



June 23, 2010

The Honorable Kimberly D. Bose, Secretary
The Honorable Nathaniel J. Davis, Deputy Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

RE: **ISO New England Inc. and New England Power Pool, Market Rule 1
Revisions Relating to Meter Data Error Correction Request Process; Docket
No. ER10- -000**

Waiver Requested for 60 Day Notice Period

Dear Secretary Bose and Deputy Secretary Davis:

Pursuant to Section 205 of the Federal Power Act (“Section 205”),¹ ISO New England Inc. (the “ISO”) and the New England Power Pool (“NEPOOL”) Participants Committee² (together, the “Filing Parties”) hereby jointly submit an original and five copies of this transmittal letter and a revised tariff sheet, and the ISO submits its supporting testimony of Shannon L. Hann, the ISO’s Director of Market Analysis and Settlements (“Hann Testimony”) regarding revisions to the settlement procedures for the Meter Data Error Correction Request process in Section III.3.8 of Market Rule 1 (the “MDEC Request Revisions”).

The market rule revisions filed herein exempt two Forward Capacity Market (“FCM”)-related settlement inputs from the resettlement processes in Section III.3.8, in order to avoid creating significant and extended uncertainty for Market Participants as to the final charges and credits relating to these two inputs in the FCM. Specifically, the MDEC Request Revisions provide that Market Participant requests to correct meter data

¹ 16 U.S.C. § 824d (2006 and Supp. II 2009).

² Capitalized terms used but not defined in this filing are intended to have the meaning given to such terms in the ISO New England Inc. Transmission, Markets and Services Tariff, FERC Electric Tariff No. 3 (“ISO Tariff”), the Second Restated New England Power Pool Agreement, and the Participants Agreement. Market Rule 1 is Section III of the ISO Tariff.

errors under Section III.3.8 of Market Rule 1, a process that is carried out after the normal settlement procedures are completed, will not result in changes to the Peak Energy Rents (“PER”) adjustment values (or inputs thereto) or the Demand Resource Seasonal Peak Hours values. These two items are intermediate calculations used in the determination of adjustments to payments in the Forward Capacity Market.

In order to have the MDEC Request Revisions effective in time for completing the first billing cycle for the FCM for the month of June 2010, the Filing Parties request waiver of the sixty-day prior notice requirement in order to allow the MDEC Request Revisions to become effective June 24, 2010, which is one day after the date of this filing. The Filing Parties do not request an expedited comment date or order. The Filing Parties are making this filing on the day of NEPOOL’s vote to support these market rule revisions.

The request for waiver of the sixty-day notice period is addressed in Section V of this transmittal letter.

I. DESCRIPTION OF THE FILING PARTIES; COMMUNICATIONS

The ISO is the private, non-profit entity that serves as the regional transmission organization (“RTO”) for New England. The ISO operates the New England bulk power system and administers New England’s organized wholesale electricity market pursuant to the ISO Tariff and the Transmission Operating Agreement with the New England transmission owners. In its capacity as an RTO, the ISO also has the objective to assure that the bulk power supply system within the New England Control Area conforms to proper standards of reliability as established by the Northeast Power Coordinating Council and the North American Electric Reliability Corporation.

NEPOOL is a voluntary association organized in 1971 pursuant to the New England Power Pool Agreement, and it has grown to include more than 430 members. The Participants include all of the electric utilities rendering or receiving services under the ISO Tariff, as well as independent power generators, marketers, load aggregators, brokers, consumer-owned utility systems, demand response providers, developers, end users and a merchant transmission provider. Pursuant to revised governance provisions accepted by the Commission in *ISO New England Inc. et al.*, 109 FERC ¶ 61,147 (2004), the Participants act through the NEPOOL Participants Committee. The Participants Committee is authorized by Section 6.1 of the Second Restated NEPOOL Agreement and Section 8.1.3(c) of the Participants Agreement to represent NEPOOL in proceedings before the Commission. Pursuant to Section 2.2 of the Participants Agreement, “NEPOOL provide[s] the sole Participant Process for advisory voting on ISO matters and the selection of ISO Board members, except for input from state regulatory authorities and as otherwise may be provided in the [ISO] Tariff, [Transmission Operating Agreement] and the Market Participant Services Agreement included in the [ISO] Tariff.”

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All correspondence and communications in this proceeding should be addressed to the undersigned for the ISO and NEPOOL as follows:

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II. STANDARD OF REVIEW

The instant revisions are submitted pursuant to Section 205 of the Federal Power Act, which “gives a utility the right to file rates and terms for services rendered with its assets.”⁴ Under Section 205, the Commission “plays ‘an essentially passive and reactive’ role”⁵ whereby it “can reject [a filing] only if it finds that the changes proposed by the public utility are not ‘just and reasonable.’”⁶ The Commission limits this inquiry “into whether the rates proposed by a utility are reasonable -- and [this inquiry does not] extend to determining whether a proposed rate schedule is more or less reasonable than

³ Due to the joint nature of this filing, the Filing Parties respectfully request a waiver of Section 385.203 of the Commission’s regulations to allow the inclusion of more than two persons on the service list in this proceeding.

⁴ *Atlantic City Elec. Co. v. FERC*, 295 F.3d 1, 9 (D.C. Cir. 2002).

⁵ *Id.* at 10 (quoting *City of Winnfield v. FERC*, 744 F.2d 871, 876 (D.C. Cir. 1984)).

