

142 FERC ¶ 61,174
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

March 5, 2013

In Reply Refer To:
ISO New England Inc. and
New England Power Pool
Participants Committee
Docket No. ER13-750-000

ISO New England Inc.
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New England Power Pool Participants Committee
Attn: Sebastian M. Lombardi, Esq.
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Dear Mr. Hamlen and Mr. Lombardi:

1. On January 11, 2013, pursuant to section 205 of the Federal Power Act,¹ ISO New England Inc. (ISO-NE) and the New England Power Pool Participants Committee (together, Filing Parties) proposed to add a new section 3.3(c) to the ISO-NE Information Policy² to permit the sharing of confidential information with another Independent System Operator or Regional Transmission Organization (ISO or RTO), or its Market Monitor (MMU), when the exchange of information is necessary for an investigation. The proposed Tariff provisions permit ISO-NE to share confidential information with the

¹ 16 U.S.C. § 824d (2006).

² The ISO-NE Information Policy is included in Section III, Attachment D of the ISO-NE Transmission, Markets and Services Tariff (Tariff).

ISO or RTO, or its MMU, if the information is requested as part of an investigation into potential market power concerns, Market Violations³ or market design flaws. They also contain provisions to ensure that the requested confidential information is subject to appropriate confidentiality protections when it is in the hands of the requesting party. In addition, the proposed Tariff revisions provide that the ISO-NE MMU shall have access to any confidential information that ISO-NE receives from another ISO or RTO or its MMU, as part of an investigation into potential market power concerns, Market Violations or market design flaws.

2. Filing Parties state that the Tariff revisions implement information sharing provisions that substantially mirror the information sharing requirements filed by the New York Independent System Operator, Inc. (NYISO) in April 2011, which were accepted by the Commission on August 19, 2011.⁴

3. Notice of the Filing Parties' filing was published in the *Federal Register*, 78 Fed. Reg. 4141 (2013), with interventions or protests due on or before February 1, 2013. Timely motions to intervene were submitted by NRG Companies, Exelon Corporation, and Northeast Utilities Service Company. No protest was filed. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2012), the timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding.

4. We will accept the proposed Tariff revisions, to become effective March 13, 2013, as requested, subject to condition. In addressing similar provisions submitted by NYISO, the Commission required NYISO to make a compliance filing to revise its tariff to require that, "if a Requesting Entity is a jurisdictional RTO or ISO, NYISO must also provide the requested information to that entity's MMU [Market Monitoring Unit]."⁵ The Commission added that "the receiving MMU must meet the confidentiality

³ Under the Tariff, a Market Violation is defined as "a tariff violation, violation of a Commission-approved order, rule or regulation, market manipulation, or inappropriate dispatch that creates substantial concerns regarding unnecessary market inefficiencies." See Section I of the Tariff, Section I.2.2 Definitions, 38.0.0.

⁴ *New York Independent System Operator, Inc.*, 136 FERC ¶ 61,116 (2011).

⁵ *Id.* P 24.

requirements and obligations in NYISO's tariff."⁶ Accordingly, we direct ISO-NE to submit a comparable compliance filing within 30 days of the date of this order.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

⁶ *Id.*