

**Effective 6/13/17**

**NEW ENGLAND POWER POOL  
GENERATION INFORMATION SYSTEM  
OPERATING RULES**

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**NEW ENGLAND POWER POOL  
GENERATION INFORMATION SYSTEM**

**OPERATING RULES**

**PART 1      GENERAL**

**Rule 1.1      Functional Requirements; Cost Allocation**

Appendix 1.1 hereto sets forth the general functional characteristics (the “Functional Requirements”) of the NEPOOL Generation Information System (the “GIS”). To the extent a conflict arises between such Functional Requirements and another GIS Operating Rule, the Functional Requirements shall govern. Nothing set forth in these GIS Operating Rules will affect the allocation of the costs associated with the GIS among the Participants.

**Rule 1.2      Definitions**

Capitalized terms have the meanings given to them in these GIS Operating Rules. Where a capitalized term is not defined herein, that term shall have the same meaning as in Section 1 of the Second Restated New England Power Pool Agreement (the “Restated NEPOOL Agreement”) or Section 1 of the ISO New England Inc. Transmission Markets and Services Tariff (the “ISO Tariff”) or the ISO New England System Rules (the “System Rules”), in each case as amended or restated from time to time. If a capitalized term is not defined herein or in the Restated NEPOOL Agreement, the ISO Tariff or the System Rules, that term shall have the same meaning as in the Generation Information System Development and Administration Agreement dated October 26, 2001 (the “GIS Agreement”) between New England Power Pool (“NEPOOL”) and Automated Power Exchange, Inc. (“APX”), as amended from time to time.

**Rule 1.3      Amendments to Rules and Adoption of New Rules**

(a) Adhering to the requirements under the Restated NEPOOL Agreement, the NEPOOL Participants Committee (“NPC”) or its delegatee may in its discretion adopt new GIS Operating Rules or amend existing GIS Operating Rules after such amendments or new GIS Operating Rules have been reviewed by the Markets Committee. After the initial adoption of these GIS Operating Rules by the NPC, new GIS Operating Rules and amendments to existing GIS Operating Rules (including any appendices hereto) that, in either case, are not of an emergency nature, shall become effective on the January 1 or July 1 immediately following their adoption. New GIS Operating Rules or amendments to existing GIS Operating Rules (including any appendices hereto) that are of an emergency nature shall become effective on the date designated by the NPC or its delegatee, in consultation with APX or any successor thereto that is developing,

administering, operating or maintaining the GIS (the “GIS Administrator”). For purposes of this Rule 1.3, a new GIS Operating Rule or an amendment to an existing GIS Operating Rule shall be considered to be of an “emergency nature” if the NEPOOL Project Manager for the GIS (the “NEPOOL GIS Project Manager”) in good faith determines that delaying the effectiveness of such GIS Operating Rule or amendment until the next scheduled semi-annual effective date would:

- (i) materially compromise the functionality of the GIS;
- (ii) materially and adversely affect the usefulness of the GIS as a means of complying with any Attribute Law;
- (iii) materially and adversely affect the rights or interests of an Account Holder (defined below) or the GIS Administrator; or
- (iv) impair the competitiveness of the market for Certificates.

(b) No new GIS Operating Rule or amendment to an existing GIS Operating Rule shall be inconsistent with the provisions of the GIS Agreement or the Functional Requirements. To the extent that the Functional Requirements are inconsistent with the GIS Agreement, then solely for purposes of this Rule 1.3, the Functional Requirements shall govern.

#### **Rule 1.4 GIS Administrator’s Function with Respect to GIS Operating Rules**

(a) The GIS Administrator will develop, implement, administer, operate and maintain the GIS in accordance with these GIS Operating Rules. The GIS Administrator may propose new GIS Operating Rules or amendments to existing GIS Operating Rules to the NEPOOL GIS Project Manager, who shall in turn propose such new GIS Operating Rule or amendment to the Markets Committee. The GIS Administrator shall be provided an opportunity to present its position to the Markets Committee and/or the NPC or its delegatee with respect to any proposed new GIS Operating Rule or amendment to an existing GIS Operating Rule, but the GIS Administrator shall not vote on the adoption of any such GIS Operating Rule or amendment. Notwithstanding the foregoing, the GIS Administrator shall not be required to comply with any GIS Operating Rule that it determines in good faith and in its reasonable discretion would have a material adverse effect on the GIS or which, subject to Rule 1.3(b), is inconsistent with the provisions of the Functional Requirements or the GIS Agreement, provided that it promptly notifies the NEPOOL GIS Project Manager of that determination and its reasons therefor.

(b) The GIS Administrator shall have the sole responsibility for the compilation, indexing, reasonable interpretation and implementation of the GIS Operating Rules.

(c) The GIS Administrator shall review the GIS Operating Rules and recommend any revisions thereto to the NEPOOL GIS Project Manager at least

once a year by November 1 of such year. Any such recommended revisions shall be subject to Rule 1.3.

**Rule 1.5 Cardinal and Non-Cardinal Changes**

Cardinal changes under the GIS Agreement may only be requested thereunder by the NEPOOL GIS Project Manager and only if such Cardinal changes have been approved by the NPC or its delegatee after review by the Markets Committee, adhering to the requirements under the Restated NEPOOL Agreement. Non-Cardinal changes under the GIS Agreement may only be requested thereunder by the NEPOOL GIS Project Manager and only if such non-Cardinal changes are approved by the Markets Committee. Any such non-Cardinal changes on which the Markets Committee votes but does not approve shall require approval by the NPC, subject to the voting and appeal requirements under the Restated NEPOOL Agreement, for such non-Cardinal changes to be requested under the GIS Agreement. The NEPOOL GIS Project Manager shall notify the NPC of all non-Cardinal changes that the NPC does not otherwise address.

**Rule 1.6 Dispute Resolution**

Any dispute arising under these GIS Operating Rules between the GIS Administrator and an Account Holder shall be subject to the dispute resolution procedures set forth in Article XI of the GIS Agreement.

**Rule 1.7 Effective Date**

These GIS Operating Rules will become effective, following their adoption by the NPC, upon the initial implementation of the GIS by the GIS Administrator.

**PART 2 CREATION AND INITIAL ASSIGNMENT OF CERTIFICATES**

**Rule 2.1 Creation of Certificates**

(a) The GIS Administrator shall produce an electronic Certificate for each MWh of Energy generated, for each MWh of Energy conserved and, with respect to NH Useful Thermal Resources (defined in Rule 2.2(f)) and MAPS Useful Thermal Resources (defined in Rule 2.2(d)), for each MWh-equivalent of useful thermal energy produced, or, in the case of MAPS Small Useful Thermal Resources, projected to be produced (subject to subparagraph (a)(i), paragraph (c) below and Rules 2.2(b) and 2.2(d) below) by:

- (i) those individual New England Generator Assets included in the ISO's Settlement Market System ("MSS"), excluding any New England Generator Asset determined to be the same generating unit as a GIS Generator that is accounted for in the GIS and is not a New England Generator Asset pursuant to Rule 2.3(d) ("NEPOOL Generators");

- (ii) those generating units with a nameplate capacity of 5 MW or less which (x) do not provide separately metered data to the MSS, (y) register as Account Holders in accordance with Rule 2.2, and (z) either (1) provide the GIS Administrator with meter data meeting the requirements of ISO New England Operating Procedure No. 18 or any successor thereto or the Small Generator Metering Protocol (defined in Rule 2.1(e) below) or (2) for those states which require that a Third Party Meter Reader (defined in Rule 2.5) provide such meter data and for those resources that are subject to Rule 2.5(j), cause a Third Party Meter Reader to provide the GIS Administrator with meter data meeting the requirements of Rule 2.5 (generators described in this clause (ii), clause (vii) and clause (viii) below are referred to herein as “Non-NEPOOL Generators”);
- (iii) those generating units listed on Appendix 2.1 which (x) register as Account Holders in accordance with Rule 2.2, (y) either (1) provide the GIS Administrator with meter data meeting the requirements of ISO New England Operating Procedure No. 18 or any successor thereto or the Small Generator Metering Protocol (2) for those states which require that a Third Party Meter Reader provide such meter data and for those resources that are subject to Rule 2.5(j), cause a Third Party Meter Reader to provide the GIS Administrator with meter data meeting the requirements of Rule 2.5, and (z) have provided the GIS Administrator with a certification from the Energy Regulatory Agency listed for it in Appendix 2.1 stating that such generator (1) was placed in service on or before December 31, 2002, (2) is owned by one of the New England states or a political subdivision or agency thereof, and (3) has committed to submit to an annual data quality audit by such Energy Regulatory Agency with respect to the data it provides for the GIS (generators described in this clause (iii) are referred to herein as “Included Generators”);
- (iv) those conservation and load management resources which (x) register as Account Holders in accordance with Rule 2.2, (y) provide the GIS Administrator with a certification from the appropriate Energy Regulatory Agency listed in Appendix 5.3 stating that such C&LM Resource (1) has met the Energy Regulatory Agency’s criteria for certification and (2) has committed to submit an annual report to the Energy Regulatory Agency with respect to the data it provides for the GIS, and (z) provide, cause the administrator of the conservation and load management program to which they belong (a “Fund Administrator”) to provide, or for those states which require that a Third Party Meter Reader provide such meter data and for those resources that are subject to Rule 2.5(j), cause a Third Party Meter Reader to provide, to the GIS Administrator data for each of the