⁶ *Id.*

alternative rate designs.”⁷ The revision “need not be the only reasonable methodology, or even the most accurate.”⁸ As a result, even if an intervenor or the Commission develops an alternative proposal, the Commission must accept this Section 205 filing if it is just and reasonable.⁹

III. MARKET RULE 1 MODIFICATIONS

The MDEC Request process is an extended meter data error correction process that can result in revisions to monthly bills approximately ten months after they are initially issued.¹⁰ The MDEC Request Revisions exempt recalculation of the PER adjustment value and the Demand Resource Seasonal Peak Hours value (both inputs into the determination of charges and credits in the FCM) that would otherwise result from changes in meter data submitted via an MDEC Request. Exempting revisions to the PER adjustment and Demand Resource Seasonal Peak Hours values as the result of an MDEC Request avoids (1) increasing significantly the administrative burden for Market Participants in tracking potential resettlements for a large number of months, (2) and increasing uncertainty as to settlements finality.

A. The Meter Data Error Correction Request Process

The ISO issues initial billing statements for energy and ancillary services each week; initial billing statements for capacity and other monthly charges are issued each month.¹¹ The monthly billing statement for July 2010 will include the FCM charges and credits for the first month of the 2010-2011 Capacity Commitment Period, which is the first Capacity Commitment Period of New England’s FCM.

After the conclusion of each calendar month, a 101-day Data Reconciliation Process period commences, where meter data and certain bilateral contracts can be revised and resubmitted to the ISO for resettlement.¹² Following the completion of the Data Reconciliation Process, a final bill for all services is issued approximately five

⁷ *City of Bethany v. FERC*, 727 F.2d 1131, 1136 (D.C. Cir. 1984).

⁸ *Oxy USA, Inc. v. FERC*, 64 F.3d 679, 692 (D.C. Cir. 1995).

⁹ *Cf. Southern California Edison Co., et al.*, 73 FERC ¶ 61,219 at 61,608 n.73 (1995) (“Having found the Plan to be just and reasonable, there is no need to consider in any detail the alternative plans proposed by the Joint Protesters.” (*citing City of Bethany*, 727 F.2d at 1136)).

¹⁰ *See* Market Rule 1, Section III.3.8.

¹¹ *See* Section I of the ISO Tariff, General Terms and Conditions, Exhibit 1D – ISO New England Billing Policy at Section 2.

¹² *See* Market Rule 1, Section III.3.6.

months after the month or week in which the services were rendered. For example, the final bill for services provided in January 2010 was issued on June 14, 2010.

When a Market Participant finds an error with meter data but cannot submit revised meter data in time for inclusion in the 101-day Data Reconciliation Process, a request to correct the error may be submitted under Section III.3.8 of Market Rule 1, which is the Meter Data Error Correction Request (“MDEC Request”) process. This request must meet the criteria specified in Section III.3.8 and must be submitted to the ISO within 30 days of the issuance of the final bill. An MDEC Request initiates a reprocessing period, where meter data and bilateral contracts related to the assets that are the subject of the MDEC Request can be revised and resubmitted to the ISO. A final bill for all energy, ancillary, capacity and other monthly charges is issued eleven months after the calendar month that was reprocessed pursuant to the MDEC Request. For example, an MDEC Request resettlement for January 2010 would be included in the bill issued on December 13, 2010.

B. The PER Adjustment and Demand Resource Seasonal Peak Hours Values

The MDEC Request Revisions exempt the PER adjustment value and the Demand Resource Seasonal Peak Hours value from adjustments resulting from an MDEC Request. These two values are both inputs into the determination of charges and credits in the FCM, and are potentially impacted by changes to meter data. Therefore, without the exemption filed herein these values are subject to possible adjustment as the result of an MDEC Request. The Filing Parties are submitting the revisions to exempt these adjustments from the MDEC Request resettlement process because, absent this exemption, including these adjustments in MDEC Request resettlements would disrupt the finality of credits and charges for Market Participants with little gain, and would significantly increase the administrative burden associated with accounting for the meter data changes caused by the MDEC Request with respect to the PER value and Demand Resource Seasonal Peak Hours value.

1. Peak Energy Rent Adjustment

The PER adjustment results in a reduction to the FCM payments made to certain Market Participants to reflect an assumed energy margin during high-priced hours in the energy market.¹³ It is designed to “act as both [a] disincentive for suppliers to raise prices in the energy market and a hedge for load against energy price spikes.”¹⁴ The PER

¹³ Market Rule 1, Section III.13.7.2.7.1.1.

¹⁴ *Devon Power LLC, et al.*, Explanatory Statement In Support of Settlement Agreement of the Settling Parties and Request for Expedited Consideration and Settlement Agreement Resolving
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adjustment reduces a Market Participant's capacity revenues by an amount related to the Real-Time Locational Marginal Price in the energy market ("LMP") minus the PER Strike Price when the LMP exceeds the PER Strike Price. The PER Strike Price represents a dispatch price slightly higher than the dispatch price of a marginal peaking generating unit in the region.¹⁵

Each hour of a month, the difference between the Real Time LMP and the PER Strike Price is calculated.¹⁶ Any positive differences are then adjusted by an availability factor and a scaling factor to calculate an Hourly PER value.¹⁷ The scaling factor is the ratio of the actual hourly load value to the 50/50 peak load forecast.¹⁸ In lower load, yet higher Real Time LMP hours, the scaling factor reduces the PER contribution of that hour. The numerator of this ratio is calculated based on the hourly meter data submitted to the ISO by Market Participants. The availability factor is set by the market rules at 95%, and represents the availability of the resource based on the characteristics of a PER proxy unit.¹⁹ A Monthly PER Value is then calculated as the sum of all Hourly PER values in the month.²⁰ The monthly value is rolled up into an Average Monthly PER value, which is calculated based on the Monthly PER values from the 12 months prior to the calendar month.²¹ For example, the Average Monthly PER for the June 2010 FCM will be based on the 12 Monthly PER values from the period of June 2009 through May 2010. The Average Monthly PER is multiplied by the MW amount of a resource's Capacity Supply Obligation to determine the PER adjustment value, and this value is subtracted from the capacity credits to determine the gross supply credit for the month.²²

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All Issues, Devon Power LLC, et al., Docket Nos. ER03-563-000, -030, and -055 (filed March 6, 2006), Explanatory Statement at p. 12.

