

**Notice to Market Participants – Request for Release of Data to NYISO in Docket No. ER11-1844**

Pursuant to the Federal Energy Regulatory Commission's (FERC) orders in Docket No. ER11-1844-002 and 18 C.F.R. § 385.410(c)(6), on March 8, 2012, NYISO requested: (1) access to information regarding firm transmission service requests MISO received between June 1, 2007 and October 1, 2008, seeking transmission service that sourced at NYISO or IESO and sank at PJM, or that sourced at PJM and sank at NYISO or IESO, with a requested duration of one month or longer, and (2) information and data in the custody of MISO's Independent Market Monitor (Potomac Economics) related to the studies and reports relating to Lake Erie Loop Flow that are referenced in NYISO's July 21, 2008 exigent circumstances rate filing in FERC Docket No. ER00-1281, or that were relied upon by Potomac Economics in preparing: a) The "study prepared by the NYISO's Independent Market Advisor" referenced on page 8 of the exigent circumstances filing and (b) The study performed by the NYISO's Independent Market Advisor referenced in Section V.C. of the exigent circumstances filing. *See* NYISO Data Requests 4-1 and 5-1.

Pursuant to a request that MISO's independent market monitor release a redacted version of relevant information with *all market participant-specific data removed*, MISO will make this data available to NYISO and parties that have signed a nondisclosure certificate in the above-captioned proceeding beginning on or about March 22, 2012 in accordance with the provisions contained in Attachment Z and Section 38.9 of the MISO Tariff. Pursuant to the Protective Order adopted by the Presiding Administrative Law Judge (ALJ) on January 23, 2012, MISO intends to have this information treated as Competitively Protected Materials. Any entity that furnished all or part of the data requested may file a motion with the ALJ within five business days of the date of this Notice if they believe these materials or data should not be released or should not be treated as Competitively Protected Materials.

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

Midwest Independent Transmission ) Docket No. ER11-1844-000  
System Operator, Inc. )

**NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.'S  
FOURTH SET OF DATA REQUESTS TO  
MIDWEST INDEPENDENT TRANSMISSION SYSTEM OPERATOR, INC.**

Pursuant to Rule 406 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), 18 C.F.R. § 385.406, the New York Independent System Operator, Inc. (“NYISO”) submits the following Data Requests to Midwest Independent Transmission System Operator, Inc. (“Recipient”). Please provide all written and documentary responses as they become available, and in any case, not later than March 22, 2012. Pursuant to the Discovery Time Standards referenced in the Procedural Order issued in this proceeding, notice of any objections to full compliance with these Data Requests should be given in writing as soon as reasonably possible, but not later than five (5) business days after the receipt of these Data Requests.

NYISO requests that Recipient provide two (2) copies of the data and information specified below, one each to:

Howard H. Shafferman  
Ballard Spahr LLP  
601 13th Street, N.W.  
Suite 1000 South  
Washington, DC 20005  
Tel: (202) 661-2200  
Fax: (202) 661-2299  
E-mail: hhs@ballardspahr.com

Alex M. Schnell  
New York Independent System Operator, Inc.

10 Krey Boulevard  
Rensselaer, NY 12144  
Tel: (518) 356-6000  
Fax: (518) 356-4702  
E-mail: aschnell@nyiso.com

In responding to these requests, please apply the following definitions and instructions:

**DEFINITIONS**

- A. “MISO” or “Recipient” refers to the Recipient of this Data Request, including its employees, agents, consultants, representatives, parent Companies, affiliate Companies, subsidiary Companies, attorneys, officers, directors, and any other person acting on behalf of Recipient or its parent, affiliate or subsidiary Companies.
- B. “Commission” or “FERC” means the Federal Energy Regulatory Commission.
- C. “Communication” means both written and oral communications of any kind, including, without limitation, letters, e-mails, memoranda, telegrams, telexes, presentations, face-to-face meetings, and telephone conversations.
- D. “Company” means any association or formal business entity, including but not limited to a corporation, general partnership, limited partnership, master limited partnership, trust, crown corporation, limited liability company, limited liability partnership or joint venture.
- E. “Data Request” includes interrogatories, data, discovery, and Document requests.
- F. “Detroit Edison” means the Detroit Edison Company, including its employees, agents, consultants, representatives, parent Companies, affiliate Companies, subsidiary Companies, attorneys, officers, directors, and any other person acting on behalf of Detroit Edison Company or its parent, affiliate or subsidiary Companies.
- G. “Documents” refer to all writings and records of every type in Recipient’s possession, control, or custody, including but not limited to: testimony and exhibits, memoranda,