- C&LM Resources they own or represent (resources described in this clause (iv) are referred to herein as “C&LM Resources”);
- (v) those curtailment-based demand response resources which (x) participate in the ISO’s Load Response Program, (y) register as Account Holders in accordance with Rule 2.2, and (z) provide the GIS Administrator with a certification from the appropriate Energy Regulatory Agency listed in Appendix 5.3 stating that such DR Resource (1) has met the Energy Regulatory Agency’s criteria for certification and (2) has committed to submit an annual report to the Energy Regulatory Agency with respect to the data it provides for the GIS (resources described in this clause (v) are referred to herein as “DR Resources”);
  - (vi) those generating units with a nameplate capacity of 5 MW or less which are represented by persons or entities that (x) have been authorized in writing by one or more of such generating units with an identical fuel source (as set forth in Appendix 2.4) to represent them in the GIS, (y) register as Account Holders in accordance with Rule 2.2, and (z) either (1) provide the GIS Administrator with meter data meeting the requirements of ISO New England Operating Procedure No. 18 or any successor thereto or the Small Generator Metering Protocol for each of the generating units that they represent or (2) for those states which require that a Third Party Meter Reader provide such meter data and for those resources that are subject to Rule 2.5(j), cause a Third Party Meter Reader to provide the GIS Administrator with meter data meeting the requirements of Rule 2.5 for the generating units that they represent (such persons and entities described in this clause (vi) are referred to herein as “Non-NEPOOL Generator Representatives”). More than one generating unit represented by the same Non-NEPOOL Generator Representative may elect to be treated as a single GIS Generator;
  - (vii) those generating units with a nameplate capacity greater than 1 MW which (w) do not provide separately metered data to the MSS, (x) register as (1) Account Holders in accordance with Rule 2.2 and (2) a demand resource in the ISO’s Forward Capacity Market, and (y) either (1) provide the GIS Administrator with meter data meeting the requirements of ISO New England Operating Procedure No. 18 or any successor thereto or the Small Generator Metering Protocol or (2) cause a Third Party Meter Reader to provide the GIS Administrator with meter data meeting the requirements of Rule 2.5; and
  - (viii) those generating units (without regard to nameplate capacity) which (w) do not provide separately metered data to the MSS for all or a portion of their capacity, (x) register as Account Holders in accordance with Rule 2.2, (y) either (1) provide the GIS Administrator with meter data meeting the requirements of ISO

New England Operating Procedure No. 18 or any successor thereto or the Small Generator Metering Protocol, which meter data is verified to the GIS Administrator by an Energy Regulatory Agency listed in Appendix 5.3 or (2) cause a Third Party Meter Reader to provide the GIS Administrator with meter data meeting the requirements of Rule 2.5, and (z) are (1) NEPOOL Participants that are eligible to receive “Renewable Certificates” as defined in Rule 3.5, or (2) qualified as a NH Useful Thermal Resource or (3) qualified as APS Alternative Generation Units under the MAPS (resources described in clause (vii) and this clause (viii) are referred to herein as “BMG Resources” and together with NEPOOL Generators, Non-NEPOOL Generators, Non-NEPOOL Generator Representatives, Included Generators, C&LM Resources and DR Resources, as “GIS Generators”).

Such Certificates shall be based on information in the MSS for NEPOOL Generators and DR Resources and on information provided directly to the GIS Administrator by Non-NEPOOL Generators, Included Generators, C&LM Resources, BMG Resources and Non-NEPOOL Generator Representatives or by Third Party Meter Readers (or, with respect to C&LM Resources, Fund Administrators) with respect to Non-NEPOOL Generators, Included Generators, C&LM Resources, BMG Resources and Non-NEPOOL Generator Representatives, and on other data provided by each GIS Generator and by certain regulatory agencies as described in Rule 2.3 and Rule 2.5. The GIS Administrator shall also produce an electronic Certificate for each MWh of Energy imported into the New England Control Area (subject to paragraph (c) below) based on import information obtained from the ISO and any other data provided by the Account Holder importing the Energy, the ISO and certain regulatory agencies, as described in these Rules. The Certificates created for an Included Generator in any year shall not exceed the limit established for it in Appendix 2.1.

(b) Certificates will be created quarterly on the 15th day of the calendar quarter (the “Creation Date”) that is the second calendar quarter following the calendar quarter in which the Energy associated with a Certificate was generated or for Certificates related to C&LM Resources and DR Resources, conserved; provided, however, that (x) for MAPS Useful Thermal Resource using a technology and with a capacity below a threshold that are identified from time to time by the Massachusetts Department of Energy Resources or its successor agency (each a “MAPS Small Useful Thermal Resource”), Certificates for projected generation for the first 40 calendar quarters beginning with the calendar quarter in which it commences MAPS-qualified operation will be created on the Creation Date that is at least five calendar days after the date on which such MAPS Small Useful Thermal Resource is registered in the GIS under Rule 2.3 and (y) for MAPS Useful Thermal Resources other than MAPS Small Useful Thermal Resources, at the option of the Massachusetts Department of Energy Resources or its successor agency, Certificates will be created on each of the first

40 Creation Dates beginning at least five calendar days after the date on which such MAPS Useful Thermal Resource is registered in the GIS under Rule 2.3 based on projected generation data provided to the GIS Administrator at the time of such registration. Therefore, for example, the Certificates associated with Energy generated or conserved or useful thermal energy produced in January, February and March of a year will be created on July 15 of that same year. Certificates for Non-NEPOOL Generators, Included Generators, C&LM Resources, BMG Resources and Non-NEPOOL Generator Representatives shall be created on the same date each quarter as all other Certificates. Each Certificate (other than Certificates for MAPS Small Useful Thermal Resources) will denote the month in which the associated Energy was generated or conserved. If a Non-NEPOOL Generator, an Included Generator, a C&LM Resource, a BMG Resource or a Non-NEPOOL Generator Representative provides, or causes a Third Party Meter Reader or Fund Administrator to provide, the GIS Administrator with the requisite meter data after the date that is five days before Certificates are created for any quarter, such Non-NEPOOL Generator's, Included Generator's, C&LM Resource's, BMG Resource's or Non-NEPOOL Generator Representative's Certificates shall not be created until Certificates are created for the next succeeding calendar quarter. For purposes of these GIS Operating Rules, a "calendar quarter" is the consecutive three-month period beginning with each January, April, July or October.

(c) Certificates will be numbered. No Certificate will be issued for a partial MWh. For NEPOOL Generators and DR Resources, 0.5 MWh or more of Energy or conservation in any month will create a Certificate, and less than 0.5 MWh of Energy and conservation in any month will not create a Certificate. Non-NEPOOL Generators, Included Generators, C&LM Resources, BMG Resources and Non-NEPOOL Generator Representatives will report meter data for whole or fractional MWhs of generation or conservation, or useful thermal energy produced (without any rounding) to the GIS Administrator, and they may either (1) aggregate multiple months of Energy in order to report meter data for a whole MWh of Energy generation to the GIS Administrator or (2) report fractional MWhs into the GIS, which will be accumulated within the GIS account of the applicable Non-NEPOOL Generator, Included Generator, C&LM Resource, BMG Resource or Non-NEPOOL Generator Representative and issued in whole MWh denominations as whole MWhs are accumulated. To the extent that generation in such an account is less than a whole MWh, that generation will be retained in that account and aggregated with additional generation in that account after the applicable Creation Date until the aggregate amount of generation is equal to a whole MWh. Non-NEPOOL Generator Representatives must report generation data to the GIS Administrator separately for each state in which the generation occurred.

(d) Upon the creation of Certificates each quarter, the GIS Administrator shall deposit such Certificates into the appropriate Account Holder's account. The Certificates that correspond to Energy imported into the New England Control

Area by the ISO on an emergency basis (“Emergency Energy”) shall be deposited into the account of the entity that sold such Energy to the ISO or that entity’s designee, if (x) such seller or designee is an Account Holder and (y) such seller or designee is identified to the GIS Administrator by the ISO. In such case, the Certificates associated with such Emergency Energy shall be treated as an import in accordance with Rule 2.7 below. If such Certificates associated with Emergency Energy do not satisfy such conditions, such Certificates shall be deposited into a specially designated account, shall not be transferable, and shall be counted as Unsettled Certificates that are used solely for the purpose of Residual Mix Certificates (each defined below).

(e) Meter data for Non-NEPOOL Generators, Included Generators, Non-NEPOOL Generator Representatives and BMG Resources shall either (x) meet the requirements of ISO New England Operating Procedure No. 18 or (y) satisfy either (i) the requirements of any applicable state regulations for metering standards or (ii) the following metering standards (the applicable state metering standards described in clause (y)(i) and the following metering standards are collectively referred to as the “Small Generator Metering Protocol”).

<b>Minimum Meter Accuracy</b>		
<b>Meter Accuracy:</b> Only "revenue grade" (also called "revenue quality") meters tested and certified to ANSI C-12 standards are allowed. Minimum accuracy and other requirements, based on nameplate capacity, are as follows:		
<b>Nameplate Capacity</b>	<b>Minimum Meter Accuracy (all values are +/-)</b>	<b>Other Requirements</b>
Up to 10 kW	2% (ANSI C-12.1-2008 )	<p>Electromechanical meters may be used. Refurbished meters, if retested and certified, may be used. Allowable configurations for meters are :</p> <ul style="list-style-type: none"> <li>• Single-phase 120 volt - Form 1S, Class 100</li> <li>• Single-phase 240 volt - Form 2S, Class 200</li> <li>• Three-phase 120 - 480 volt - Form 14- 16S, Class 200</li> </ul> <p>Meters used as part of a Data Acquisition System (“<u>DAS</u>”) must meet the "Greater than 10 kW and up to 1 MW" nameplate capacity requirements below.</p>
Greater than 10 kW and up to 1	1% (ANSI C12.16 or better)	<p>Only new solid state meters are allowed. Current transformers (“<u>CTs</u>”) must conform to the 0.6% (ANSI/IEEE C57.13-2008) accuracy class, or the meter must be tested using the CT and certified to</p>

MW		meet the minimum accuracy requirement.
Greater than 1 MW	0.5% (ANSI C12.20-2010)	Only new meters are allowed. CTs must conform to the 0.3% (ANSI/IEEE C57.13-2008) accuracy class.