¹⁵ Hann Testimony at p. 4.

¹⁶ Market Rule 1, Section III.13.7.2.7.1.1.1.

¹⁷ Market Rule 1, Section III.13.7.2.7.1.1.1(a).

¹⁸ The scaling factor weights the hourly PER based on actual system load. *See* Market Rule 1, Section III.13.7.2.7.1.1.1(a). High load hours will have a higher weighting than low load hours. More specifically, the scaling factor equals the ratio of actual hourly integrated system load (calculated as the sum of Real-Time Load Obligations for the system as calculated in the settlement of the Real-Time Energy Market and adjusted for losses and including imports delivered in the Real-Time Energy Market) and the 50/50 predicted peak system load reduced appropriately for Demand Resources, used in the most recent calculation of the Installed Capacity Requirement for that Capacity Commitment Period, capped at an hourly ratio of 1.0.

¹⁹ Market Rule 1, Section III.13.7.2.7.1.1.1(a) and (b).

²⁰ Market Rule 1, Section III.13.7.2.7.1.1.2.

²¹ Market Rule 1, Section III.13.7.2.7.1.1.2.

²² Market Rule 1, Section III.13.7.2.7.1.1.2.

If the hourly pool loads change as a result of a revision to meter readings, the PER value calculated for the relevant hour would reflect these changes.²³ More specifically, if the pool load changes when an Hourly PER was calculated, then the scaling factor used in the PER calculation (hourly load divided by the 50/50 peak forecast) would be modified to reflect the revised value. This could happen during either the Data Reconciliation Process or, in absence of this rule change, as the result of an MDEC Request.

2. *Demand Resource Seasonal Peak Hours*

During Demand Resource Seasonal Peak Hours, Seasonal Peak Demand Resources are evaluated to determine their performance in the FCM.²⁴ The performance of a Seasonal Peak Demand Resource during Demand Resource Seasonal Peak Hours is reflected in the FCM payments for that resource. To calculate the Demand Resource Seasonal Peak Hours for a seasonal performance month (June-August in the summer; December and January in the winter), each non-holiday weekday hour pool load value is compared to the seasonal 50/50 peak load forecast. If the pool load for that hour is greater than or equal to 90% of the forecast, the hour is deemed a Demand Resource Seasonal Peak Hour.²⁵

The ISO publishes the Demand Resource Seasonal Peak Hours after all hourly meter data have been submitted for a month.²⁶ Participants that own Seasonal Peak Demand Resources are obligated to submit to the ISO hourly interruption values for these passive demand resources for each of the peak hours, which are then used in calculating the monthly incentive/penalty adjustment to the capacity payment of the Demand Resource.²⁷ The average interruption values for the three months of June-August are used to calculate the adjustment for the other five summer demand response months (September, October, November, April and May), and the average interruption values for the months of December and January are used to calculate the payment adjustment for the other two winter demand response months (February and March).²⁸

²³ Hann Testimony at p. 6.

²⁴ Hann Testimony at p. 5.

²⁵ See the definition of Demand Resource Seasonal Peak Hours, ISO Tariff, Section I – General Terms and Conditions, Section I.2.2.

²⁶ Hann Testimony at p. 9.

²⁷ *Id.*

²⁸ Market Rule 1, Section III.13.7.1.5.5.

Changes to hourly load data during the Data Reconciliation Process or as the result of an MDEC Request could result in shifts in the Demand Resource Seasonal Peak Hours for a given month.²⁹

C. Exempting the PER Adjustment and Demand Resource Seasonal Peak Hours Values from MDEC Request Resettlements

The MDEC Request Revisions exempt the recalculation of the PER adjustment value and the Demand Resource Seasonal Peak Hours value that would otherwise result from changes in meter data submitted via an MDEC Request. Under the revised rule language, when a Market Participant submits revisions to meter data for resettlement utilizing the MDEC Request process, these meter data revisions will not be used to revise hourly or monthly PER values or Demand Resource Seasonal Peak Hours values. As a result, the last opportunity to submit meter data to revise the PER adjustment values or Demand Resource Seasonal Peak Hours values will be through the 101-day Data Reconciliation process.

These revisions are just and reasonable because they eliminate a significant administrative burden associated with tracking the adjustments to these values for the extended time period, and alleviate the need for Market Participants to leave open their financial accounts for potential adjustment for up to a year after the month for which the settlement was initially performed. This burden is not justified given the relatively minor impact that an MDEC Request would otherwise have on these values.

1. Peak Energy Rent Adjustment

Given the manner in which PER values are calculated, the possible number of resettlements resulting from MDEC Request revisions would place a large administrative burden on Market Participants' "back office" operations.³⁰ As explained above, the PER adjustment is calculated based on a 12-month rolling average of monthly PER values, which are in turn calculated from hourly values. If an MDEC Request results in a change to an Hourly PER value, then the Average Monthly PER values will be impacted for multiple months, and will result in billing adjustments for a large number of months for which final bills had already been issued.³¹ The processing of an MDEC Request will not

²⁹ Hann Testimony at pp. 6-7.

³⁰ See Hann Testimony at pp. 7-9.