correspondence, letters, email messages, reports (including drafts, preliminary, intermediate, and final reports), surveys, analyses, studies (including economic and market studies), summaries, comparisons, tabulations, spreadsheets, charts, books, pamphlets, photographs, maps, bulletins, corporate or other minutes, notes, diaries, log sheets, ledgers, transcripts, microfilm, microfiche, computer data, computer files, computer tapes, computer inputs, computer outputs and printouts, vouchers, accounting statements, budgets, Workpapers, engineering diagrams (including “one-line” diagrams), mechanical and electrical recordings, telephone and telegraphic communications, speeches, and all other records, written, electrical, mechanical, or otherwise and drafts of any of the above. “Documents” includes copies of Documents, where the originals are not in Recipient’s possession, custody, or control. “Documents” include every copy of a Document that contains handwritten or other notations or that otherwise does not duplicate the original or any other copy. “Documents” also include any attachments or appendices to any Document.

- H. “ERAG” means the Eastern Interconnection Reliability Assessment Group.
- I. “Hydro One” refers to Hydro One Networks, Inc., including its employees, agents, consultants, representatives, parent Companies, affiliate Companies, subsidiary Companies, attorneys, officers, directors, and any other person acting on behalf of Hydro One Networks, Inc. or its parent, affiliate or subsidiary Companies.
- J. “Hydro One PARs” means, collectively, the two phase angle regulating transformers owned by Hydro One Networks, Inc. (“Hydro One”) and located on separate circuits at Lambton, and the phase angle regulating transformer owned by Hydro One and located at Keith.

- K. “IESO” means the Independent Electricity System Operator, including its employees, agents, consultants, representatives, parent Companies, affiliate Companies, subsidiary Companies, attorneys, officers, directors, and any other person acting on behalf of IESO or its parent, affiliate or subsidiary Companies.
- L. “ITC” means International Transmission Company d/b/a *ITC Transmission*, including its employees, agents, consultants, representatives, parent Companies, affiliate Companies, subsidiary Companies, attorneys, officers, directors, and any other person acting on behalf of International Transmission Company or its parent, affiliate or subsidiary Companies.
- M. “Michigan PSC” means the Michigan Public Service Commission, including its chairman, commissioners, employees, agents, consultants, representatives, attorneys, officers, directors and any other person acting on behalf of the Michigan Public Service Commission.
- N. “MI/ON PARs” means, collectively, the Replacement PARs and the Hydro One PARs.
- O. “MISO/ITC Filing” means the filing MISO and ITC submitted to FERC on October 20, 2010 in this proceeding.
- P. “MTEP” means the MISO Transmission Expansion Plan.
- Q. “NYISO” means the New York Independent System Operator, Inc., including its employees, agents, consultants, representatives, attorneys, officers, directors, and any other person acting on behalf of the New York Independent System Operator, Inc.
- R. “Original PAR” means the B3N phase angle regulating transformer installed on the B3N circuit in 2003 that failed that same year.
- S. “PJM” means PJM Interconnection, L.L.C., including its employees, agents, consultants, representatives, parent Companies, affiliate Companies, subsidiary Companies, attorneys,

officers, directors, and any other person acting on behalf of PJM Interconnection, L.L.C. or its parent, affiliate or subsidiary Companies.