**Rule 2.2 Account Holder Registration**

(a) Each person or entity owning Certificates at any time (an “Account Holder”) shall have an account in the GIS and must register as an Account Holder with the GIS Administrator. Account Holders that are not Retail LSEs (defined below) shall not be required to be Participants; provided, however, that any Account Holder that is not a Participant shall execute an agreement in the form set forth in Appendix 2.2 hereto agreeing to comply completely with the GIS Agreement and these GIS Operating Rules to the same extent as if it were a Participant and, if and when such non-Participant Account Holder becomes liable to NEPOOL or the ISO for financial obligations related to the GIS, with the ISO New England Financial Assurance Policy and the ISO New England Billing Policy attached to the ISO Tariff (as modified to include financial obligations of non-Participant Account Holders related to the GIS). Each non-Participant Account Holder shall pay any and all fees established for it from time to time by the NPC or its delegatee; provided, however, that the GIS Project Manager shall provide notice to each non-Participant Account Holder at least seven (7) days prior to the effectiveness of any change in NEPOOL’s GIS cost allocation methodology or any fee assessment that would result in such non-Participant Account Holder becoming liable for increased financial obligations related to the GIS, and such non-Participant Account Holder may withdraw from the GIS prior to the effectiveness of such change without incurring such increased obligations. Any Certificates created for a withdrawn non-Participant Account Holder prior to the date of its withdrawal shall remain in existence until the end of the applicable Trading Period, but that withdrawn non-Participant Account Holder shall not participate in transfers of Certificates after the date of its withdrawal. Each non-Participant Account Holder shall provide the GIS Administrator and/or the ISO with any and all information required in order for either of them to bill such non-Participant Account Holder for any fees established as described above. To register, Account Holders shall contact the GIS Administrator and shall manually enter data into the GIS database relating to company name, company contact name, affiliated Account Holder names, entity address/contact information (including city, state, country, zip code, phone number, fax number, company email and company website) and whether the Account Holder is registering for an account as a GIS Generator and/or a Retail LSE, or neither a GIS Generator nor a Retail LSE. Subject to Rule 2.1(d) above and paragraph (b) below, each Account Holder, including entities that serve as both generators and load servers, shall have only one account in the GIS database, but Account Holders could have

subaccounts within such account, as provided in Rule 4.1. Each Account Holder shall also provide the additional registration information required of it under these GIS Operating Rules.

(b) A generator that is included in the MSS for part of its generation (the “MSS Generation”) and that sells or uses part of its generation behind-the-meter (the “Non-MSS Generation”) may establish separate GIS assets for the generator’s MSS Generation and its Non-MSS Generation, and except for purposes of paragraph (c) below, it shall be deemed to be two distinct GIS Generators for its MSS Generation and its Non-MSS Generation. Any generator establishing two GIS assets under this paragraph shall, with respect to its Non-MSS Generation:

- (x) provide the GIS Administrator with meter data meeting the requirements of ISO New England Operating Procedure No. 18 or any successor thereto or the Small Generator Metering Protocol or, for those states that require that a Third Party Meter Reader provide such meter data and for those resources that are subject to Rule 2.5(j), cause a Third Party Meter Reader to provide the GIS Administrator with meter data meeting the requirements of Rule 2.5(j);
- (y) be eligible under one of the RPS (which includes the MAPS for purposes of these GIS Operating Rules) fields listed in Part 2 of Appendix 2.4; and
- (z) provide the GIS Administrator with a certification from one of the Energy Regulatory Agencies listed in Appendix 5.3 (1) stating that such GIS Generator has committed to submit to an annual audit by such Energy Regulatory Agency with respect to the quality of the data it provides for its Non-MSS Generation and to confirm that none of the Non-MSS Generation for which Certificates are created is used for such GIS Generator’s station service, and (2) either (a) establishing an annual limit on the MWhs that such GIS Generator may report to the GIS Administrator for purposes of creating Certificates for its Non-MSS Generation, which limit shall be based upon a proxy unit with a 5 MW nameplate capacity using the same fuel type or, (b) if the GIS Generator is a NEPOOL Participant, certifying that the GIS Generator qualifies under the mandatory renewable portfolio standard or mandatory alternative energy portfolio standard of the state in which the Certificates will be used.

The Certificates created for a generator’s Non-MSS Generation in any year shall not exceed the limit established in the certification provided by the applicable Energy Regulatory Agency described above. Any generator availing itself of this Rule 2.2(b) shall be considered a NEPOOL Generator for purposes of its MSS

Generation and a Non-NEPOOL Generator for purposes of its Non-MSS Generation.

(c) For purposes of these GIS Operating Rules, two Account Holders are deemed to be affiliated Account Holders if:

- (i) one Account Holder owns, directly or indirectly, 10% or more of the voting stock or other equity interest in the other Account Holder;
- (ii) 10% or more of the voting stock or other equity interests in both Account Holders are owned, directly or indirectly, by the same person or entity; or
- (iii) one such Account Holder is a natural person, and such Account Holder or a member of such Account Holder's immediate family is an officer, director, partner, employee or representative of the other Account Holder.

(d) A GIS Generator that produces useful thermal energy and using sunlight, biomass (provided, however, that facilities using biomass fuel shall be low emission, use efficient energy conversion technologies and fuel that is produced by means of sustainable forestry practices), biogas, or liquid biofuel or naturally occurring temperature differences in ground, air or water that is qualified under the Massachusetts Alternative Energy Portfolio Standard ("MAPS") (each such GIS Generator being referred to as a "MAPS Useful Thermal Resource") shall create an account for all useful thermal energy pursuant to Rule 2.5(j). A GIS Generator that is a combined heat and power unit qualified under the MAPS (whether or not such GIS Generator is also a MAPS Useful Thermal Resource) (a "MAPS CHP Resource") and is either registered in the MSS or qualified under a state renewable portfolio standard or alternative energy portfolio standard (other than the MAPS), shall create two accounts in the GIS: (i) an account for all Certificates reflecting the electrical output produced by the MAPS CHP Resource; and (ii) an account for all other Certificates produced in accordance with the MAPS by such MAPS CHP Resource pursuant to Rule 2.5(j) (such other Certificates, together with all Certificates for MAPS Useful Thermal Resources, being referred to as "APS Certificates"). A MAPS CHP Resource that is neither registered in the MSS nor qualified under a state renewable portfolio standard or alternative energy portfolio standard (other than the MAPS) shall only create an account for APS Certificates.

(e) The Massachusetts Department of Energy Resources may establish and maintain (i) an account to implement its solar energy auction program under 225 CMR 14.05(4) (the "MA Solar Credit Clearinghouse Account") and (ii) an account to implement its Solar Credit Clearinghouse II auction program under 225 CMR 14.05(9) (the "MA SREC-II Clearinghouse Account") and, together with the MA Solar Credit Clearinghouse Account, the "MA SREC Clearinghouse Accounts"). The MA SREC Clearinghouse Accounts will only have the

functionality to (1) accept transfers of Certificates designated under Appendix 2.4 as Massachusetts RPS Class I Solar Carve-Out Unit Certificates or Massachusetts Solar Carve-Out II Unit Certificates, (2) convert and redesignate (x) Massachusetts RPS Class I Solar Carve-Out Unit Certificates as S-REC Auction Certificates and (y) Massachusetts Solar Carve-Out II Unit Certificates as SREC-II Auction Certificates (each as described in Section 3.10 below), and (3) effect assignments of S-REC Auction Certificates and SREC-II Auction Certificates out of the MA SREC Clearinghouse Accounts in accordance with Rule 3.10. The MA SREC Clearinghouse Accounts will not have the ability to register generators, upload meter data or retire Certificates, nor will it have a Banked, Reserve or Retail Subaccount or any other subaccount.

(f) A GIS Generator that produces thermal energy qualified as New Hampshire Class I renewable energy delivered from a source that can be metered and is delivered in New Hampshire to an end user in the form of direct heat, steam, hot water, or other thermal form that is used for heating, cooling, humidity control, process use, or other valid thermal end use energy requirements and for which fuel or electricity would otherwise be consumed (a “NH Useful Thermal Resource”) shall create an account for all Certificates reflecting the useful thermal energy by such NH Useful Thermal Resource pursuant to Rule 2.5(j) (such Certificates being referred to as “NH Class I Thermal Certificates”). If the NH Useful Thermal Resource is a combined heat and power unit, then it will have two accounts in the GIS: (i) an account for all Certificates reflecting the electrical output produced by the NH Useful Thermal Resource; and (ii) an account for all other NH Class I Thermal Certificates produced in accordance with and qualified under the New Hampshire Renewable Portfolio Standard (“NH RPS”) pursuant to Rule 2.5(j).

(g) A GIS Generator that is designated under Appendix 2.4 as a Massachusetts Solar Carve-Out II Unit shall have two subaccounts created for it within its account, one of which will be for the portion of its generation that is eligible for Massachusetts Solar Carve-Out II Unit Certificates (the “SREC-II Eligible Subaccount”) and one of which will be for the portion of the generation that is not eligible for Massachusetts Solar Carve-Out II Unit Certificates (the “SREC II Ineligible Subaccount”). The GIS Administrator will apply the SREC Factor provided to it for each Massachusetts Solar Carve-Out II Unit by the Massachusetts Department of Energy Resource under 225 CMR 14.05(9) to all generation reported for that Massachusetts Solar Carve-Out II Unit and will allocate that generation between the two subaccounts described above based on the application of that SREC Factor. The GIS Administrator will only issue Certificates on any Creation Date for generation in the SREC-II Eligible Subaccount or the SREC-II Ineligible Subaccount to the extent that such generation is equal to one or more whole MWhs. To the extent that generation in the SREC-II Eligible Subaccount the SREC-II Ineligible Subaccount is less than a whole MWh, that generation will be retained in that subaccount and aggregated with additional generation in that subaccount after the applicable Creation Date

until the aggregate amount of generation is equal to a whole MWh. All Certificates created with generation in a SREC-II Eligible Subaccount shall be “Massachusetts Solar Carve-Out II Unit Certificates” for purposes of these Rules. All Certificates created for generation in a SREC-II Ineligible Subaccount (“SREC-II Ineligible Certificates”) shall be deposited in an account controlled by the GIS Administrator on their Creation Date and may not be transferred, retired, exported, applied to a Certificates Obligation or used in a Reserved Certificate transaction.