³¹ Hann Testimony at pp. 7-8. For example, an MDEC Request for January 2011 would be billed in December 2011. As of December 2011, when the January 2011 MDEC Request bill would be issued, final bills for the months of February, March, April, May and June 2011 would have been issued. More specifically, in this example, if the PER calculations are not exempted from adjustments resulting from an MDEC Request, the bill issued in December 2011 would contain re-billing for the following monthly FCM settlements: November 2011 initial settlement, July

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necessarily change a PER value, because an MDEC Request may simply shift the responsibility for a load value from one party to another. Thus, Market Participants would have no certainty that an MDEC Request will (or will not) impact the settlement for a particular month until the request is ultimately settled and billed by the ISO.³²

Owing to the nature of the PER calculation itself, where one component of the scaling factor can be impacted by a shift in a total peak load value, the ISO expects that the magnitude of the financial impact of these changes would be very small.³³ A change in total pool load values resulting from an MDEC Request revision impacts only the hourly pool load value, which makes up the numerator of one part of the scaling mechanism for the PER calculation. Since the hourly pool load value is divided by the 50/50 peak load forecast³⁴ the change to the hourly pool load value would need to be material to have an impact in the hour. The impact is further reduced because the PER value used in the settlement is the average of 12 months. An analysis performed by the ISO indicates that over 99% of the hourly changes from MDEC Request changes received during the 12-month period from April 2009 through March 2010 have been less than 10 MW, and would have had a de minimis impact on the PER value. Based on the result of the analysis, the ISO expects that the magnitude of the financial impact of the changes in PER values resulting from an MDEC request would be very small.³⁵

Given the relatively small magnitude of financial impact resulting from the MDEC Request resettlements, the Filing Parties believe it is just and reasonable to avoid the increased administrative burden and the increased uncertainty regarding billing finality by exempting the PER adjustment from further revision pursuant to an MDEC Request.

2. *Demand Resource Seasonal Peak Hours*

The addition or deletion of a Demand Resource Seasonal Peak Hour in any one of the five seasonal performance months for Demand Resources would result in a new

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2011 final settlement, January 2011 MDEC Request settlement, and revised settlement for the FCM for February, March, April, May and June 2011. If an MDEC Request for February 2011 also resulted in an adjustment to an Hourly PER value, then the ISO bill issued in January 2012 would result in another set of revised settlements for March, April, May and June, and a first new revised settlement for July 2011.

³² Hann Testimony at pp. 7-8.

³³ Hann Testimony at pp. 8-9.

³⁴ See fn. 18.

³⁵ Hann Testimony at pp. 8-9.

calculation of performance values for the Demand Resource. This new calculation would impact multiple months.³⁶ For example, as noted above, an MDEC Request for January 2011 would be processed for the bill issued 11 months later, in December 2011. If the Demand Resource Seasonal Peak Hours change for January 2011 as a result of meter data revisions in an MDEC Request, this change would impact capacity credits and charges for January, February and March 2011. Similarly, the number of impacted bills increases for a peak hour revision in the period of June through August, because the Demand Resource Seasonal Peak Hours values for these three months are used in the other five summer months.³⁷

Allowing revisions to Demand Resource Seasonal Peak Hours as the result of an MDEC Request has the potential to impose significant administrative burdens on Market Participants for tracking the billing revision schedule, as well as billing uncertainty regarding whether an MDEC Request would result in any changes in the settlement for the relevant months.³⁸ In addition, revising Demand Resource Seasonal Peak Hours through the MDEC Request process could require new hourly performance data submittals for Demand Resources almost a year after charges and credits for the performance month are initially billed. This would impose burdensome data retention and reporting requirements on Market Participants with Seasonal Peak Demand Resources, as they would need to retain all data in the event of a change in the Demand Resources Seasonal Peak Hours close to one year after the Obligation Month has passed.³⁹

At the same time, the likelihood that a change in load submitted via an MDEC Request will result in a change in Demand Resource Seasonal Peak Hours is relatively small.⁴⁰ A change in load may affect the Demand Resource Seasonal Peak Hours (*i.e.*, addition and/or deletion of an hour) for a given month in the event the real-time load value is close to the 90% threshold used in calculating Demand Resource Seasonal Peak Hours values and the change in load is significant. For example, a shift of .005 in the 50/50 peak load for 2009 would be 139 MW. During the 2009 peak months of June, July and August, the load was within plus/minus 139 MW of the 90% threshold in only 17 hours.⁴¹

³⁶ Hann Testimony at p. 10.

³⁷ *Id.*

³⁸ Hann Testimony at p. 10.

³⁹ Hann Testimony at p. 10-11.

⁴⁰ Hann Testimony at p. 11.

⁴¹ *Id.*

Given the relatively small chance that a change to meter data resulting from an MDEC Request would result in a shift in Demand Resource Seasonal Peak Hours, the Filing Parties believe that it is just and reasonable to preclude these administrative burdens and uncertainty in the billing finality by excluding the Demand Response Seasonal Peak Hour determination from the MDEC Request revision process.

IV. STAKEHOLDER PROCESS

At its June 8-9 meeting, the NEPOOL Markets Committee voted unanimously to recommend the MDEC Request Revisions to the NEPOOL Participants Committee. At its June 22-23 meeting, the NEPOOL Participants Committee voted unanimously to support the MDEC Request Revisions as part of its Consent Agenda.⁴²

V. REQUESTED EFFECTIVE DATE AND REQUEST FOR WAIVER

Pursuant to Section 35.11 of the Commission's rules and regulations, 18 C.F.R. § 35.11, the Filing Parties request waiver of the sixty-day notice requirement, so that the MDEC Request Revisions may become effective June 24, 2010, which is one day after the date of this filing. The Filing Parties are not requesting an expedited order or shortened comment period for the MDEC Request Revisions. The Filing Parties are making this filing on the day of NEPOOL's vote to support the MDEC Request Revisions.

Good cause exists to grant the requested waiver of the sixty-day notice requirement, and indeed the June 24 effective date responds to requests from some stakeholders for immediate implementation of the MDEC Request Revisions. The PER adjustment and Demand Resource Seasonal Peak Hours values are both inputs into the monthly settlement for the FCM. The settlement calculations for June 2010, which is the first month of the first Capacity Commitment Period of the FCM, will be performed in late June and early July 2010. The initial bill for the June charges and credits will be issued to Market Participants on July 12, 2010. Having the MDEC Request Revisions in effect in time for completion of the June 2010 settlement will permit the ISO to exclude any potential revisions to hourly and monthly PER values resulting from MDEC Requests that impact the monthly inputs into the PER calculation. In addition, during stakeholder discussions on the MDEC Request Revisions, a request was made that the

⁴² 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 Committee's approval of the June 22-23, 2010 Consent Agenda included its support for the MDEC Request Revisions.

