiality of the Confidential Market Information in accordance with the terms and conditions of this Certification.

6. **Notice of Disclosure of Confidential Market Information.** The Authorized Commission shall promptly notify ISO of any inadvertent or intentional release or possible release of the Confidential Market Information provided to any Authorized Person, and shall take all available steps to minimize any further release of Confidential Market Information and/or retrieve any Confidential Market Information that may have been released.

7. **Ownership and Privilege.** Nothing in this Certification, or incident to the provision of Confidential Market Information to the Authorized Person pursuant to any Information Request, is intended, nor shall it be deemed, to be a waiver or abandonment of any legal privilege that may be asserted against subsequent disclosure or discovery in any formal proceeding or investigation. Moreover, no transfer or creation of ownership rights in any intellectual property comprising Confidential Market Information is intended or shall be inferred by the disclosure of Confidential Market Information by ISO, and any and all intellectual property comprising Confidential Market Information disclosed and any derivations thereof shall continue to be the exclusive intellectual property of ISO and/or the Affected Governance Participant.

Executed, as of the date first set out above.

CONNECTICUT DEPARTMENT OF PUBLIC UTILITY CONTROL

By: John V. Betta
Its: Vice-Chairman

[SEE NEXT PAGE]

EXHIBIT A

**CERTIFICATION
LIST OF AUTHORIZED PERSONS**

Name of Authorized Person	Mailing Address	Email	Tel #	Scope and Duration
Mark Quinlan	Connecticut Department of Public Utility Control Ten Franklin Square New Britain, CT 06051	mark.quinlan@po.state.ct.us	860-827-2691	unlimited, permanent
John Jasinski	Connecticut Department of Public Utility Control Ten Franklin Square New Britain, CT 06051	john.jasinski@po.state.ct.us	860-827-2745	unlimited, permanent
Eric Jacobi	Connecticut Department of Public Utility Control Ten Franklin Square New Britain, CT 06051	eric.jacobi@po.state.ct.us	860-827-2881	unlimited, permanent
Robert Luysterborghs	Connecticut Department of Public Utility Control Ten Franklin Square New Britain, CT 06051	robert.luysterborghs@po.state.ct.us	860-827-2742	unlimited, permanent
Kimberly J. Santopietro	Connecticut Department of Public Utility Control Ten Franklin Square New Britain, CT 06051	kimberly.santopietro@po.state.ct.us	860-827-2737	unlimited, permanent
Steven Cadwallader	Connecticut Department of Public Utility Control Ten Franklin Square New Britain, CT 06051	steven.cadwallader@po.state.ct.us	860-827-2629	unlimited, permanent
Commissioner Kevin DelGobbo	Connecticut Department of Public Utility Control Ten Franklin Square New Britain, CT 06051	kevin.delgobbo@po.state.ct.us	860-827-2809	unlimited, permanent
Vice Chairman John Betkoski, III	Connecticut Department of Public Utility Control Ten Franklin Square New Britain, CT 06051	john.betkoski@po.state.ct.us	860-827-2803	unlimited, permanent
Randall Speck	Kaye Scholer LLP 901 15th Street, NW Washington, DC 20005	rspeck@kayescholer.com	202-682-3510	unlimited, permanent
Kimberly Frank	Kaye Scholer LLP 901 15th Street, NW Washington, DC 20005	kfrank@kayescholer.com	202-682-3578	unlimited, permanent