### **Rule 2.3 Generation Registration**

(a) GIS Generators and Account Holders owning generating units outside the New England Control Area that import Energy under Rule 2.7(c) or Account Holders that are the designees of the owners of such generating units (collectively, “Importing Account Holders”) must provide the GIS Administrator with information for generation registration. To register, an agent or representative of a GIS Generator or an Importing Account Holder must manually enter data relating to its company name and generator asset identification number as recorded with the ISO, identification number, if any, assigned to the applicable generating facility by the U.S. Department of Energy, emission unit identification number, if any, assigned to the generating unit by the U.S. Environmental Protection Agency (the “EPA”), person or entity holding legal title to the generating unit and the generating unit’s Lead Market Participant, status, location, fuel source, multi-fuel capability, emissions, labor characteristics, location, vintage, capability to cogenerate steam and electric power and other information, each as identified in the Certificate fields established under these GIS Operating Rules from time to time. A Non-NEPOOL Generator Representative may register multiple generating units satisfying the requirements of Rule 2.1(a)(vi) at one time. At the time a GIS Generator or Importing Account Holder registers in the GIS, the applicable Regulator(s) (defined below) listed on Appendix 5.3 shall indicate to the GIS Administrator (i) the generating Unit’s status under the Regional Greenhouse Gas Initiative (“RGGI”), (ii) if the applicable generating unit is eligible under certain Attribute Laws (including, if applicable, the level of generation or imported Energy required in any year before the applicable generating unit is eligible under such Attribute Laws), and (iii) whether the applicable generating unit is required to provide the EPA with year-round continuous emissions monitoring reporting (“CEM Reporting”) pursuant to the monitoring provisions of 40 C.F.R. Part 75 (an “EPA Reporting Generator”). Each GIS Generator, Importing Account Holder and Regulator shall provide the information required by the GIS Administrator to complete all applicable Certificate fields at the time of its initial registration. Each GIS Generator Importing Account Holder and Regulator shall promptly update such information to the extent that it changes after its initial registration and the GIS Administrator will notify each GIS Generator or Importing Account Holder of any update to its information that is provided by a Regulator. Any update provided after the fifth calendar day preceding any Creation Date shall not apply to the Certificates created on such Creation Date.

(b) If a GIS Generator's agent or representative fails to provide the requisite information, the GIS Administrator shall obtain information regarding such GIS Generator's fuel source from the NX-12 Form most recently provided to the ISO for such GIS Generator, and the GIS Administrator may obtain such other information regarding such GIS Generator from such NX-12 Form and from the emissions data most recently provided to the EPA or the applicable Regulator(s) by such GIS Generator, although the GIS Administrator has no obligation to obtain this additional information. If a GIS Generator, the EPA or a Regulator does not provide the GIS Administrator with the requisite information to complete the fields on a Certificate for any generating unit, and the GIS Administrator does not obtain such information on its own, that GIS Generator shall be deemed to have the emissions per MWh most recently provided to the GIS Administrator by one of the Environmental Regulatory Agencies listed on Appendix 5.3 for generators using the same fuel type as the GIS Generator ("Proxy Emissions"), and all other fields for such GIS Generator shall be left blank on its Certificates. The Proxy Emissions for a GIS Generator that is (w) a MAPS Useful Thermal Resource or a MAPS CHP Resource that is not a NEPOOL Generator (a "Non-NEPOOL MAPS Resource"), (x) registered with a single Fuel Source of either Hydroelectric/Hydropower, Hydrokinetic, Geothermal, Nuclear, Ocean, Solar or Wind (including each of the subcategories listed for each such Fuel Source in Part 1 of Appendix 2.4) (a "Zero Emissions Generator"), (y) a cogeneration unit with a nameplate capacity of 5 MW or less which is located in Connecticut, eligible as a "Class III" resource under Connecticut law and not eligible for Renewable Certificates (a "Class III Cogeneration Resources") or (z) registered with a single Fuel Source of Flywheel Storage shall be zero for each emission type reported. A GIS Generator with multi-fuel capability that does not provide the GIS Administrator with the requisite information shall, for purposes of this Rule 2.3(b), be deemed to have the fuel type used by it with the greatest Proxy Emission for carbon dioxide for 100% of its output.

(c) Information for Imported System Energy (defined below) is addressed in Rule 2.7(b).

(d) Each NEPOOL Participant registering a New England Generator Asset in the MSS that is subject to net metering pursuant to the laws of one of the New England states shall register that asset such that the last thirteen characters of the name used in that registration will be, in order, the five-digit postal zip code corresponding to such generator, a two-character abbreviation to be selected by that NEPOOL Participant for the generating technology of such generator, the four-digit nameplate capacity, in kW, of such generator, and the letter "NM" (to denote that it is a net-metered Generator Asset). The System Operator will, on a monthly basis, provide a list of such net-metered New England Generator Assets to the GIS Administrator, which will in turn provide such list to the Energy Regulatory Agencies listed on Appendix 5.3, along with a list of all GIS Generators that are not NEPOOL Generators. To the extent that any Energy Regulatory Agency determines any New England Generator Asset to be the same

generating unit as a GIS Generator that is accounted for in the GIS and is not a New England Generator Asset (regardless of whether New England Generator Asset is included on the list provided by the GIS Administrator) and provides that determination to the GIS Administrator, the GIS Administrator will provide that determination to the NEPOOL Participant(s) registering any New England Generator Assets included in that determination. Upon receiving that determination, such NEPOOL Participant will have ninety (90) days to notify the GIS Administrator in writing that the New England Generator Asset registered by it should be eligible to create Certificates. Unless the GIS Administrator is notified by a NEPOOL Participant that a New England Generator Asset identified under this Rule 2.3(d) should be eligible to create Certificates, the GIS Administrator will, following such ninety (90) day period, remove that New England Generator Asset from the GIS. Any determination made under this Rule 2.3(d) after the day that is five (5) days before a Creation Date will not affect Certificates created on that Creation Date.

**Rule 2.4 Certificate Fields**

Each Certificate, other than APS Certificates, shall list the applicable data described on Appendix 2.4 hereto. Each APS Certificate shall not include the data listed in Parts 3, 4, 9 and 11 of Appendix 2.4 hereto.

**Rule 2.5 Sources of Generation Data**

(a) As a general matter, wherever possible, the GIS will rely upon data obtained from the ISO or track information provided by Account Holders to the ISO. Where relevant and necessary information is neither collected nor produced by the ISO, documentation may be provided directly to the GIS Administrator as set forth in paragraphs (b) through (j) below. All such data submitted to the GIS Administrator will be considered Confidential Information as defined below, subject to the provisions of Part 5 of these GIS Operating Rules. Information for Imported System Energy is addressed in Rule 2.7(b).

(b) Generation and conservation data used in the development of Certificates for NEPOOL Generators and DR Resources, respectively, shall be obtained from the ISO and will be based upon the monthly settlement statements issued by the ISO, as adjusted to reflect meter reconciliation and data corrections (“MMAs”) under Section 9 (Data Reconciliation Accounting) of Manual M-28 or any successor thereto prior to the Creation Date for the applicable Certificates. Such Certificates will therefore reflect any unit output adjustments initially made by the ISO in such settlement statements prior to such Creation Date. Generation data used in the development of Certificates for Non-NEPOOL Generators, Included Generators, BMG Resources and Non-NEPOOL Generator Representatives shall be provided to the GIS Administrator by either (x) such Non-NEPOOL Generator, Included Generator, BMG Resource or Non-NEPOOL Generator Representative in accordance with the procedures established in ISO New England Operating Procedure No. 18 or any successor thereto or in accordance with the Small

Generator Metering Protocol or (y) for those states which require that a Third Party Meter Reader provide generation data and for those resources that are subject to Rule 2.5(j), by a Third Party Meter Reader in accordance with paragraph (j) of this Rule 2.5. Conservation data used in the development of Certificates for C&LM Resources shall be provided to the GIS Administrator by either the C&LM Resource or the applicable Fund Administrator representing such C&LM Resource.

(c) Each GIS Generator and Importing Account Holder is responsible for providing the GIS Administrator with the applicable generating unit's primary and, if applicable, additional fuel sources according to the fuel source fields listed in Appendix 2.4 upon its initial registration.

(d) With its initial registration and by the fifth calendar day preceding each Creation Date thereafter, each GIS Generator and Importing Account Holder that has registered a generating unit with multi-fuel capability will submit to the GIS Administrator information reflecting the proportion of output per fuel type, by MWh, generated by the unit during each month in the applicable calendar quarter to which such Creation Date relates, using available sources of information. Such information shall be used to allocate Certificates for such multi-fuel generating units for each month for which it was supplied. Each Certificate issued for a generating unit with multi-fuel capability will reflect only one fuel source, with the fuel source for all of the Certificates for such generating unit for a month reflecting the overall output per fuel type for that month as provided to the GIS Administrator, subject to the rounding provisions set forth in Rule 2.1(c). Until such time as (i) the state Environmental Regulatory Agency identified in Appendix 5.3 for the state in which a multi-fuel generating unit within the New England Control Area is located approves a methodology for that generating unit to attribute specific emissions to each fuel type used by that unit or (ii) any of the state Environmental Regulatory Agencies identified in Appendix 5.3 approves a methodology for a multi-fuel generating unit outside the New England Control Area to attribute specific emissions to each fuel type used by that unit (each, an "Approved Emissions Protocol"), each Certificate issued for the applicable multi-fuel generating unit for a month will reflect the average actual emissions for that unit for the month based on all of the fuels used by that unit during that month. Once a GIS Generator's or Importing Account Holder's multi-fuel generating unit has an Approved Emissions Protocol, that GIS Generator or Importing Account Holder may provide emissions data to the GIS Administrator by specific fuel type according to its Approved Emissions Protocol, and each Certificate issued for that unit thereafter shall reflect the emissions associated with the fuel type on such Certificate, as reported by such GIS Generator or Importing Account Holder. If a GIS Generator or Importing Account Holder that has registered a generating unit with multi-fuel capability fails to provide this information by the stated deadline, the GIS Administrator shall list the fuel type used by the GIS Generator with the greatest Proxy Emission for carbon dioxide for 100% of the generating unit's output for such calendar quarter.

(e) (i) Not later than the fifth calendar day preceding each Creation Date, (x) the GIS Administrator shall populate the GIS with stack emissions data provided by the EPA ( but only to the extent such data is provided by the EPA) for each EPA Reporting Generator with respect to each of the emissions that is subject to year-round CEM Reporting to the EPA pursuant to the monitoring provisions of 40 C.F.R. Part 75, including any quarterly emission adjustments (“QEAs”) for previously provided data, and (y) each GIS Generator or Importing Account Holder that has registered an EPA Reporting Generator in the GIS shall provide the GIS Administrator with emissions data for that EPA Reporting Generator with respect to each of the emissions listed in Appendix 2.4 that is not subject to such year-round CEM Reporting, in each case in pounds per month in the applicable quarterly reporting period.