ISO consider finding a way to implement the revisions in time to avoid the need for creating two sets of accounting and billing procedures: one for months before the MDEC Request Revisions go into effect and one for months after the MDEC Request Revisions go into effect. Making the revisions effective in time for the settlement of the June 2010 FCM charges and credits would allow the ISO and Market Participants to avoid the need for a separate set of accounting and billing procedures for the months prior to the effectiveness of the revisions.

As noted above, the Filing Parties are not requesting an expedited order or shortened comment period for the MDEC Request Revisions. The ISO is able to complete the June 2010 settlement utilizing the exemptions submitted herein. In the event the Commission does not accept the MDEC Request Revisions, the ISO can utilize its normal resettlement process, the 101-day Data Reconciliation Process, to reverse any impacts of relying upon the MDEC Request exemptions.

VI. ADDITIONAL SUPPORTING INFORMATION

Section 35.13 of the Commission's regulations generally requires public utilities to file certain cost and other information related to an examination of traditional cost-of-service rates. However, the MDEC Request Revisions do not modify a traditional "rate" and the ISO is not a traditional investor-owned utility. Therefore, to the extent necessary, the Filing Parties request waiver of Section 35.13 of the Commission's regulations.⁴³ Notwithstanding its request for waiver, the Filing Parties submit the following additional information in substantial compliance with relevant provisions of Section 35.13 of the Commission's regulations:

35.13(b)(1) – Materials included herewith are as follows:

- ◆ This transmittal letter;
- ◆ Attachment 1: Redlined Tariff Sheets reflecting the MDEC Request Revisions;
- ◆ Attachment 2: Clean Tariff Sheets reflecting the MDEC Request Revisions;
- ◆ Attachment 3: Testimony of Shannon L. Hann, which is solely sponsored by the ISO;⁴⁴ and

⁴³ 18 C.F.R. § 35.13 (2009).

⁴⁴ Due to the exigency of this filing, the affidavit is being filed with a faxed signature page. The original will be supplied to the Commission tomorrow.

- ♦ 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.

35.13(b)(2) – As set forth in Section V above, the Filing Parties request that the revisions become effective on June 24, 2010.

35.13(b)(3) – Pursuant to Section 17.11(e) of the Participants Agreement, Governance Participants are being served electronically rather than by paper copy. The names and addresses of the Governance Participants are posted on the ISO's website at http://www.iso-ne.com/regulatory/ferc/nepool/gov_prtcpts_eserved.pdf. A paper copy of this transmittal letter and the accompanying materials have also been sent to the governors and electric utility regulatory agencies for the six New England states that comprise the New England Control Area, and to NECPUC. The names and addresses of these governors and regulatory agencies are shown in Attachment 4. In accordance with Commission rules and practice, there is no need for the Governance Participants or the entities identified on Attachment 4 to be included on the Commission's official service list in the captioned proceeding unless such entities become intervenors in this proceeding.

35.13(b)(4) – A description of the materials submitted pursuant to this filing is contained in Sectiona III and VI of this transmittal letter.

35.13(b)(5) – The reasons for this filing are discussed in Section III of this transmittal letter.

35.13(b)(6) – The ISO's approval of the MDEC Request Revisions is evidenced by this filing. These changes reflect the results of the Participant Processes required by the Participants Agreement and reflect the unanimous support of the Participants Committee.

35.13(b)(7) – Neither the ISO nor NEPOOL has knowledge of any relevant expenses or costs of service that have been alleged or judged in any administrative or judicial proceeding to be illegal, duplicative, or unnecessary costs that are demonstrably the product of discriminatory employment practices.

35.13(b)(8) – A form of notice and electronic media are no longer required for filings in light of the Commission's Combined Notice of Filings notice methodology.

35.13(c)(1) – The MDEC Request Revisions do not modify a traditional "rate," and the statement required under this Commission regulation is not applicable to the instant filing.

35.13(c)(2) – The ISO does not provide services under other rate schedules that are similar to the wholesale, resale and transmission services it provides under the Tariff.

35.13(c)(3) - No specifically assignable facilities have been or will be installed or modified in connection with the revisions filed herein.

VII. CONCLUSION

Adoption of the MDEC Request Revisions will avoid increasing administrative burdens for Market Participants pertaining to billing and accounting, avoid increasing uncertainty regarding billing finality, and avoid extending the billing cycle. At the same time, exempting the PER adjustment and Demand Resource Seasonal Peak Hours from the MDEC Request process will not have a significant financial impact to Market Participants. For these reasons, the MDEC Request Revisions are just and reasonable. The ISO and NEPOOL request that the Commission accept this filing effective on June 24, 2010, without modification or condition.

Please acknowledge receipt of the foregoing by date-stamping and returning to our messenger the enclosed extra copies of this filing.

Respectfully submitted,

ISO NEW ENGLAND INC.

By: 

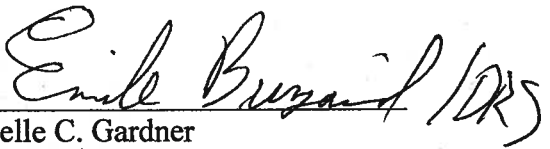
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Attachments

cc : Governance Participants (electronically) and entities listed in Attachment 4

Attachment 1

Meter Readers must notify the ISO prior to the 46th calendar day after the Meter Data Error RBA Submission Limit that the corrected Directly Metered Asset data is acceptable to them in order for the ISO to use the corrected data in the final settlement calculations. The Host Participant Assigned Meter Reader for the Directly Metered Asset is responsible for initiating an e-mail to every affected Host Participant Assigned Meter Reader or Assigned Meter Reader in order to obtain such acceptance and shall coordinate delivery of such acceptance to the ISO. The Host Participant Assigned Meter Reader for the Directly Metered Asset is also responsible for submitting all corrected and agreed upon Directly Metered Asset data to the ISO prior to the 46th calendar day after the Meter Data Error RBA Submission Limit.

