July 27, 2010

VIA HAND DELIVERY

Honorable Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1-A
Washington, DC 20426

Re: Further Compliance Filing of ISO New England Inc. and NEPOOL Addressing the Treatment of Aggregators of Retail Customers and External Market Monitor Contracts; Docket No. ER09-1051-004

Dear Secretary Bose:

Pursuant to Rule 1907 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (the "Commission" or "FERC"),[1] 18 C.F.R. § 385.1907 (2010), and the May 28, 2010 Order on Compliance Filings, 131 FERC ¶ 61,194 (2010) ("May 28 Order"), ISO New England Inc. (the "ISO" or "ISO-NE"), joined by the New England Power Pool Participants Committee ("NEPOOL") (together, the "Filing Parties"), hereby submit an original and five (5) copies of this compliance filing to remove the "Host Utility" exceptions for demand response aggregators registering to participate in the Forward Capacity Market. The Host Utility exceptions originally were included in the October 27, 2009 filing ("October 27 Compliance Filing") submitted in response to the requirements of Order No. 719-A.[2] The ISO, pursuant to the May 28 Order, also hereby demonstrates that the contracts between the ISO's External Market Monitor and affiliates of certain Market Participants meet the requirements in Order No. 719-A pertaining to ethics standards.

[1] Capitalized terms used but not defined in this filing are intended to have the meanings given to such terms in the Second Restated New England Power Pool Agreement (the "Second Restated NEPOOL Agreement"), the Participants Agreement, or the ISO New England Inc. Transmission, Markets and Services Tariff ("ISO Tariff"), including Market Rule 1, which is Section III of the ISO Tariff. The ISO Tariff is available at www.iso-ne.com/regulatory/tariff/index.html.

[2] *Wholesale Competition in Regions with Organized Electric Markets*, Order No. 719-A, 74 *Fed. Reg.* 37776 (Jul. 29, 2009), FERC Stats. & Regs. ¶ 31,292 (2009) ("Order No. 719-A"), *reh'g denied*, Order No. 719-B, 129 FERC ¶ 61,252 (2009).

I. INTRODUCTION

In Order No. 719-A, issued July 16, 2009, the Commission addressed various reforms to the organized electric markets. Relevant here, Order No. 719-A required the ISO to make a compliance filing no later than October 27, 2009 to address the treatment of aggregators of retail customers ("ARCs") as follows:

> RTOs and ISOs may not accept bids from ARCs that aggregate the demand response of: (1) the customers of utilities that distributed more than 4 million MWh in the previous fiscal year, where the relevant electric retail regulatory authority prohibits such customers' demand response to be bid into organized markets by an ARC, or (2) the customers of utilities that distributed 4 million MWh or less in the previous fiscal year, unless the relevant electric retail regulatory authority permits such customers' demand response to be bid into organized markets by an ARC.[3]

Order No. 719-A also set forth a series of conditions that must be met if a market monitor for a RTO or ISO is to enter into engagements for market monitoring services with participants in the markets administered by the RTO or ISO.[4] Order No. 719-A contained no specific compliance obligations pertaining to the contracts between the ISO's External Market Monitor and affiliates of Market Participants in New England, which were identified in the ISO's initial compliance filing for Order No. 719.[5] The ISO submitted its October 27 Compliance Filing in Docket No. ER09-1051-001.

The May 28 Order, *inter alia*, conditionally accepted the October 27 Compliance Filing, effective June 1, 2010. The order, however, also found that the October 27 Compliance Filing went "beyond the language from Order No. 719-A" by adding a qualification to the Market Rules that would enable Host Utility ARCs to aggregate customers in situations in which non-Host Utility ARCs could not.[6] The May 28 Order found such a requirement would inappropriately treat third-party ARCs and Host Utilities differently with regards to their ability to aggregate customers for purposes of demand response.[7] Similarly, the October 27 Compliance Filing would have precluded registration of demand response customers of small utilities "'unless the [Retail Regulator] permits such customers' demand response to be bid … *or* the Market Participant registering the [asset] is, or is acting on behalf of, the Host Utility

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[3] Order No. 719-A at P 51 (footnotes omitted); May 28 Order at fn. 7.

[4] *Id*. at PP 160-165.

[5] *See* Order No. 719 compliance filing in Docket No. ER09-1051-000, at 81-83 (April 28, 2009) (the "April 28 Compliance Filing").