(ii) Not later than the fifth calendar day preceding each Creation Date, GIS Generators and Importing Account Holders registering generating units that use CEM Reporting but are not EPA Reporting Generators shall provide data to the GIS Administrator based on such CEM Reporting for each of the emissions fields listed in Appendix 2.4 that is subject to CEM Reporting.

(iii) Not later than the fifth calendar day preceding each Creation Date, GIS Generators and Importing Account Holders registering generating units that do not use CEM Reporting for an emission field listed in Appendix 2.4 shall provide stack emissions data to the GIS Administrator for that emission field as most recently reported by that generating unit to the EPA or to one or more state or local environmental regulatory agencies, which data shall be divided by the number of months for which it was provided in order to arrive at a monthly value. If such generating unit does not report stack emissions for an emission field listed in Appendix 2.4 to the EPA or a state or local environmental regulatory agency, the GIS Generator or Importing Account Holder shall provide stack emissions data to the GIS Administrator based on its own measurements. GIS Generators and Importing Account Holders registering generating units that do not self-measure shall provide stack emissions data based on AP-42 emission factors found in *Compilation of Air Pollutant Emission Factors, Volume I: Stationary Point and Area Sources* (separated out by fuel type) or on other stack emissions data as provided to a governmental authority in the jurisdiction in which the facility is located. Stack emissions data for new or retrofitted generating units shall be projected based on peer units until such time as actual stack emissions data becomes available for such generating unit; if a generating unit’s stack emissions data are projected based on peer units, that fact and the name and location of the peer unit shall be provided to the GIS Administrator by the GIS Generator or Importing Account Holder and shall be included on that GIS Generator’s or Importing Account Holder’s Certificates.

(iv) Not later than the fifth calendar day preceding each Creation Date, each GIS Generator or Importing Account Holder registering an EPA Reporting

Generator that is capable of generating both steam and electricity will notify the GIS Administrator whether such EPA Reporting Generator generated both steam and electricity in each month during the applicable quarterly reporting period. Notwithstanding the provisions of paragraph (i) above, (x) if such EPA Reporting Generator has generated only electricity in each month during the applicable quarterly reporting period, the GIS Administrator shall use the EPA-provided emissions data for that EPA Reporting Generator and (y) if such EPA Reporting Generator has generated steam in any month during the applicable quarterly reporting period, the GIS Administrator will use emissions data for that EPA Reporting Generator that are provided by the GIS Generator or Importing Account Holder registering that EPA Reporting Generator. For cogeneration units and other combined heat and power units that are not EPA Reporting Generators, all emissions data shall be provided by the GIS Generator or Importing Account Holder registering that cogeneration unit, and shall be based solely on the emissions attributable to the Energy output of such generating unit and shall not reflect emissions attributable to the steam output of such generating unit.

(v) The Environmental Regulatory Agencies identified in Appendix 5.3 may audit any emissions data submitted by GIS Generators or Importing Account Holders. If so directed in writing by any such Environmental Regulatory Agency, the GIS Administrator will insert the following disclaimer on the affected Certificates: “Air regulators for the state in which the generating unit creating this Certificate is located contest emissions information on this Certificate because it varies by more than one percent from emissions information reported to a local, state or federal environmental regulatory agency.”

(vi) Notwithstanding the foregoing, the GIS shall automatically enter zero emissions for each reported emission type for every Zero Emissions Generator.

(f) Not later than the fifth calendar day preceding each Creation Date, each GIS Generator and Importing Account Holder (other than those receiving APS Certificates) shall provide the GIS Administrator with information concerning the labor characteristics fields in Appendix 2.4 for each month to which such Creation Date relates.

(g) Upon initial registration, and updated as necessary, each GIS Generator and Importing Account Holder must supply the month and year the generating unit it registered initially achieved commercial operation and, if applicable, the month and year of the commercial operation of any subsequent repowering (including any addition to capacity associated with such repowering) or other additions to capacity or any refurbishment of such generating unit. In addition, if applicable, a GIS Generator will supply the month and the year of any recommencement of commercial operation of the generating unit it registered after at least two years of not operating or of any recognition by the ISO of the

generating unit it registered as a capacity resource after not being recognized as a capacity Resource for at least two years. Any update to this information provided after the fifth calendar day before any Creation Date shall not apply to the Certificates created on such Creation Date.

(h) Upon initial registration and updated as necessary, the Environmental Regulatory Agency identified in Appendix 5.3 for the state in which a generating unit is located will provide the GIS Administrator with the applicable generating unit's status with respect to RGGI according to the fields listed in Appendix 2.4 (other than with respect to those generating units receiving APS Certificates).

(i) Updating of generator-specific information may be performed by the GIS Generator or Importing Account Holder or its designated agent or by a Regulator identified in Appendix 5.3, subject to confirmation by the GIS Administrator.

(j) Independent third party meter readers ("Third Party Meter Readers") shall be approved by the Energy Regulatory Agency within each state that requires verification and submission of data from GIS Generators that are not NEPOOL Generators or DR Resources by an independent third party, and a list of such certified and approved Third Party Meter Readers shall be provided to the GIS Administrator by each such Energy Regulatory Agency on as frequent a basis as is necessary to maintain a current list of such Third Party Meter Readers. Third Party Meter Readers will provide meter data directly to the GIS Administrator via a secure internet portal. This data will meet the requirements of ISO New England Operating Procedure No. 18 or any successor thereto or the requirements of Rule 2.1(e).

In addition, for purposes of the MAPS, Third Party Meter Readers will calculate and provide to the GIS Administrator (i) the appropriate portions of the electrical output and of the Useful Thermal Energy output converted into MWh for purposes of Certificate creation in the GIS for MAPS CHP Resources, (ii) the appropriate portion of the MWh discharged from a Flywheel Storage Unit, in each case consistent with the regulations issued from time to time by the Massachusetts Department of Energy Resources, and (iii) the appropriate amounts of useful thermal energy produced or projected to be produced, as provided in these Rules, in each case converted into MWh pursuant to Mass. Gen. Laws ch. 25A, § 11F1/2 for purposes of Certificate creation in the GIS for MAPS Useful Thermal Resources other than MAPS Small Useful Thermal Resources. All MAPS CHP Resources, Flywheel Storage Units and MAPS Useful Thermal Resources receiving MAPS-eligible Certificates will only permit generation data to be reported into the GIS through a Third Party Meter Reader. For purposes of NH Class I Thermal Certificates, Third Party Meter Readers will calculate and provide to the GIS Administrator the appropriate amounts of Useful Thermal Energy output converted into MWh for purposes of creating NH Class I Thermal Certificates under the NH RPS. Third Party Meter Readers will comply with all data entry and security procedures and protocols established by the GIS

Administrator from time to time. Each Certificate that is created based on data provided by a Third Party Meter Reader will identify the Third Party Meter Reader providing that data.

(k) In the event that one of the Energy Regulatory Agencies identified in Appendix 5.3 notifies the GIS Administrator that only it shall provide information regarding eligibility for its state's RPS or APS, then upon initial registration and updated as necessary after any change in such RPS or APX eligibility, such Energy Regulatory Agency will notify the GIS Administrator of the applicable generating unit's status under its state's RPS or APS, and no other entity may provide the GIS Administrator with such information. In all other cases, information as to a generating unit's eligibility for a state's RPS or APS may be provided by the applicable Energy Regulatory Agency listed in Appendix 5.3 or by the generating unit itself. The GIS Administrator will notify each GIS Generator or Importing Account Holder of any change in its RPS or APS eligibility provided by one of the Energy Regulatory Agencies under this Section 2.5(k), including in such notice the specific state(s) for which such eligibility was changed. The GIS Administrator will maintain, on the public portion of the GIS website, a list of the Energy Regulatory Agencies that have notified it that only they may provide information on its state's RPS or APS eligibility.

## **Rule 2.6 Initial Assignment of Certificates**

(a) Subject to Rule 2.2(g), Rule 3.3 and this Rule 2.6, the person or entity holding legal title to a particular generating unit, C&LM Resource or DR Resource within the New England Control Area or such person's or entity's agent or representative shall be deemed to be the GIS Generator for that unit if such person or entity or such agent or representative is an Account Holder, and, except for C&LM Resources that have data provided to the GIS Administrator by a Fund Administrator, each Certificate for such unit shall initially be assigned to such person or entity, without prejudice to which person or entity is the owner of such Certificate for other purposes. If the person or entity holding legal title to a particular generating unit, C&LM Resource or DR Resource or such person's or entity's agent or representative is not an Account Holder, then, subject to Rule 3.3, the Certificates for such unit shall be assigned to the Account Holder with an Ownership Share (without legal title) in that unit's generation or conservation. Subject to the foregoing two sentences, Certificates for jointly owned units or units in which multiple Account Holders have an Ownership Share shall initially be assigned to the Lead Market Participant or lead owner of such unit, as reflected in the ISO's records. Account Holders that are parties to existing bilateral transactions administered by the ISO, or new bilateral transactions yet to be administered by the ISO, may (but shall not be required to) use the GIS to effect a transfer, without charge to NEPOOL, of the initial Certificate assignments from the seller to the purchaser in such bilateral transaction. If a C&LM Resource has data provided to the GIS Administrator by a Fund Administrator, each Certificate for such C&LM Resource shall initially be assigned to that Fund Administrator. The purpose of these Operating Rules is intended to describe and define an

information and accounting system. Nothing contained in these Operating Rules is intended to establish any legal title or ownership to Certificates or any underlying attributes they represent.