- T. “Related To,” “Relating To” or “Relate To” mean in whole or in part constituting, containing, concerning, addressing, discussing, embodying, reflecting, describing, analyzing, identifying, stating, referring to, dealing with, or in any way pertaining to. “Replacement PARs” means the phase angle regulating transformers installed by ITC in series on the B3N circuit, the cost recovery for which is the subject of FERC Docket No. ER11-1844.
- U. “Replacement PARs” means the phase angle regulating transformers installed by ITC in series on the B3N circuit, the cost recovery for which is the subject of FERC Docket No. ER11-1844.
- V. “Workpapers” means all Documents created, used, relied upon, cited, referenced, and/or considered by Recipient and any of Recipient’s witnesses, consultants, or experts, including persons working at such witnesses’, consultants’, and/or experts’ direction in order to prepare, develop or supplement (a) studies, analyses or reports that are the subject of a data request; (b) the initial October 20, 2010 filing in Docket No. ER11-1844, including all of the testimony, exhibits or other attachments submitted therewith; or (c) any later testimony (including all attachments or exhibits to such testimony) submitted on Recipient’s behalf in Docket No. ER11-1844.

## INSTRUCTIONS

- A. These Data Requests are directed to Recipient, including all of its past or present officers, directors, agents, or employees.
- B. These Data Requests require production of all Documents in Recipient's possession, and call for all information, including information contained in Documents, that relate to the subject matter of the Data Requests and that is known or available to Recipient.
- C. Where a Data Request has separate subdivisions or related parts or portions, a complete response is required to each such subdivision, part, or portion. Any objection to a Data Request should clearly indicate the subdivision, part, or portion of the Data Request to which it is directed.
- D. If a Data Request specifically requests an answer in response rather than the production of Documents, an answer is required. The production of Documents will not suffice.
- E. These Data Requests are continuing in nature and require supplemental responses when further or different information with respect to the same is obtained.
- F. Each response should be furnished on a separate page headed by the individual data request being answered.
- G. If a Data Request can be answered in whole or in part by reference to the response to another Data Request served in these proceedings, it is sufficient to do so by specifying the parts of the other response that are responsive, and by specifying whether the response to the other Data Request is a full or partial response to the instant Data Request. If the referenced response to another Data Request

constitutes a partial response, the balance of the instant Data Request must be answered.

- H. If Recipient cannot answer a Data Request in full, after exercising due diligence to secure the information necessary to do so, state the answer to the extent possible, state why Recipient cannot answer the Data Request in full, and state what information or knowledge Recipient has concerning the unanswered portions.
- I. If in answering any of these Data Requests Recipient believes that any Data Request is ambiguous, set forth the language Recipient believes is ambiguous and the interpretation Recipient is using in responding to the Data Request.
- J. If a responsive Document is unavailable, identify the Document, describe in detail the reasons why the Document is unavailable, and state where the Document can be obtained.
- K. If Recipient refuses to respond to a Data Request by reason of a claim of privilege (such as attorney-client privilege or the attorney work product doctrine), or for any other reason, Recipient shall provide a detailed log containing the following information for each Communication or Document:
  - i. Identification of the nature of the privilege asserted;
  - ii. The type of Communication or Document;
  - iii. The subject matter of the Communication or Document;
  - iv. The date of the Communication or Document;
  - v. The author(s) or person(s) present and their title or position;
  - vi. The recipient(s) or person(s) present and their title or position; and



- vii. A detailed, specific explanation as to why the Communication or Document (or portion thereof) is privileged or otherwise immune from discovery. If Recipient claims the attorney-client privilege, the log shall also indicate whether the Communication or Document claimed to be privileged has been communicated or provided to any person other than the attorney and client involved. If the Communication or Document claimed to be privileged has been so communicated or provided, identify such third person(s) by name and relationship to the client and the attorney, and indicate the date of such communication. Where possible, produce the non-privileged portion(s) of the Document or Communication, if the privileged portion of the Document or Communication is capable of being excised, so that the remainder is no longer privileged.
- L. Identify the person who prepared each response and the person who will bear ultimate responsibility for the truth of each response.
- M. If no Document is responsive to a Data Request that calls for a Document or Documents, so state.
- N. Responses to the Data Requests should be submitted as they become available.
- O. If information responsive to a Data Request is available in electronic format, please provide a CD or DVD containing the information in a format that is compatible with Microsoft Excel, Microsoft Word, or Adobe Acrobat. For any files containing formulas or links, please provide the responsive information with all formulas or links intact and enabled.