[6] May 28 Order at PP 24-28.

[7] *Id.* at PP 25-26.

servicing the customers.'"[8] The May 28 Order found this language inconsistent with Order No. 719-A because it would create an exception whereby a small Host Utility could register demand response customers without permission from the Retail Regulator, unlike third-party ARCs.[9]

The May 28 Order also addressed the ISO's compliance with the mandates in Order No. 719-A regarding contracts between Potomac Economics, Ltd., which serves as the ISO's External Market Monitor, and certain affiliates of New England Market Participants, stating that while those contracts may meet the conditions set forth in Order No. 719-A, the descriptions of the contracts provided in the April 28 Compliance Filing did not provide sufficient information for the Commission to fully evaluate the contracts.[10] The Commission ordered the ISO to "consult with its external MMU to verify that the contracts at issue comply with the requirements of Order No. 719-A," and directed the ISO to make a compliance filing that "demonstrates that the contracts at issue meet the requirements of Order No. 719-A."[11]

II. COMPLIANCE WITH THE MAY 28 ORDER

In response to the requirements of the May 28 Order, the Filing Parties submit herein substitute tariff sheets that remove the Host Utility exceptions included in the October 27 Compliance Filing, and the ISO, solely, submits the Affidavit of David B. Patton, Ph.D., the President of Potomac Economics, Ltd., regarding the contracts between Potomac Economics and affiliates of certain Market Participants (the "Patton Affidavit"). The Patton Affidavit provides additional information regarding the contracts identified in the April 28 Compliance Filing and explains why those contracts meet the conditions set forth in Order No. 719-A regarding contracts between the market monitor for an RTO or ISO and market participants.

III. STAKEHOLDER PROCESS

The ISO presented its proposal to remove the Host Utility exceptions to the NEPOOL Markets Committee at its June 8-9, 2010 meeting. At that meeting, the Markets Committee voted to support the removal of the Host Utility exceptions as presented in the attached substitute tariff sheets, with 29 abstentions and no oppositions. The Participants Committee, at its June 22-23, 2010 meeting, voted to support the removal of the Host Utility exceptions as presented here as part of its Consent Agenda[12] with no oppositions, but with the abstention of the Publicly

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[8] *Id.* at P 27.

[9] *Id.*

[10] *Id.* at PP 22-23.

[11] *Id.* at P 23.

[12] The Consent Agenda for a Participants Committee meeting, similar to the Consent Agenda for a Commission open meeting, is a group of actions (each recommended by a Technical Committee or subgroup established by the Participants Committee) to be taken by the Participants Committee through approval of a single motion at a meeting. All recommendations voted on as part of the Consent Agenda are deemed to have been voted on individually and independently. In this case, the Participants

(continued...)

Owned Entity Sector. NEPOOL states that the Publicly Owned Entity Sector attributed its abstention to the removal of the Host Utility exception as it related to utilities that distributed 4 million MWh or less in the previous fiscal year.

IV. REQUESTED EFFECTIVE DATE

The Filing Parties request an effective date of June 1, 2010 for the substitute tariff sheets to correspond with when the October 27 Compliance Filing changes otherwise became effective.

V. ADDITIONAL SUPPORTING INFORMATION

Please find the following materials attached hereto:

- Attachment 1: Redlined substitute tariff sheets in response to the requirements of the May 28 Order;
- Attachment 2: Clean substitute tariff sheets in response to the requirements of the May 28 Order;
- Attachment 3: Affidavit of David B. Patton, Ph.D.; and
- Attachment 4: List of governors and utility regulatory agencies in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont to which a copy of this filing has been sent electronically.

(...continued)
Committee's approval of the June 22-23, 2010 Consent Agenda included its support for the removal of the Host Utility exceptions in response to the May 28 Order.

VI. CONCLUSION

The Filing Parties request that the Commission (i) accept the substitute tariff sheets as submitted, and without modification or condition, to be effective as of June 1, 2010 and (ii) find that the External Market Monitor's contracts comply with the requirements of Order No. 719-A.

Respectfully submitted,

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Attachments

Attachment 1

be performed at least 30 business days prior to the first day of the Forward Capacity Auction for the Capacity Commitment Period beginning June 1, 2011, and (iii) based on the quantities of resources that cleared in the most recent Forward Capacity Auction and on the quantities of resources from recently submitted Show of Interest Forms for the upcoming Forward Capacity Auction.

