

Allocation of Costs Related to Generation Information System

1. Definitions

Capitalized terms not otherwise defined herein have the meanings given to them in the Restated NEPOOL Agreement (including the Restated NEPOOL Open Access Transmission Tariff and the Market Rules and Procedures).

“Attribute Laws” are any statutes, regulations or orders or decisions of courts and governmental agencies in effect in New England requiring (i) the disclosure of the fuel source, emissions and/or other attributes of the generation used in providing electric service to retail customers, (ii) the inclusion of specified amounts of generation with particular attributes in the generation used in providing electric service to retail customers, and/or (iii) that generation falling within specified emission limits be used to serve retail customers. The Attribute Laws as of March 8, 2002 include, but are not necessarily limited to, those set forth on Appendix A hereto. Not all retail load serving entities in a state with an Attribute Law are necessarily subject to that Attribute Law.

“GIS Load” for any GIS Participant is, for any month, the sum of the meter readings in such month for all GIS Load Assets owned by that GIS Participant.

A “GIS Load Asset” is any Load Asset registered with the System Operator which (x) is owned by a Participant that either is subject to an Attribute Law with respect to that specific Load Asset, or (y) is owned by a Participant that supplies power for that Load Asset directly to a non-Participant that is in turn subject to an Attribute Law with respect to that specific Load Asset, or (z) is owned by a Participant that supplies power for that Load Asset directly to a Participant that is in turn subject to an Attribute Law with respect to that specific Load Asset; provided, however, that any GIS Load Asset owned by a Participant that supplies power for that Load Asset directly to a Participant that is in turn subject to an Attribute Law with respect to that specific Load Asset, as described in clause (z) above, shall, for purposes of determining the amount of GIS Costs that are attributable to Participants hereunder, be deemed to be owned by the Participant that is subject to an Attribute Law with respect to that Load Asset. Each Load Asset shall be presumed to be a GIS Load Asset unless it is identified otherwise pursuant to the provisions of section 2 below.

A “GIS Participant” is any Participant that owns one or more GIS Load Asset(s). No Governance Only Member will be deemed to be a GIS Participant.

“GIS Costs” are all of the expenses incurred by NEPOOL in any given month in connection with its generation information system, including without limitation all amounts payable by NEPOOL to the entity or entities that develop, administer, operate and maintain that generation information system and to the project manager for that generation information system.

“Subcommittee” is the NEPOOL Budget and Finance Subcommittee or any other group or committee designated by the Participants Committee to serve the functions of the Subcommittee hereunder.

2. Identification of GIS Load Assets

- a) Every Load Asset will be deemed to be a GIS Load Asset, subject to the allocation and payment procedures described herein, unless the Participant that owns that Load Asset certifies to the Subcommittee, in accordance with this section 2, that such Load Asset is not a GIS Load Asset.
- b) To demonstrate that any Load Asset owned by it is not a GIS Load Asset, on an annual basis and whenever the Subcommittee or the System Operator deems necessary, a Participant shall provide the Subcommittee, either a certification by an officer of that Participant (a “Certification”) or an opinion of counsel to that Participant (an “Opinion”) explaining the specific reason or reasons why such Load Asset is not a GIS Load Asset; provided, however, that the System Operator or the Subcommittee may specifically require a Participant claiming any Load Asset is not a GIS Load Asset to provide either a Certification or an Opinion. Each such Certification or Opinion shall include, for each Load Asset covered thereby, an asset identification number, the state in which the load associated with that Load Asset is situated, and the specific reason why such Load Asset is not a GIS Load Asset. Conclusory statements that a Load Asset is not a GIS Load Asset without an adequate explanation shall not satisfy the requirements of this provision. The Subcommittee shall periodically provide the System Operator with a list of the Load Assets, by asset identification number, which have been demonstrated to the satisfaction of the Subcommittee not to be GIS Load Assets.
- c) Beginning with the month immediately before the first month in which the System Operator begins billing and collecting GIS Costs based on this procedure, the certification or opinion of counsel described in paragraph (b) above must be provided by a Participant to the Subcommittee by the 20th day of the month in order for that Participant to avoid being allocated a portion of the GIS Costs in the following month, and subject to paragraph (d) below, all subsequent months of that same calendar year in which the Participant does not own any GIS Load Assets. Participants that do not own Load Assets are not required to submit an Opinion or Certification. In addition, each Participant that owns a Load Asset and expects not to be charged a portion of the GIS Costs under this procedure shall provide its Certification or Opinion to the Subcommittee by July 20, 2002, if it has not already done so.
- d) Each Participant shall notify the Subcommittee immediately if any Load Asset owned by it becomes a GIS Load Asset as a result of either a change in law or a change in the nature of such Load Asset.

- e) The System Operator will periodically (and no less frequently than annually) publish to all of the Participants and to the utility regulatory agencies in each of the New England states (via the System Operator’s website and/or direct electronic mail) a listing, by asset identification number, owning Participant and state, of all of the GIS Load Assets and all of the Load Assets that are not GIS Load Assets. That listing will also identify the Load Assets that are related solely to station service.
- f) Any Participant may challenge whether a Load Asset is a GIS Load Asset by requesting that the Participants Committee find that such Load Asset is or is not a GIS Load Asset, including in such request the specific reasons for its challenge. Any finding to such effect by the Participants Committee shall be subject to the usual voting and appeal requirements with respect to actions by the Participants Committee.

3. Allocation of Costs to GIS Participants

The amount of GIS Costs being allocated on a GIS Participant’s bill in any month will be based on its GIS Load in the previous month. This monthly allocation of GIS Costs to each GIS Participant (“Participant GIS Cost”) will be calculated as follows:

$$Participant\ GIS\ Cost = GIS\ Costs * \frac{GIS\ Load\ of\ that\ GIS\ Participant}{\sum (GIS\ Loads\ of\ all\ GIS\ Participants)}$$

- b) Except in the case of a potential error made in the allocation of any month’s GIS Costs that is initially identified to the System Operator within 90 days of the initial allocation, the allocation of the GIS Costs among the GIS Participants in any month will be final and not subject to resettlement.
- c) All GIS Costs incurred by NEPOOL and paid by the Participants prior to the effectiveness of the procedure set forth herein, together with interest accrued thereon, will be allocated among the GIS Participants and paid by the GIS Participants to the Participants initially paying such GIS Costs in the first month in which GIS Costs are allocated according to the procedure set forth herein.

Attribute Laws

Connecticut

Conn. Gen. Stat. §16-6c
Conn. Gen. Stat. §16-245a
Conn. Gen. Stat. §16-245p
Conn. Gen. Stat. §22a-174j;
Conn. Agencies Regs. §16-245-5

Maine

Me. Rev. Stat. Ann. §3210
Code Me. R. §65-407-306

Massachusetts

Mass. Gen. L. ch. 25A, §11D
Mass. Gen. L. ch. 25A, §11F
Mass. Gen. L. ch. 111, §142N
Mass. Regs. Code tit. 220, §11.06

New Hampshire

No Attribute Laws at this time

Rhode Island

R.I. Code R. §90 070 004, App., Part F

Vermont

No Attribute Laws at this time