- (e) After the submission of corrected meter and internal bilateral transactions data, the ISO will have a minimum of 30 calendar days to administer the final settlement based on that data. Revised data will be used to recalculate all charges and credits, except that revised data will not be used to recalculate the PER Adjustment, including the Hourly PER and Monthly PER values. Revised data will also not be used to recalculate Demand Resource Seasonal Peak Hours. The results of the final settlement will then be included in the next Invoice containing Non-Hourly Charges (as that term is defined in

Attachment 2

Meter Readers must notify the ISO prior to the 46th calendar day after the Meter Data Error RBA Submission Limit that the corrected Directly Metered Asset data is acceptable to them in order for the ISO to use the corrected data in the final settlement calculations. The Host Participant Assigned Meter Reader for the Directly Metered Asset is responsible for initiating an e-mail to every affected Host Participant Assigned Meter Reader or Assigned Meter Reader in order to obtain such acceptance and shall coordinate delivery of such acceptance to the ISO. The Host Participant Assigned Meter Reader for the Directly Metered Asset is also responsible for submitting all corrected and agreed upon Directly Metered Asset data to the ISO prior to the 46th calendar day after the Meter Data Error RBA Submission Limit.

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Attachment 3

1 UNITED STATES OF AMERICA
2 BEFORE THE
3 FEDERAL ENERGY REGULATORY COMMISSION
4
5
6

7 ISO New England Inc. and) Docket No. ER10-____-000
8 New England Power Pool)
9

10 TESTIMONY OF SHANNON L. HANN
11

12 I. INTRODUCTION

13 *Q: Please state your name, position, and business address.*

14 A: My name is Shannon L. Hann. I am employed by ISO New England Inc. (the “ISO”) as
15 Director of the Market Analysis and Settlements Department. My business address is
16 One Sullivan Road, Holyoke, Massachusetts 01040.
17

18 *Q: What positions have you held at the ISO, what have your responsibilities been, and
19 what are your qualifications?*

20 A: As the Director of the Market Analysis and Settlements Department, my responsibilities
21 include working with other ISO departments and stakeholders to develop new market
22 rules and procedures, to assess the impact of rule changes on the Market Analysis and
23 Settlements Department’s operation, and to coordinate the implementation of market rule
24 changes and business process improvements for the Market Analysis and Settlements
25 Department. Previously, I held the position of Settlement and Finance Project
26 Coordinator responsible for the implementation of New England’s Standard Market

1 Design. I was also the Internal Auditor responsible for the SAS 70 and Interim Market
2 Design audits.

3

4 I hold a Bachelors Degree in Business Administration with a concentration in accounting
5 from the University of Massachusetts. I am a Certified Public Accountant in the state of
6 Massachusetts.

7

8 ***Q: Please describe how your responsibilities relate to the proposed changes to Market***
9 ***Rule 1 regarding market settlement processes.***

10 A: I have oversight of all settlement production activities for the wholesale electricity
11 markets administered by the ISO. The proposed market rule modifications that I discuss
12 in this testimony pertain to charges and credits and billing processes when errors in meter
13 data are discovered following the issuance of final invoices for Forward Capacity Market
14 charges and credits.

15

16 **II. PURPOSE AND SUMMARY OF TESTIMONY**

17 ***Q: Please provide an overview of your testimony.***

18 A: My testimony supports revisions to Market Rule 1 to exempt certain Forward Capacity
19 Market billing inputs from the rebilling processes in Section III.3.8 of Market Rule 1.
20 Section III.3.8 addresses a category of billing adjustments that is specific to errors with
21 meter data found by market participants after the normal data reconciliation process is
22 completed. This category of billing adjustments is referred to as the “Meter Data Error
23 Correction Request” process, or “MDEC Request” process. The MDEC Request process

1 provides an extended opportunity for detecting and resolving errors with meter data.

2 When an error with meter data is detected but cannot be corrected as part of the normal
3 data reconciliation process, the MDEC Request provides an extended opportunity for
4 detecting and resolving those errors, and the ISO resettles and rebills the energy, ancillary
5 service and capacity markets pursuant to an accepted MDEC Request.

6
7 The revisions to the Market Rule proposed here specifically exclude the Peak Energy
8 Rent adjustment and Demand Resource Seasonal Peak Hour determinations from this
9 MDEC Request resettlement process. These two items are intermediate calculations used
10 in the determination of adjustments to payments in the Forward Capacity Market.

11
12 **III. DESCRIPTION AND RATIONALE FOR THE PROPOSED REVISIONS**

13 *Q: Please describe the MDEC Request process in Section III.3.8 of Market Rule 1 and its*
14 *relation to the rest of the ISO's settlement procedures.*

15 A: The ISO issues initial billing statements for energy and ancillary services each week;
16 initial billing statements for capacity and other monthly charges are issued each month.
17 (Effective with the bill issued in July 2010, these monthly bills will include the billings
18 for the Forward Capacity Market). After the conclusion of each calendar month, a 101-
19 day Data Reconciliation Process period takes place, where meter data and certain
20 bilateral contracts can be revised and resubmitted to the ISO for resettlement. A final bill
21 for all services within the calendar month is issued approximately five months later. For
22 example, the final bill for January, 2010 was issued on June 14th, 2010.