III.13.1.4.9. Restrictions on Real-Time Demand Response Asset, Real-Time Emergency Generation Asset, On-Peak Demand Resource and Seasonal Peak Demand Resource Registration: A Market Participant may not register and, if previously registered, must retire in accordance with Section III.13.1.4.9.1, a Real-Time Demand Response Asset, Real-Time Emergency Generation Asset or asset associated with an On-Peak Demand Resource or Seasonal Peak Demand Resource that is comprised of:

(a) the customers of Host Utilities that distributed more than 4 million MWh in the previous fiscal year if the relevant electric retail regulatory authority prohibits such customers' demand response to be bid into the ISO-administered markets or programs ~~unless the Market Participant registering the Real-Time Demand Response Asset, Real-Time Emergency Generation Asset or asset associated with an On-Peak Demand Resource or Seasonal Peak Demand Resource is the Host Utility serving the customers comprising the Real-Time Demand Response Asset, Real-Time Emergency Generation Asset or asset associated with an On-Peak Demand Resource or Seasonal Peak Demand Resource~~, or

(b) the customers of Host Utilities that distributed 4 million MWh or less in the previous fiscal year, unless the relevant electric retail regulatory authority permits such customers' demand response to be bid into the ISO-administered markets or programs ~~or the Market Participant registering the Real-Time Demand Response Asset, Real-Time Emergency Generation Asset or asset associated with an On-Peak Demand Resource or Seasonal Peak Demand Resource is, or is acting on behalf of, the Host Utility serving the customers comprising the Real-Time Demand Response Asset, Real-Time Emergency Generation Asset or asset associated with an On-Peak Demand Resource or Seasonal Peak Demand Resource~~.

III.13.1.4.9.1. Requirement for Real-Time Demand Response Asset, Real-Time Emergency Generation Asset, On-Peak Demand Resource and Seasonal Peak Demand Resource Retirement: A Market Participant must retire a previously registered Real-Time Demand Response Asset, Real-Time Emergency Generation Asset or asset associated with an On-Peak Demand Resource or Seasonal Peak Demand Resource that is comprised of customers specified in subsections (a) or (b) of Section III.13.1.4.9 no later than 12 months from the date that the ISO receives notice that the relevant electric retail regulatory authority prohibits such customer's demand response to be bid into the ISO-administered markets or programs or May 31, 2013, whichever is later.

III.13.1.4.10. Providing Information On Real-Time Demand Response and Real-Time Emergency Generation Resource. If requested by a Market Participant with a registered Load Asset, the ISO will provide the following information about end use customers served by the Market Participant: (a) whether the end use customer's facility is registered with the ISO as part of an asset and whether the asset is associated with a Real-Time Demand Response or Real-Time Emergency Generation Resource, and; (b) the load reduction capability of the asset, as specified in the ISO's asset registration system, to which the end-use customer's facility is registered.

III.E.1.5 General Requirements. A Load Response Program Asset cannot span multiple Load Zones; beginning with the Capacity Commitment Period starting June 1, 2011, a Real-Time Demand Response Asset cannot span multiple Dispatch Zones. All Load Response Program Assets are required to have interval metering or an approved Measurement and Verification Plan ("M&V Plan"); Market Participants with Real-Time Demand Response Assets in the Load Response Program must comply with the approved M&V Plan for the associated Real-Time Demand Response Resource.

III.E.1.6 Restrictions on Load Response Asset Registration: A Market Participant may not register and must retire if previously registered a Load Response Program Asset that is comprised of:

(a) the customers of Host Utilities that distributed more than 4 million MWh in the previous fiscal year, if the relevant electric retail regulatory authority prohibits such customers' demand response to be bid into the ISO-administered markets or programs~~ unless the Market Participant registering the Load Response Program Asset is the Host Utility serving the customers comprising the Load Response Program Asset~~, or

(b) the customers of Host Utilities that distributed 4 million MWh or less in the previous fiscal year, unless the relevant electric retail regulatory authority permits such customers' demand response to be bid into the ISO-administered markets or programs~~ or the Market Participant registering the Load Response Program Asset is, or is acting on behalf of, the Host Utility serving the customers comprising the Load Response Program Asset~~.