- P. Unless another time period is specified, all data requests relate to the period beginning with the inception of planning for the Original PARs and ending on July 23, 2012.
- Q. All dates are to be understood as though they were preceded by the phrase “on or about.”
- R. The use of the word “including” shall be deemed to mean “including, but not limited to.”
- S. The use of a word in its singular form shall be deemed to include within its use the plural form as well, and vice versa, wherever necessary to bring within the scope of a Data Request information that might otherwise be construed to be outside its scope.
- T. Each page of any Documents produced should be stamped or otherwise marked with a unique sequential number that includes an alphabetic prefix identifying the party producing the Documents, e.g. “MISO00000001.”
- U. Recipient should provide a data or Excel file which identifies which bates numbers are responsive to which data requests. Alternatively, Recipient may include a field in the database for each record which lists the applicable data request(s).
- V. To the extent that Recipient determines that it will not be able to provide complete responses to all requests within 10 business days after the day on which the Data Request is received, Recipient must object within 5 business days unless the NYISO and Recipient are able to reach agreement on a production schedule prior to the deadline for submitting objections. Recipient’s objection(s) should include

a schedule for the expected completion date for each request that Recipient requires additional time to produce.

- W. Please provide all responses to Data Requests by email whenever possible, and in an electronic form.
- X. MSEXcel, MSPowerPoint, AutoCad and audio files such as “way” or “mp3” should be provided in their native format. A link to the native file should be included in the production database and/or data file.
- Y. Subject to mutual agreement between NYISO and Recipient, all Documents (including paper Documents, electronic Documents, and electronic files) produced will be scanned and delivered in a Concordance 10 database and/or DAT file containing metadata/coded data and text (extracted or OCR), Group IV single page Tiff images and a Concordance Image load file (OPT). The Concordance database/DAT should contain the fields listed below. Please note that fields beginning with “EM” are specific to e-mails; fields beginning with “EMATT” are specific to email attachments; fields beginning with “APP” are specific to application files; and, fields beginning with no prefix are applicable to all file types, including scanned Documents.

<b>FIELD NAME</b>	<b>DESCRIPTION</b>
PRODBEGBATES	Bates number assigned to first page of Documents
PRODEBATES	Bates number assigned to last page of Document
PRODATTBEG	Bates number assigned to first page of first Document in attachment family
PRODATTEND	Bates number assigned to last page of last Document in attachment family
NATIVELINK	Link to native files (required for Excel, PowerPoints, Autocad and audio files)
PAGECOUNT	Number of pages in Document

DOCDATE	Coded date for scanned Documents; Sent Date for Emails or Created Date for Application files; Email attachments must receive the same date as their parent Email
DOCTYPE	Email, Email Attachment or Application or coded Document type for scanned Documents
AUTHOR	name of e-mail sender or author of email attachment or application file; coded author for scanned Documents
RECIPIENT	names of all recipients of e-mail; coded recipient(s) for scanned Documents
CC	names of all people copied on e-mail; coded C23CCs for scanned Documents
BCC	names of all people blind copied on e-mail; coded BCCs for scanned Documents
SUBJECT	Email Subject line or Email Attachment name or Application name; coded Subject/Description for scanned Documents
EMDATESENT	Email sent date
APPCREATED	Application created date
TEXT	Extracted text of email, email attachment or application; OCR'd text for scanned Documents – plain text only

### **DATA REQUESTS**

NYISO/MISO 4-1. For each (i) firm transmission service request (ii) MISO received at any time between June 1, 2007 and October 1, 2008, (iii) seeking transmission service that sourced at NYISO or IESO and sank at PJM, or that sourced at PJM and sank at NYISO or IESO, (iv) with a requested duration of one month or longer, provide the following:

- a. a copy of the transmission service request;
- b. copies of any/all studies (system impact studies, facilities studies, etc.— including draft studies) performed to evaluate each firm transmission service request;
- c. copies of all Communications and Documents Related To performing each of the studies, including but not limited to internal e-mail correspondence, correspondence with the requesting entity, and correspondence with entities that could be impacted by the transmission service request, including other control areas and/or balancing authorities;

- d. copies of all Communications Related To each transmission service request; and
- e. all records and other Documents Relating To each transmission service request and the evaluation thereof.