23

1 When a Market Participant finds an error with meter data but cannot submit revised meter
2 data in time for inclusion in the 101-day Data Reconciliation Process, an MDEC Request
3 can be submitted. This request must be submitted to the ISO within 30 days of the
4 issuance of the final bill. An MDEC Request which meets the criteria specified in
5 Section III.3.8 initiates a reprocessing period, where meter data and bilateral contracts
6 related to the assets which are the subject of the MDEC Request can be revised and
7 resubmitted to the ISO. A final bill for all energy, ancillary, capacity and other monthly
8 charges is issued eleven months after the calendar month which was reprocessed pursuant
9 to the MDEC Request. For example, an MDEC Request resettlement for January 2010
10 would be included in the bill issued on December 13th, 2010.

11
12 ***Q: What are the Peak Energy Rent Adjustment and Demand Resource Seasonal Peak***
13 ***Hours values that are “settled” by the ISO?***

14 **A:** The Peak Energy Rent (“PER”) adjustment is a reduction to the Forward Capacity
15 Market payments made to generation and import resources to reflect revenues during
16 high priced hours in the Energy market. It is designed to act as both a disincentive for
17 suppliers to raise prices in the energy market and a hedge for load against energy price
18 spikes. The PER adjustment reduces a Market Participant’s capacity revenues when the
19 Real-Time Locational Marginal Price (“LMP”) exceeds the PER Strike Price. The PER
20 Strike Price represents a dispatch price slightly higher than the dispatch price of the
21 marginal peaking generating unit in the region.

1 Demand Resource Seasonal Peak Hours are the hours during which Seasonal Peak
2 Demand Resources are evaluated to determine whether they are meeting their
3 performance obligations in the Forward Capacity Market. The performance of a
4 Seasonal Peak Demand Resource during Demand Resource Seasonal Peak Hours is
5 reflected in the Forward Capacity Market payments for that resource.

6
7 ***Q: How is the PER Adjustment calculated?***

8 A: Each hour of a month, the difference between the LMP and the PER Strike Price is
9 calculated. Any positive differences are then adjusted by an availability factor and a
10 scaling factor to calculate an Hourly PER value. The scaling factor is the ratio of the
11 actual hourly load value to the 50/50 peak load forecast. The numerator of this ratio is
12 calculated based on the hourly meter data submitted to the ISO by the market
13 participants. The availability factor is set by the market rules at 95%, and represents the
14 availability of the resource determined based on the characteristics of a PER proxy unit.
15 A Monthly PER Value is then calculated as the sum of all Hourly PER values in the
16 month. The monthly value is rolled up into an Average Monthly PER value, which is
17 calculated based on the Monthly PER values from the 12 months prior to the calendar
18 month. For example, the Average Monthly PER for the June 2010 Forward Capacity
19 Market will be based on the 12 Monthly PER values from the period of June 2009
20 through May 2010; the Average Monthly PER for the July 2010 Forward Capacity
21 Market will be calculated from the 12 Monthly PER values in the period of July 2009
22 through June 2010.

23

1 The Average Monthly PER is multiplied by the MW amount of a resource's Capacity
2 Supply Obligation to determine the PER adjustment value, and this value is subtracted
3 from the capacity credits to determine the gross supply credit for the month. The ISO
4 reports a preliminary PER value to the Participants when the month is initially settled;
5 then a final PER value is reported to the Participants when the final data reconciliation
6 bill is issued five months after the operating month.

7
8 If the hourly pool loads change as a result of the revised meter readings submitted during
9 the data reconciliation process for the preceding months, the PER value will reflect these
10 changes as applicable, i.e. if the pool load changes when an Hourly PER was calculated,
11 then the scaling factor used in the PER calculation (hourly load divided by 50/50 peak
12 forecast) will be modified to reflect the revised value. This could happen during either
13 the Data Reconciliation Process or, in absence of the proposed rule change, as the result
14 of an MDEC Request.

15
16 ***Q: How is the Demand Resource Seasonal Peak Hours value calculated?***

17 **A:** During the applicable season's performance months (June-August in the summer;
18 December and January in the winter), each non-holiday weekday hour pool load is
19 compared to the seasonal 50/50 peak load forecast. If the pool load for that hour is
20 greater than or equal to 90% of the forecast, the hour is deemed a Demand Resource
21 Seasonal Peak Hour.

22

1 Changes to hourly load data during the Data Reconciliation Process or as the result of an
2 MDEC Request could result in shifts in the Demand Resource Seasonal Peak Hours for a
3 given month.
4

5 ***Q: Please describe the proposed changes to Section III.3.8 of Market Rule 1.***

6 A: The proposed changes to Section III.3.8 exclude adjustments to the PER adjustment,
7 including the hourly and monthly PER calculations, and adjustments to the Demand
8 Resource Seasonal Peak Hours values using the MDEC Request process. Under the
9 revised rule language, when a Market Participant submits revisions to meter data for
10 resettlement utilizing the MDEC Request process, these revisions will not be used to
11 revise hourly or monthly PER values or Demand Resource Seasonal Peak Hours values.
12 As a result, the last opportunity to submit meter data to revise the PER adjustment values
13 or Demand Resource Seasonal Peak Hours values will be through the 101-day Data
14 Reconciliation process.
15

16 ***Q: Why does the ISO believe it is reasonable and appropriate to exempt the PER***
17 ***Adjustment from the Meter Data Error Correction Request process?***

18 A: The possible number of resettlements resulting from MDEC Request revisions would
19 place a large administrative tracking burden on the Participants' "back office" operations.
20 The Average Monthly PER adjustment is based on a 12 month rolling average. If an
21 MDEC Request results in a change to an Hourly PER value, then the Average Monthly
22 PER will be impacted for multiple months of Forward Capacity Market ("FCM")
23 billings. For example, an MDEC Request for January 2011 would be billed in December

1 2011. Note that as of December 2011, when the January 2011 MDEC Request billing
2 would be issued, the final data reconciliation FCM billing would already have been
3 issued for the months of February, March, April, May and June 2011. Thus, the bill
4 issued in December 2011 would include the following categories of monthly billings:
5 November 2011 initial bills, July 2011 final bills, January 2011 MDEC Request bills, and
6 revised bills for the FCM for February, March, April, May and June 2011. If an MDEC
7 Request for February 2011 also resulted in an adjustment to an Hourly PER value, then
8 the ISO bill issued in January 2012 would then include *another revised set of FCM bills*
9 *for the months of March, April, May and June, plus a first new revised FCM bill* for July
10 2011. Note also that the processing of an MDEC Request will not necessarily change a
11 PER value, because an MDEC Request may simply shift the responsibility for a load
12 value from one party to another, which will not impact the total hourly pool load. Thus,
13 the Participants would have no certainty of what the schedule of FCM revised billings
14 would be when an MDEC Request is accepted for processing for a given month.