Attachment 2

be performed at least 30 business days prior to the first day of the Forward Capacity Auction for the Capacity Commitment Period beginning June 1, 2011, and (iii) based on the quantities of resources that cleared in the most recent Forward Capacity Auction and on the quantities of resources from recently submitted Show of Interest Forms for the upcoming Forward Capacity Auction.

III.13.1.4.9. Restrictions on Real-Time Demand Response Asset, Real-Time Emergency Generation Asset, On-Peak Demand Resource and Seasonal Peak Demand Resource Registration: A Market Participant may not register and, if previously registered, must retire in accordance with Section III.13.1.4.9.1, a Real-Time Demand Response Asset, Real-Time Emergency Generation Asset or asset associated with an On-Peak Demand Resource or Seasonal Peak Demand Resource that is comprised of:

(a) the customers of Host Utilities that distributed more than 4 million MWh in the previous fiscal year if the relevant electric retail regulatory authority prohibits such customers' demand response to be bid into the ISO-administered markets or programs, or

(b) the customers of Host Utilities that distributed 4 million MWh or less in the previous fiscal year, unless the relevant electric retail regulatory authority permits such customers' demand response to be bid into the ISO-administered markets or programs.

III.13.1.4.9.1. Requirement for Real-Time Demand Response Asset, Real-Time Emergency Generation Asset, On-Peak Demand Resource and Seasonal Peak Demand Resource Retirement: A Market Participant must retire a previously registered Real-Time Demand Response Asset, Real-Time Emergency Generation Asset or asset associated with an On-Peak Demand Resource or Seasonal Peak Demand Resource that is comprised of customers specified in subsections (a) or (b) of Section III.13.1.4.9 no later than 12 months from the date that the ISO receives notice that the relevant electric retail regulatory authority prohibits such customer's demand response to be bid into the ISO-administered markets or programs or May 31, 2013, whichever is later.

III.13.1.4.10. Providing Information On Real-Time Demand Response and Real-Time Emergency Generation Resource. If requested by a Market Participant with a registered Load Asset, the ISO will provide the following information about end use customers served by the Market Participant: (a) whether the end use customer's facility is registered with the ISO as part of an asset and whether the asset is associated with a Real-Time Demand Response or Real-Time Emergency Generation Resource, and; (b) the load reduction capability of the asset, as specified in the ISO's asset registration system, to which the end-use customer's facility is registered.

III.E.1.5 General Requirements. A Load Response Program Asset cannot span multiple Load Zones; beginning with the Capacity Commitment Period starting June 1, 2011, a Real-Time Demand Response Asset cannot span multiple Dispatch Zones. All Load Response Program Assets are required to have interval metering or an approved Measurement and Verification Plan ("M&V Plan"); Market Participants with Real-Time Demand Response Assets in the Load Response Program must comply with the approved M&V Plan for the associated Real-Time Demand Response Resource.

III.E.1.6 Restrictions on Load Response Asset Registration: A Market Participant may not register and must retire if previously registered a Load Response Program Asset that is comprised of:

(a) the customers of Host Utilities that distributed more than 4 million MWh in the previous fiscal year, if the relevant electric retail regulatory authority prohibits such customers' demand response to be bid into the ISO-administered markets or programs, or

(b) the customers of Host Utilities that distributed 4 million MWh or less in the previous fiscal year, unless the relevant electric retail regulatory authority permits such customers' demand response to be bid into the ISO-administered markets or programs.

Attachment 3

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

ISO New England Inc.
and
New England Power Pool

Docket No. ER09-1051-004

AFFIDAVIT OF DAVID B. PATTON, PH.D.

I. Qualifications and Purpose

1. My name is David B. Patton. I am an economist and President of Potomac Economics LTD ("Potomac Economics"). Our offices are located at 9990 Fairfax Boulevard, Fairfax, Virginia 22030. Potomac Economics is a firm specializing in expert economic analysis and monitoring of wholesale electricity markets.

2. I currently serve as the External Market Monitor for the ISO New England Inc. ("ISO-NE"), as the Independent Market Advisor for the New York Independent System Operator, Inc. ("NYISO"), and the Midwest ISO ("MISO"). In these roles, I am responsible for assessing the competitive performance of the markets administered by those entities, including assisting in the implementation of monitoring plans to identify and remedy market design flaws and abuses of market power. I also provide recommendations regarding market mitigation measures and other market rules. I have served in this capacity for ISO-NE since 2001.