(b) Notwithstanding Rule 2.6(a) above, the person or entity holding legal title to a particular generating unit, C&LM Resource or DR Resource within the New England Control Area may elect to designate an alternative Account Holder as the GIS Generator for that unit, C&LM Resource or DR Resource (the “Responsible Party”). Upon the GIS Administrator’s receipt of that election, the Responsible Party will have full and sole management and authority over the transactions and activities of the particular generating unit, C&LM Resource or DR Resource to which the designation relates. Election to designate a Responsible Party shall be made in a writing provided to the GIS Administrator that is signed by both the Responsible Party and the person or entity holding legal title to such generating unit, C&LM Resource or DR Resource granting the designation to the Responsible Party, together with evidence reasonably acceptable to the GIS Administrator that the person making the election holds such legal title. After such election (subject to Rule 2.6(c) below), the Responsible Party shall be the “Account Holder” and “GIS Generator” for the applicable generating unit, C&LM Resource or DR Resource, each Certificate for such unit shall initially be assigned to such Responsible Party.

(c) Should either the Responsible Party or person or entity holding legal title to a particular generating unit, C&LM Resource or DR Resource desire to change the account to which the Certificates for such generating unit, C&LM Resource or DR Resource are deposited, such a change must be made by notifying the GIS Administrator in writing and providing the relevant information requested by the GIS Administrator relating to such change request, including, but not limited to (1) the new GIS account to which the Certificates for the generating unit, C&LM Resource or DR Resource are to be assigned and (2) the effective date of the change requested, which notice must be confirmed in writing by (i) the Responsible Party, (ii) the person or entity holding legal title to the generating unit, C&LM Resource or DR Resource, and (iii) the Account Holder to which the Certificates in question are to be assigned. Any change made under this Rule 2.6(c) must be made not later than five (5) calendar days prior to a Creation Date in order to apply to the Certificates created on and after that Creation Date.

## **Rule 2.7 Imports**

(a) All Energy imported into the New England Control Area must be accounted for through the creation of Certificates for the amount of such imported Energy.

(b) The fields for emissions and fuel sources for Certificates associated with Energy imported into the New England Control Area pursuant to an External Transaction purchase not satisfying the requirements of paragraph (c) below (together “Imported System Energy”), shall be provided to the GIS Administrator

by one of the Environmental Regulatory Agencies listed on Appendix 5.3. Such Certificate fields for each adjacent Control Area shall be based (i) on independently audited data for such Control Area, or (ii) on the average of the emissions and fuel source data for such Control Area as included in the most recent year's data in the EPA's E-GRID software or AirData database, adjusted to reflect the latest available imports to and exports from such Control Area, or (iii) on data obtained by such Environmental Regulatory Agency from a local environmental regulatory agency for such Control Area. The GIS Administrator will adjust the fields for emissions and fuel sources for Certificates of Imported System Energy from each adjacent Control Area to account for the attributes contained in the analogous fields for Certificates created under Rule 2.7(c) for the same Trading Period, to the extent practicable and warranted in the GIS Administrator's discretion. The Certificate fields for each adjacent Control Area that are in effect from time to time shall be posted on the GIS website. At such time as a source Control Area for Imported System Energy implements a generation information system that is compatible with the GIS, as determined by the NPC or its delegatee (a "Compatible GIS"), the NPC or its delegatee may amend this Rule 2.7(b) to address the creation of Certificates under this Rule 2.7(b). Each Certificate associated with Imported System Energy will reflect the most recently available overall mix of fuel sources and emissions of the source Control Area, and as they relate to imports of Energy from the NYISO Control Area, the fuel sources for Certificates created under this Section 2.7(b) shall be based, to the extent practicable in the GIS Administrator's discretion, upon the most recent Load & Capacity Data report or "Gold Book" as published by the NYISO. The Certificate field for location for Certificates created under this Rule 2.7(b) will also be completed for Certificates associated with Imported System Energy. All Certificate fields for Certificates associated with Imported System Energy other than fuel source, emissions and location shall state "not applicable."

(c) The Certificates for Energy imported into the New England Control Area pursuant to an External Transaction for the output of a particular External Resource identified in the MSS for purposes of the GIS (together "Imported Unit Energy") shall reflect the attributes of the generating unit generating such Energy if:

- (u) such generating unit is either (i) eligible under one of the RPS fields listed in Part 2 of Appendix 2.4 or (ii) a hydroelectric or hydropower generating unit or (iii) a nuclear generating unit;
- (v) such Energy is imported from such generating unit in an adjacent Control Area into the New England Control Area with transmission rights over the ties to the New England Control Area;
- (w) such Energy is actually settled in the MSS;
- (x) the generation data for such Energy generated by such generating unit (i) meets the requirements of Rule 2.1(e) and (ii) is provided directly to the GIS Administrator via a secure internet portal by either (1) the regional transmission organization or independent system operator (as recognized

by the Federal Energy Regulatory Commission) that covers the area in which such generating unit is located, or (2) an electric utility metering the generation of such generating unit, or (3) a nationally recognized renewable energy credit tracking system, or (4) a Third Party Meter Reader meeting the requirements of Rule 2.5(j);

- (y) the Importing Account Holder importing such Energy has registered the applicable generating unit in the GIS as contemplated by Rule 2.3 and has provided the data contemplated by Rule 2.5; and
- (z) such Importing Account Holder provides the GIS Administrator with (i) a NERC tag for such Energy meeting the requirements of the System Rules for External Transactions for Energy and the requirements of the adjacent source Control Area, (ii) a certification of the seller of such Energy, in the form set forth in Appendix 2.7A, to the effect that the specified attributes have not been and will not be otherwise sold, retired (except as described in clause (iii)), claimed, represented as part of Energy sold elsewhere or used to satisfy obligations in another jurisdiction, and (iii) if the Energy and/or attributes of such generating unit are tracked by another renewable energy credit tracking system, evidence that the renewable energy credits associated with such Energy have been retired or otherwise made ineligible for transfer in such other tracking system.

(d) The GIS Administrator shall, on a quarterly basis, post on the GIS website and shall mail or electronically mail to the regulatory agency for the source Control Area listed on Appendix 2.7B a list of the Imported Unit Energy transactions that caused the creation of unit-specific Certificates based on data provided by an Importing Account Holder under paragraph (c) above. Such list shall identify the location of the generating unit generating the Imported Unit Energy to which each such transaction relates, the name of the Importing Account Holder registering such unit in the GIS, and the Certificate numbers created as a result of such transactions.

## **Rule 2.8 Adjustments to Certificates**

(a) A GIS Generator or Importing Account Holder may request that the GIS Administrator adjust the number of Certificates to be created for it (or, if Certificates of different types or classes are being created for the same GIS Generator or Importing Account Holder, the number of Certificates of each type created for it) at least five calendar days prior to the Creation Date on which such Certificates will be created. To effect an adjustment to the number of Certificates, the GIS Generator or Importing Account Holder shall provide the GIS Administrator with clear evidence of the error in its account. Changes to information for GIS Generators and Importing Account Holders may also be made in accordance with the provisions of Rules 2.3 and 2.5.

(b) MMAs may be submitted after the last calendar day of the month in which the subject Energy was generated. Any adjustments to a GIS Generator's or Importing Account Holder's total number of Certificates that is the result of an

MMA that occurs in a Trading Period (defined below) after the Trading Period in which such Certificate was initially issued shall be accounted for by adjusting that GIS Generator's total number of Certificates in such later Trading Period.

(c) QEAs for EPA-provided emissions data for any calendar quarter that are provided to the GIS Administrator on or before the fifth day before the Creation Date for that calendar quarter shall be reflected on the Certificates created for that calendar quarter. QEAs for EPA-provided emissions data for any calendar quarter that are provided to the GIS Administrator after the fifth day before the Creation Date for that calendar quarter shall be reflected on the Certificates created on the next Creation Date, so long as such subsequently created Certificates relate to generation that occurred in the same calendar year as the emissions that are the subject of any such QEA. Any QEA that is provided to the GIS Administrator after the fifth day before the Creation Date for the fourth quarter Trading Period for the applicable calendar year will be disregarded by the GIS Administrator.

## **PART 3 TRANSFERS OF CERTIFICATES**

### **Rule 3.1 Transfers Among Account Holders**

Except as otherwise provided in these Rules, Account Holders may transfer Certificates to other Account Holders pursuant to a Forward Certificate Transfer (defined below) or at any time during a Trading Period (defined below). Account Holders transferring such Certificates shall reflect such transfer in the GIS by indicating in a designated screen in the GIS that such Certificate has been transferred and selecting the transferee. In turn and in a similar fashion, the Certificate transferee shall confirm the transfer in a designated screen in the GIS. Subject to any restrictions for Forward Certificate Transfers described in Rule 3.3, the transferring Account Holder may cancel any Certificate transfer before such transfer has been confirmed by the transferee by withdrawing the transfer in a designated screen in the GIS. The transfer of any Certificate shall only be registered in the GIS upon the electronic notification by both the transferor and the transferee. Account Holders may designate one or more agents for purposes of transfers and acceptances of transfers of Certificates by creating logins for them.

### **Rule 3.2 Trading Period**

(a) Unless transferred pursuant to Rule 3.3 below, each Certificate shall be eligible for transfer from its Creation Date, and, unless it becomes a Banked Certificate (defined below), a S-REC Auction Certificate or a SREC-II Auction Certificate, such Certificate shall cease to be eligible for transfer 15 days prior to the end of the calendar quarter in which such Creation Date occurs (each such two-month eligibility period being referred to as a "Trading Period"). For example, the Trading Period for Certificates associated with Energy generated in January, February and March of a year will begin on July 15 of that year and end

on September 15 of that year. Any Certificate transfer not involving Banked Certificates that is not confirmed in the GIS in accordance with Rule 3.1 by the end of the applicable Trading Period shall not be effected in the GIS.

(b) In the event that an outage of the GIS of more than 60 consecutive minutes occurs in the five-day interval before the end of a Trading Period, the GIS Administrator shall extend such Trading Period for a period of time equal to the total amount of time lost to such outage, rounded up to a whole 24-hour period.