NYISO/MISO 4-2. Has the NYISO ever participated in MISO's MTEP process?

NYISO/MISO 4-3. If MISO's answer to NYISO/MISO 4-2 is anything other than an unqualified "no":

- a. identify all instances in which the NYISO participated in MISO's MTEP, including the year(s) and the matter(s) that the NYISO provided input on; and
- b. identify the NYISO employee(s) who participated on the NYISO's behalf.

Date: March 8, 2012

\_\_\_\_\_  
/s/

Howard H. Shafferman  
Daniel R. Simon  
Ballard Spahr LLP  
601 13th Street, N.W.  
Suite 1000 South  
Washington, DC 20005  
Tel: (202) 661-2200  
Fax: (202) 661-2299  
E-mail: [hhs@ballardspahr.com](mailto:hhs@ballardspahr.com)  
[simond@ballardspahr.com](mailto:simond@ballardspahr.com)

\_\_\_\_\_  
/s/

Alex M. Schnell  
New York Independent System Operator, Inc.  
10 Krey Boulevard  
Rensselaer, NY 12144  
Tel: (518) 356-6000  
Fax: (518) 356-4702  
E-mail: [aschnell@nyiso.com](mailto:aschnell@nyiso.com)

## CERTIFICATE OF SERVICE

In accordance with 18 C.F.R. § 385.2010 (2011), I hereby certify that I have this day served, via electronic mail or first class mail, the foregoing document upon each person designated on the official service list compiled by the Secretary in these proceedings.

Dated at Washington, D.C. on this 8th day of March, 2012.

\_\_\_\_\_  
/s/

Howard H. Shafferman  
Ballard Spahr LLP  
601 13th Street, N.W.  
Suite 1000 South  
Washington, DC 20005  
Tel: (202) 661-2200  
Fax: (202) 661-2299  
E-mail: [hhs@ballardspahr.com](mailto:hhs@ballardspahr.com)

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

Midwest Independent Transmission    )  
System Operator, Inc.    )                    Docket No. ER11-1844-000

**NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.’S  
FIFTH SET OF DATA REQUESTS TO  
MIDWEST INDEPENDENT TRANSMISSION SYSTEM OPERATOR, INC.**

Pursuant to Rule 406 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), 18 C.F.R. § 385.406, the New York Independent System Operator, Inc. (“NYISO”) submits the following Data Requests to Midwest Independent Transmission System Operator, Inc. (“Recipient”). Please provide all written and documentary responses as they become available, and in any case, not later than March 22, 2012. Pursuant to the Discovery Time Standards referenced in the Procedural Order issued in this proceeding, notice of any objections to full compliance with these Data Requests should be given in writing as soon as reasonably possible, but not later than five (5) business days after the receipt of these Data Requests.

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order to prepare, develop or supplement (a) studies, analyses or reports that are the subject of a data request; (b) the initial October 20, 2010 filing in Docket No. ER11-1844, including all of the testimony, exhibits or other attachments submitted therewith; or (c) any later testimony (including all attachments or exhibits to such testimony) submitted on Recipient's behalf in Docket No. ER11-1844.

## INSTRUCTIONS

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  - ii. The type of Communication or Document;
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  - iv. The date of the Communication or Document;
  - v. The author(s) or person(s) present and their title or position;
  - vi. The recipient(s) or person(s) present and their title or position; and