3. I have worked as an energy economist for eighteen years, focusing primarily on the electric utility and natural gas industries. I have provided strategic advice, analysis, and expert testimony in the areas of electric power industry restructuring, pricing, mergers, and market power. I have also advised other existing and prospective Regional Transmission Organizations ("RTOs") on transmission pricing, market design, and congestion management issues. With regard to competitiveness analysis, I have provided expert testimony and analysis regarding market power issues in a number of mergers and market-based pricing cases before the Federal Energy Regulatory Commission (the "Commission"), state regulatory commissions, and the U.S. Department of Justice.

4. Prior to my experience as a consultant, I served as a Senior Economist in the Office of Economic Policy at the Commission, advising the Commission on a variety of policy issues including transmission pricing, open-access and electric utility mergers.

5. Before joining the Commission, I worked as an economist for the U.S. Department of Energy. During this time, I helped develop and analyze policies related to investment in oil and gas exploration, electric utility demand-side management, residential and commercial energy efficiency, and the deployment of new energy technologies. I hold a Ph.D. and M.A. in Economics from George Mason University and a B.A. in Economics with a minor in Mathematics from New Mexico State University.

6. In October 2008, the Commission issued Order No. 719.[1] Order No. 719 addresses wholesale competition in organized electric markets, and includes a number of ethical standards with which market monitors for RTOs and ISOs must comply, including standards that prohibit the market monitor from contracting with market participants for market monitoring services under certain circumstances. In Order No. 719-A, the Commission included additional detail regarding certain aspects of the ethical standards, including a series of conditions that must be met if a market monitor for an RTO or ISO is to enter into engagements for marketing monitoring services with market participants in the RTO or ISO.

7. Following the issuance of Order No. 719-A, the Commission issued an order regarding previous ISO-NE compliance filings in the Order 719 proceedings (the "May 28, 2010 Order").[2] In the May 28, 2010 Order, the Commission directed ISO-NE to make a compliance filing regarding the contracts between Potomac Economics, serving as ISO-NE's External Market Monitor, and certain affiliates of ISO-NE's market participants, stating that while those contracts "may be permitted under Order No. 719-A, … the descriptions of these contracts that ISO-NE provided in its compliance filing do not provide sufficient information for us to determine whether the contracts at issue meet all the conditions of Order No.

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[1] *Wholesale Competition in Regions with Organized Electric Markets*, Order No. 719, 73 *Fed. Reg.* 64100 (October 28, 2008), FERC Stats. & Regs. ¶ 31,281 (2008) ("Order No. 719").

[2] May 28, 2010 Order on Compliance Filings, 131 FERC ¶ 61,194 (2010) ("May 28, 2010 Order")

719-A."[3] The Commission stated that ISO-NE must "consult with its external MMU to verify that the contracts at issue comply with the requirements of Order No. 719-A," and directed ISO-NE to make a compliance filing that "demonstrates that the contracts at issue meet the requirements of Order No. 719-A" (the "ISO-NE Compliance Filing").[4]

8. In my capacity as President of Potomac Economics, I am providing this affidavit in support of the ISO-NE Compliance Filing in response to the May 28, 2010 Order, in order to explain the manner in which the contracts between Potomac Economics and certain affiliates of ISO-NE market participants comply with the requirements of Order No. 719-A.

II. The Order No. 719-A Requirements Regarding Market Monitor Engagements with RTO/ISO Market Participants.

9. In Order No. 719, the Commission enumerated a number of ethics standard with which market monitors for RTOs and ISOs must comply. These standards included a prohibition on a market monitor for an RTO or ISO entering into an engagement to provide market monitoring services for a market participant in that RTO or ISO.[5]

10. In Order No. 719-A, in response to a request for rehearing by Potomac Economics, the Commission stated that it would permit a market monitor for an

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[3] May 28, 2010 Order at PP 22-23

[4] May 28, 2010 Order at P 23.

[5] Order No. 719 at P 385.