### **Rule 3.3 Forward Certificate Transfers**

(a) Account Holders may effect a transfer of Certificates in advance of their applicable Creation Date (“Forward Certificates”). Such a transfer (a “Forward Certificate Transfer”) will occur through designated screens in the GIS in the same fashion as transfers are effected for all other Certificates under Rule 3.1, except that the transferor would only be able to rescind a Forward Certificate Transfer until the day that is five calendar days prior to the corresponding Creation Date for that Forward Certificate and only if the Forward Certificate Transfer was initially registered as being subject to rescission pursuant to paragraph (b) below. Forward Certificates may only be subject to one Forward Certificate Transfer – from the GIS Generator or Importing Account Holder’s account to another GIS account – prior to the then applicable Creation Date. Forward Certificate Transfers can be used to effect exports of Certificates and Reserved Certificate transactions. After the Creation Date for a Forward Certificate, such Certificate shall be treated like any other Certificate for all purposes.

(b) In the registration of a Forward Certificate Transfer, the GIS Generator or Importing Account Holder registering that transfer shall indicate (in addition to the requirements in Rule 3.1) (1) the GIS Generator or Importing Account Holder that will create such Forward Certificates, (2) the months or Trading Period(s) to which the Forward Certificate Transfer relates (which may be a single month or Trading Period or a specific number of Trading Periods, as designated in the registration), (3) the maximum number of Forward Certificates to be transferred, or the percentage of total Certificates actually created that will be transferred, during each such month or Trading Period, (4) whether, as a result of Massachusetts vintage requirements, a certain number of Certificates must be created in any calendar year before the Forward Certificates to be transferred will be created, and, if so, the number of such Certificates in each indicated calendar year, and (5) whether the transferor has the ability to rescind the Forward Certificate Transfer prior to the creation of the Forward Certificates. For Reserved Certificate and export transactions, the transferor shall transfer the number or percentage of Forward Certificates to the specially designated accounts for Reserved Certificate transfers and exports in the same fashion as those transfers are effected presently under Rules 3.5 and 3.6, respectively. Neither NEPOOL nor the GIS Administrator, nor the ISO nor the NEPOOL GIS Project Manager shall have any liability if some or all of the Forward Certificates to be

transferred are not created during any applicable Trading Period because of an outage of the GIS Generator or importing generating unit, failure to dispatch the GIS Generator or importing generating unit, failure of an Importing Account Holder to satisfy the requirements of Rule 2.7, or any other reason beyond the reasonable control of NEPOOL, the GIS Administrator, the ISO or the NEPOOL GIS Project Manager. Once the Forward Certificate Transfer is registered in the GIS, such Forward Certificates, when converted into Certificates on their Creation Date, will be deposited directly into the account of the transferee, and the transferor will not at any point have possession of those Forward Certificates. The GIS Administrator will notify each transferor when its Forward Certificate Transfer has been registered in the GIS. Any exercise of a contractual right of rescission of a Forward Certificate Transfer by a transferor shall be effected upon notice to the GIS Administrator from the transferor (without confirmation by the transferee), and in no event will the GIS Administrator be required to determine whether conditions to that rescission, other than receipt of the rescission notice, have been satisfied before effecting the rescission.

(c) When Forward Certificate Transfers transfer percentages of Certificates to be created in respect of a single GIS Generator or importing generating unit during the same period, the Certificates into which such Forward Certificates are converted shall be allocated in proportion to the percentages indicated, except that in the event that such allocations would result in fractional Certificates being transferred, the GIS Generator or Importing Account Holder must specify, before the applicable Creation Date, a preference among multiple transferees for the last undivided Certificate. When Forward Certificate Transfers transfer a designated number of Certificates that are expected to be created in respect of the same GIS Generator or importing generating unit during the same period, the GIS Generator or Importing Account Holder may establish a preference among multiple transferees in those Forward Certificate Transfers. In addition, a GIS Generator or Importing Account Holder may select the amount of Forward Certificates to be transferred as a quarterly (i.e., Trading Period) or a monthly amount. If the GIS Generator or Importing Account Holder does not generate the energy related to a Forward Certificate Transfer for a month or Trading Period (if selected), such Forward Certificate Transfer shall have no effect on the GIS. If the GIS Generator or Importing Account Holder establishes a preference (as described above) for Forward Certificate Transfers for a designated number of Certificates and fails to generate the energy related to a certain Forward Certificate Transfer, that Forward Certificate Transfer and all Forward Certificate Transfers having a lower preference will fail for that month or Trading Period. The transferor and the transferee Account Holders will not have any control over which Certificates for a particular GIS Generator are transferred for the requested month or Trading Period. If a GIS Generator has Massachusetts vintage requirements, the GIS will first create the Certificates for the applicable period meeting those requirements. If that GIS Generator fails to meet the Massachusetts vintage requirements, the requested Forward Certificates will be created as required without a Massachusetts RPS designation and originated in the transferee's account.

(d) The owner of the GIS Generator or the Importing Account Holder that, but for the Forward Certificate Transfer, initially would have received the subject Certificates, will continue to be responsible for providing the information required under Rules 2.3 and 2.5 and the adjustments under Rule 2.8 for the Forward Certificates, notwithstanding the Forward Certificate Transfer. If the transferring GIS Generator or Importing Account Holder fails to provide that information, “default” information will be included for the Certificates pursuant to Rules 2.3 and 2.5.

(e) The GIS only addresses the mechanics of a Forward Certificate Transfer. Issues related to whether the contract for the Forward Certificate Transfer is a “forward contract” under the United States Bankruptcy Code, the creation and perfection of any security interest in the Forward Certificates (whether under the Uniform Commercial Code or otherwise), when consideration for the Forward Certificates is to be given and all other substantive issues related to a Forward Certificate Transfer should be included in the contract between the transferor and the transferee. Any such substantive issues will not be addressed in the GIS and neither NEPOOL nor the GIS Administrator nor the ISO nor the NEPOOL GIS Project Manager shall have any liability with respect to any such substantive issues.

#### **Rule 3.4 Retirement of Certificates; Residual Mix**

(a) At the end of each Trading Period, (i) all trading of Certificates for that Trading Period shall cease, (ii) all Certificates issued for that Trading Period that are not (r) held in the MA SREC Clearinghouse Accounts, (s) S-REC Auction Certificates or SREC-II Auction Certificates, (t) APS Certificates, (u) NH Class I Thermal Certificates, (v) Reserved Certificates (as described in Rule 3.5 below), (w) associated with C&LM Resources, DR Resources or Class III Cogeneration Resources (collectively, “Conservation Certificates”), (x) held in the subaccount of a NEPOOL Participant that is a retail load-serving entity (a “Retail LSE”), which subaccount has a Certificates Obligation (defined below) identified with it (a “Retail Subaccount”), (y) associated with an export transaction, or (z) held in a Banked Certificate Subaccount (defined below) shall be retired (such retired Certificates, other than Reserved Certificates, are collectively referred to herein as “Unsettled Certificates”), and (iii) the GIS Administrator shall issue the quarterly reports contemplated by Part 5 of these GIS Operating Rules. As Conservation Certificates, APS Certificates and NH Class I Thermal Certificates are retired, such Conservation Certificates, APS Certificates and NH Class I Thermal Certificates shall not be included in (1) the definition of Unsettled Certificates or (2) the creation of Residual Mix Certificates, and such Conservation Certificates and APS Certificates shall not be included in the emissions data reported under Rule 5.3(b) (xi), (xii), (xiii), (xxi), (xxii) and (xxiv). The retirement date for a S-REC Auction Certificate and SREC-II Auction Certificates will be dictated by the Massachusetts Department of Energy Resources' regulations, and that S-REC Auction Certificate or SREC-II Auction Certificate shall be included in the

Unsettled Certificates for the Trading Period in which that retirement occurs. Once a Certificate is retired, it shall cease to exist for purposes of the GIS.

(b) In order to ensure a MWh-for-MWh match of Energy generated by GIS Generators and imported into the New England Control Area with Certificates created and assigned, each MWh of Energy reflected in the MSS for the applicable calendar quarter that does not have a Certificate associated with it in a Retail LSE's Retail Subaccount at the end of the Trading Period shall be assigned Certificates to be created by the GIS Administrator that reflect the Certificate fields that are per MWh averages of the aggregate characteristics of the remaining Unsettled Certificates for that quarter ("Residual Mix Certificates"). The attributes contained on any Unsettled Certificate at the end of the Trading Period shall become part of the pool of attributes upon which the Residual Mix Certificates shall be issued. Each Residual Mix Certificate will be designated as such on its face. The total number of Residual Mix Certificates created for any Trading Period, having the characteristics described above, shall be equal to (x) the sum of:

- (i) the total number of Unsettled Certificates for such Trading Period;
- (ii) the total number of Reserved Certificates (defined below) for such Trading Period;
- (iii) the total number of MWhs of negative load in the accounts of all Retail LSEs that have a negative value for their electrical load for such Trading Period less (y) the total number of Certificates issued to Non-NEPOOL Generators, BMG Resources, Included Generators and Non-NEPOOL Generator Representatives for such Trading Period; and
- (iv) the total number of Banked Certificates created in such Trading Period.

### **Rule 3.5 Reserved Certificates**

(a) Account Holders may sell Certificates directly to third parties in good faith, arm's length transactions for reasonable value, independent of transactions involving Energy between those purchasers and their Retail LSEs (Certificates sold in such transactions are referred to herein as "Reserved Certificates."). To avoid the possibility of double counting Certificates, each Account Holder that sells a Reserved Certificate shall, at the time of such transfer, transfer such Reserved Certificate in the GIS to a specially designated Reserved Certificate account using the procedure described in Rule 3.1 and, for a Forward Certificate Transfer of Reserved Certificates, the procedure described in Rule 3.3 (but without confirmation by the transferee). Transactions involving Reserved Certificates are limited to Certificates representing MWhs (A) generated or to be generated by a Zero Emissions Generator or (B) generated or to be generated using a fuel source that is designated as being eligible for such transactions on Appendix 2.4 hereto (except as otherwise provided in these Rules) ("Renewable Certificates"), it being the intent of this Rule that Fuel Sources identified in Part 1

of Appendix 2.4 that are defined as “renewable” (i) by any Attribute Law or (ii) by any statute, regulation or order or decision of a governmental agency of a New England state with respect to eligibility for monies from a state renewable energy fund would be considered Renewable Certificates. A Reserved Certificate may be returned from the Reserved Certificates account to the Account Holder transferring it at any time during the Trading Period for that Certificate if the underlying sale of such Certificate to a third party has not been effectuated. At the end of such Trading Period, all Reserved Certificates in the Reserved Certificate account shall be retired and shall no longer be available for further transfer, and their attributes shall not be included in any Residual Mix Certificates.