- vii. A detailed, specific explanation as to why the Communication or Document (or portion thereof) is privileged or otherwise immune from discovery. If Recipient claims the attorney-client privilege, the log shall also indicate whether the Communication or Document claimed to be privileged has been communicated or provided to any person other than the attorney and client involved. If the Communication or Document claimed to be privileged has been so communicated or provided, identify such third person(s) by name and relationship to the client and the attorney, and indicate the date of such communication. Where possible, produce the non-privileged portion(s) of the Document or Communication, if the privileged portion of the Document or Communication is capable of being excised, so that the remainder is no longer privileged.
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- S. The use of a word in its singular form shall be deemed to include within its use the plural form as well, and vice versa, wherever necessary to bring within the scope of a Data Request information that might otherwise be construed to be outside its scope.
- T. Each page of any Documents produced should be stamped or otherwise marked with a unique sequential number that includes an alphabetic prefix identifying the party producing the Documents, e.g. “MISO00000001.”
- U. Recipient should provide a data or Excel file which identifies which bates numbers are responsive to which data requests. Alternatively, Recipient may include a field in the database for each record which lists the applicable data request(s).
- V. To the extent that Recipient determines that it will not be able to provide complete responses to all requests within 10 business days after the day on which the Data Request is received, Recipient must object within 5 business days unless the NYISO and Recipient are able to reach agreement on a production schedule prior to the deadline for submitting objections. Recipient’s objection(s) should include



a schedule for the expected completion date for each request that Recipient requires additional time to produce.

- W. Please provide all responses to Data Requests by email whenever possible, and in an electronic form.
- X. MSEXcel, MSPowerPoint, AutoCad and audio files such as “way” or “mp3” should be provided in their native format. A link to the native file should be included in the production database and/or data file.
- Y. Subject to mutual agreement between NYISO and Recipient, all Documents (including paper Documents, electronic Documents, and electronic files) produced will be scanned and delivered in a Concordance 10 database and/or DAT file containing metadata/coded data and text (extracted or OCR), Group IV single page Tiff images and a Concordance Image load file (OPT). The Concordance database/DAT should contain the fields listed below. Please note that fields beginning with “EM” are specific to e-mails; fields beginning with “EMATT” are specific to email attachments; fields beginning with “APP” are specific to application files; and, fields beginning with no prefix are applicable to all file types, including scanned Documents.

<b>FIELD NAME</b>	<b>DESCRIPTION</b>
PRODBEGBATES	Bates number assigned to first page of Documents
PRODEBATES	Bates number assigned to last page of Document
PRODATTBEG	Bates number assigned to first page of first Document in attachment family
PRODATTEND	Bates number assigned to last page of last Document in attachment family
NATIVELINK	Link to native files (required for Excel, PowerPoints, Autocad and audio files)
PAGECOUNT	Number of pages in Document

DOCDATE	Coded date for scanned Documents; Sent Date for Emails or Created Date for Application files; Email attachments must receive the same date as their parent Email
DOCTYPE	Email, Email Attachment or Application or coded Document type for scanned Documents
AUTHOR	name of e-mail sender or author of email attachment or application file; coded author for scanned Documents
RECIPIENT	names of all recipients of e-mail; coded recipient(s) for scanned Documents
CC	names of all people copied on e-mail; coded C23CCs for scanned Documents
BCC	names of all people blind copied on e-mail; coded BCCs for scanned Documents
SUBJECT	Email Subject line or Email Attachment name or Application name; coded Subject/Description for scanned Documents
EMDATESENT	Email sent date
APPCREATED	Application created date
TEXT	Extracted text of email, email attachment or application; OCR'd text for scanned Documents – plain text only

### **DATA REQUESTS**

NYISO/MISO 5-1. Please provide copies of all Communications and Documents (including work papers) that are related to the studies and reports relating to Lake Erie Loop Flow that are referenced in NYISO's July 21, 2008 exigent circumstances rate filing in FERC Docket No. ER00-1281, or that were relied upon by Potomac Economics in preparing:

a) The "study prepared by the NYISO's Independent Market Advisor" referenced on page 8 of the exigent circumstances filing.

and

b) The study performed by the NYISO's Independent Market Advisor referenced in Section V.C. of the exigent circumstances filing.

It is not necessary to provide the identities of particular Market Participants that scheduled external transactions (imports, exports, wheels-through) in your response.

Date: March 8, 2012.

/s/

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## CERTIFICATE OF SERVICE

In accordance with 18 C.F.R. § 385.2010 (2011), I hereby certify that I have this day served, via electronic mail or first class mail, the foregoing document upon each person designated on the official service list compiled by the Secretary in these proceedings.

Dated at Washington, D.C. on this 8<sup>th</sup> day of March, 2012.

\_\_\_\_\_  
/s/

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