RTO or ISO to enter into market monitoring engagements with market participants operating within the RTO or ISO so long as three conditions are met: (1) the relationship between the entity and the MMU and the MMU's scope of work for the entity are both mandated by the Commission in an order on the merits, (2) the contract is filed with the Commission for review and approval, and (3) the contract contains a provision that the entity must notify the Commission of any intention to terminate MMU employment.[6] The Commission also stated that these conditions would not apply in two circumstances: (a) if the market monitor enters into a contract to oversee the activities of a market participant that operates wholly outside of the RTO or ISO that the market monitor oversees, and (b) if the market monitor enters into a contract with a market participant that engages in activities both inside and outside the RTO/ISO that the market monitor oversees, and the market monitor only oversees the market participant's activities outside of that RTO/ISO.[7]

III. The Potomac Economics Contracts with Affiliates of ISO-NE Market Participants

11. As ISO-NE indicated in its Order No. 719 compliance filing,[8] Potomac Economics provides independent monitoring services to following affiliates of market participants in the ISO-NE-administered New England Markets:

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[6] Order No. 719-A at P 164.

[7] *Id.* at n.228.

[8] *ISO New England Inc. and New England Power Pool*, Compliance Filing in Response to Order No. 719, Docket No. ER09-1051-000 (filed April 28, 2009) at pp. 80-83.

- Potomac Economics provides independent monitoring services to Duke Energy relating to the entity's operation of a transmission system outside ISO-NE's Control Area. Potomac Economics' services generally involve monitoring to detect anti-competitive conduct by entities associated with the operation of the transmission system, pursuant to a FERC-approved monitoring plan. The Duke Energy is an affiliate of Duke Energy Ohio Inc., CinCap IV, LLC, CinCap Y, LLC, Cinergy Capital & Trading, Inc. and Cinergy Services Inc., all of which are Market Participants in the New England Markets.

- Potomac Economics provides independent monitoring services to an Entergy Services, Inc. Potomac Economics' services generally involve monitoring Entergy's power procurements for its LSE operations in areas outside the New England Control Area, pursuant to a FERC-approved monitoring plan. The Entergy entity is an affiliate of Entergy Nuclear Power Marketing LLC, which is a Market Participant in the New England Markets.

12. I have reviewed the most recent list of participants and affiliates and confirm that these are the only two affiliates of market participants to which Potomac Economics provides independent monitoring services. Potomac Economics does not provide independent monitoring services directly to any market participant regarding their activities in the ISO-NE-administered New England Markets.

13. The contract between Potomac Economics and Duke is for independent monitoring services in the Midatlantic region. This territory is wholly outside of the New England Control Area in which ISO-NE administers the New England Markets and operates the New England transmission system, and Potomac Economics does not provide these same services within the New England Control Area, either to Duke, any of its affiliates, or any other ISO-NE market participant. Accordingly, the Potomac Economics engagement with Duke qualifies for the second exception (listed as (b) above in Paragraph 10) to the Order No. 719-A requirement that the three above-listed conditions be met (listed as (1) – (3) above

in Paragraph 10) if a market monitor of an RTO or ISO is to provide market monitoring services to a market participant in that RTO or ISO.

14. The contract between Potomac Economics and Entergy is for independent monitoring of Entergy's power procurements in the Southeast region. This territory is wholly outside of the New England Control Area in which ISO-NE administers the New England Markets and operates the New England transmission system, and Potomac Economics does not provide these same services within the New England Control Area, either to Entergy, any of its affiliates, or any other ISO-NE market participant. Accordingly, the Potomac Economics engagement with Entergy qualifies for the second exception (listed as (b) above in Paragraph 10) to the Order No. 719-A requirement that the three above-listed conditions be met (listed as (1) – (3) above in Paragraph 10) if a market monitor of an RTO or ISO is to provide market monitoring services to a market participant in that RTO or ISO.

15. This concludes my affidavit.

ATTESTATION

I am the witness identified in the foregoing Affidavit of David B. Patton, Ph.D. dated July 25, 2010 (the "Affidavit"). I have read the Affidavit and am familiar with its contents. The facts set forth therein are true to the best of my knowledge, information, and belief.

David B. Patton

July 25, 2010

Subscribed and sworn to before me

this 26 day of July, 2010

Notary Public

MATTHEW JAMES CARRIER
Notary Public
City/County of Fairfax
Commonwealth of Virginia
Notary registration number - 7233763
My commission expires - Nov. 30, 2013

My commission expires: 11/30/13

Attachment 4

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