15
16 In addition, owing to the nature of the PER calculation itself, where one component of
17 the scaling factor can be impacted by a shift in a total pool load value, the ISO expects
18 that the magnitude of the financial impact of these changes would be very small. A
19 change in total pool load values resulting from an MDEC Request revision impacts only
20 the hourly pool load value, which makes up the numerator of one part of the scaling
21 mechanism for the PER calculation. Since the hourly pool load value is divided by the
22 50/50 peak load forecast, the change to the hourly pool load value would need to be
23 material to have an impact in the hour. The impact is further reduced because the PER

1 value used in the settlement is the average of 12 months and is multiplied by scaling and
2 availability factors. An analysis performed by the ISO indicates that over 99% of the
3 hourly changes from MDEC Requests received during the 12-month period from April
4 2009 through March 2010 were less than 10 MW, and would have had de minimis impact
5 on the PER value. Based on the result of the analysis, the ISO expects that the magnitude
6 of the financial impact of these changes would be very small.

7
8 The ISO believes it is reasonable and appropriate to preclude the administrative burden
9 and avoid increasing the level of billing finality uncertainty inherent in these data
10 revisions by exempting the PER adjustment from further revision pursuant to an MDEC
11 Request.

12
13 ***Q: Why does the ISO believe it is reasonable and appropriate to exempt the Demand***
14 ***Resource Seasonal Peak Hours calculation from the Meter Data Error Correction***
15 ***Request process?***

16 **A:** The ISO publishes the Demand Resource Seasonal Peak Hours after all hourly meter data
17 have been submitted for a month. Lead Market Participants for Seasonal Peak Demand
18 Resources are obligated to submit to the ISO hourly interruption values for these passive
19 demand resources for each of the peak hours. A Resource's Demand Reduction Value
20 ("DRV") is calculated as the average of these interruptions for the month. The DRV is
21 used as the basis of calculating the monthly incentive/penalty adjustment for the FCM
22 payment to the Resource. In addition, the average DRV for the three months of June-
23 August is used to calculate the adjustment for the other 5 summer demand response

1 months in the FCM commitment period; the average DRV for the months of December
2 and January is used to calculate the payment adjustment for the other 2 winter demand
3 response months.

4
5 The addition or deletion of a Demand Resource Seasonal Peak Hour in any of one of the
6 five seasonal performance months would result in a new calculation of DRV. This new
7 calculation would impact multiple months. For example, an MDEC Request for January
8 2011 would be processed for the bill issued 11 months later, in December 2011. If the
9 Demand Resource Seasonal Peak Hours changed in January 2011 as a result of the meter
10 data revisions in the MDEC Request, this change would impact the FCM payments for
11 January, February and March 2011. Note that the number of affected Demand Resource
12 FCM monthly bills increases for a peak hour revision in the period of June through
13 August, as the average DRV for these three months is used in the other five summer
14 months.

15
16 The inclusion of the MDEC Request revisions in the Demand Resource Seasonal Peak
17 Hour has the potential to impose significant administrative burdens on Market
18 Participants for tracking the billing revision schedule, as well as billing uncertainty
19 regarding whether an MDEC Request would result in any changes in the Demand
20 Resource FCM settlements. In addition, the inclusion of MDEC Request revisions could
21 require new data submittals for Demand Resources almost a year after charges and
22 credits for the performance month are initially billed, in the event of the identification of
23 an additional seasonal peak hour as a result of an MDEC Request. This would impose

1 burdensome data retention and reporting requirements on Market Participants with
2 Seasonal Peak Demand Resources, as they would need to retain all data in the event of a
3 change in the Seasonal Peak Hours close to one year after the Obligation Month has
4 passed. The ISO believes that it is reasonable and appropriate to preclude these
5 administrative burdens and uncertainty in the billing finality by excluding the Demand
6 Response Seasonal Peak Hour determination from the MDEC Request revision process.

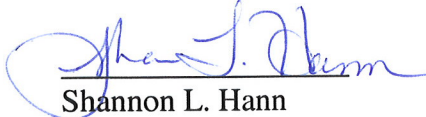
7
8 At the same time, the likelihood that a change in load submitted via an MDEC Request
9 will result in a change in Demand Resource Seasonal Peak Hours is relatively minor. A
10 change in load may affect the Demand Resource Seasonal Peak Hours (*i.e.*, the addition
11 and/or deletion of an hour) for a given month in the event the Real Time load value is
12 close to the 90% threshold used in calculating Demand Resource Seasonal Peak Hours
13 values and the change in load is significant. For example, a shift of .005 in the 50/50
14 peak load for 2009 would be 139 MW. During the 2009 peak months of June, July and
15 August, the load was within plus/minus 139 MW of the 90% threshold in only 17 hours.

16
17 **Q:** *Does this conclude your testimony?*

18 **A:** Yes.

19
20 I declare under penalty of perjury that the foregoing is true and correct.

21 Executed on: 6-23-10

22
23
24 
Shannon L. Hann

Attachment 4

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