(b) At the time that a Reserved Certificate is transferred into the Reserved Certificate account, the Account Holder making such transfer shall provide the GIS Administrator with the name of the transferee of the Certificate that is the subject of that Reserved Certificate transaction. The GIS Administrator shall include in the quarterly reports provided to the Regulators (defined below) under Rule 5.3 a listing of the Account Holder and transferee for each Reserved Certificate transaction during the applicable Trading Period (as represented by the Reserved Certificates in the Reserved Certificate account at the end of such Trading Period). The GIS Administrator will also provide the Regulators with access through the internet portal described in Rule 5.3 to each Certificate involved in such a Reserved Certificate transaction during that Trading Period.

(c) Each Account Holder may, but shall not be required to, designate through dropdown box for each Reserved Certificate (i) whether or not that Reserved Certificate is being used for purposes of compliance with a state renewable portfolio standard or a state alternative energy portfolio standard and (ii) the state for which that Certificate will be used either for compliance with such a portfolio standard or for a “voluntary” transaction.

### **Rule 3.6 Exports**

(a) All external sales of Energy that are not accounted for through the designation of specific Certificates, by Certificate number, associated with such exports pursuant to paragraph (b) below shall be assigned Residual Mix Certificates at the end of the applicable Trading Period. At such time as an adjacent Control Area implements a Compatible GIS, the NPC or its delegatee may amend this Rule 3.6(a) to address the assignment of Certificates under this Rule 3.6(a).

(b) The Certificates associated with Energy exported from the New England Control Area (i) prior to the SMD Effective Date, pursuant to a Unit Contract and (ii) from and after such date, pursuant to an External Transaction identified in the MSS as a unit-specific External Transaction sale for purposes of the GIS, may be transferred to the purchaser of such Energy if:

- (x) the generating unit generating such Energy is eligible under one of the RPS fields listed in Part 2 of Appendix 2.4;
- (y) such Energy is exported from the GIS Generator to a purchaser in an adjacent Control Area with transmission rights over the ties from the New England Control Area; and
- (z) the Account Holder exporting such Energy and associated Certificates provides the GIS Administrator with a NERC tag for such Energy meeting the requirements of the System Rules for such External Transactions and the requirements of such adjacent Control Area.

(c) Certificates may be exported without associated Energy through the use of Reserved Certificate transactions as described in Rule 3.5, provided that such Certificates meet the requirements of such Rule.

(d) Solely for purposes of these GIS Operating Rules, Account Holders making external sales of Energy shall be considered “Retail LSEs,” and the amount of Energy sold in an external sale shall be included in calculating such Account Holder’s “Certificates Obligation.” All Certificates exported with associated external sales of Energy under paragraph (b) above shall be deposited into the exporting Account Holder’s subaccount for such exports and shall be used solely to satisfy the Account Holder’s Certificates Obligation associated with the applicable external sale of Energy.

### **Rule 3.7 Banked Certificates**

(a) Each GIS Account Holder shall have a separate subaccount within its account designated as its “Banked Certificate Subaccount.” At the end of each Trading Period for the first, second and third quarter of any calendar year, all Conservation Certificates, all APS Certificates, all Renewable Certificates and all other Certificates representing MWhs generated by a GIS Generator designated as qualified under any RPS or APS listed in Part 2 of Appendix 2.4 (except S-REC Auction Certificates and SREC-II Auction Certificates) that in each case are neither Reserved Certificates, nor held in a Retail Subaccount nor associated with an export transaction (collectively, “Banked Certificates”) shall automatically be transferred by the GIS Administrator to the Banked Certificate Subaccount held by the applicable GIS Account Holder. Banked Certificates may be removed from a Banked Certificate Subaccount and (a) transferred, (b) deposited into a Retail Subaccount and used to satisfy a Certificates Obligation, (c) used for an export transaction, or (d) used for a Reserved Certificate transaction (in each case in accordance with all applicable Rules) in any Trading Period that relates to the same calendar year as the one in which the MWhs represented by that Banked Certificate were created; i.e., eligible Certificates created in any Trading Period for a calendar year (which Trading Periods begin on July 15 of that calendar year and end on June 15 of the following calendar year) can become Banked Certificates and then be transferred or used in subsequent Trading Periods for that same calendar year. Transferred Banked Certificates may be deposited into the

Banked Certificate Subaccount of the transferee for subsequent transfer or use as described above. Banked Certificates will not be used to satisfy a Retail LSE's Certificates Obligations while they are in a Banked Certificate Subaccount. Except as set forth below, the attributes associated with Banked Certificates will not be taken into account in the creation of Residual Mix Certificates for any Trading Period.

(b) Once an eligible Certificate is used to satisfy a Retail LSE's Certificates Obligation, used for an export transaction or used for a Reserved Certificate transaction, it will cease to be eligible to become a Banked Certificate.

(c) At the end of the fourth Trading Period for a calendar year (i.e., on June 15 of the subsequent calendar year), all Banked Certificates that have not been deposited into a Retail Subaccount or one of the MA SREC Clearinghouse Accounts or associated with an export transaction or a Reserved Certificate transaction shall be retired in accordance with Rule 3.4(a) as if they had not been held in a Banked Certificate Subaccount.

### **Rule 3.8 Post-Closing Account Adjustment**

(a) A request by an Account Holder for an adjustment to the Certificates deposited in or withdrawn from that Account Holder's account or any of its subaccounts (including without limitation its Banked Certificates Subaccount) in any Trading Period after the close of that Trading Period ("Post-Closing Account Adjustment") shall be considered by the NEPOOL Markets Committee provided a timely request for such consideration is made by the Account Holder (as described in paragraph (b) below) and provided the adjustment is required solely to rectify an error in (i) the GIS software or the ISO's settlement software or (ii) data entry by either the ISO or GIS Administrator personnel. No other requests for Post-Closing Account Adjustments shall be considered by the Markets Committee. The Markets Committee may approve or disapprove the Account Holder's request for a Post-Closing Account Adjustment at its sole discretion. The Account Holder shall be responsible for demonstrating that the request satisfies the above criteria.

(b) A request for a Post-Closing Account Adjustment shall be reported by the Account Holder to the GIS Administrator within thirty days of the close of the Trading Period to which such request relates. Without limiting the foregoing, a request for a Post-Closing Account Adjustment shall only be considered if the error giving rise to the request occurred during the most recently closed Trading Period. The GIS Administrator will promptly forward a request for a Post-Closing Account Adjustment, with any supporting or contrary information that it deems to be appropriate, to the Markets Committee.

(c) The GIS Administrator shall determine whether the requested Post-Closing Account Adjustment shall require a corresponding or offsetting

adjustment in the account(s) of other Account Holders in order to maintain the integrity of the GIS and shall include that information in the material it forwards to the Markets Committee with respect to the request for the Post-Closing Account Adjustment. Any Account Holder(s) affected by such a request shall receive notification from the GIS Administrator and shall be permitted to appear before the Markets Committee and present its position with respect to the requested Post-Closing Account Adjustment.

(d) In addition to the foregoing provisions relating to Post-Closing Account Adjustments and notwithstanding any other provision of these Rules to the contrary, an Account Holder that has had Certificates that are eligible for inclusion in a Banked Certificate Subaccount under Rule 3.7 retired from its account or Subaccount and become Unsettled Certificates at the end of any Trading Period may, upon request to the GIS Administrator, have such Unsettled Certificates credited back to that account or Subaccount and/or subsequently transferred to another account or Subaccount if the following conditions are met:

- (i) those Certificates may be credited to the Account Holder's account or Subaccount and/or transferred to another account or Subaccount not later than the date for the annual compliance filing for the state RPS or APS for which those Certificates are eligible; and
- (ii) if an Energy Regulatory Agency listed on Appendix 5.3 notifies the GIS Administrator in writing that any such crediting and/or transfer of Certificates eligible for its state's RPS or APS must be approved by that Energy Regulatory Agency, then that Energy Regulatory Agency shall have approved the crediting and/or transfer of those Certificates.

In the event that any Unsettled Certificates that are to be credited to an account or Subaccount under this Rule 3.8(d) are eligible for the RPS or APS of more than one state, then those Certificates shall only be designated as being eligible for any RPS or APS for which (x) they are otherwise eligible, (y) the annual compliance filing deadline has not occurred, and (z) either no Energy Regulatory Agency approval is required or the applicable Energy Regulatory Agency has granted approval. Upon any crediting and/or transfer of Certificates under this Section 3.8(d), the GIS Administrator shall update the quarterly and annual reports produced under Rule 5.2(a) of the Account Holder(s) to which those Certificates have been credited and/or transferred.

### **Rule 3.9 Account Management Alternatives**

(a) If an Account Holder elects to access and manage its GIS account and subaccounts through one or more third-party account management services approved by the NEPOOL Markets Committee from time to time, then: (1) the actions described in this Part 3 relating to the Account Holder's GIS account and subaccounts shall take place through that account management system and not through the GIS; (2) the functionality described in this Part 3 will be disabled in

the GIS user interface and will be performed exclusively in that account management system for that Account Holder; and (3) all other functions pertaining to the Account Holder's GIS account and subaccounts will still occur through the GIS user interface.

(b) In addition, an Account Holder that is also a NEPOOL Participant, an ISO Market Participant or one of the Energy Regulatory Agencies listed in Appendix 5.3 may access the GIS through an application programming interface ("API") approved by the NEPOOL Markets Committee and made available to all such Account Holders by the GIS Administrator. Any Account Holder accessing the GIS through an API (other than one of the Energy Regulatory Agencies listed in Appendix 5.3) will pay any fee for such access as is established from time to time by the NEPOOL Participants Committee, subject to the provisions of Rule 2.2(a) for non-Participant Account Holders that are subject to such a fee.

### **Rule 3.10 S-REC Auction Certificates and SREC-II Auction Certificates**

(a) Two accounts shall be established for the Massachusetts Department of Energy Resources, known as (i) the MA Solar Credit Clearinghouse Account and (ii) the MA SREC-II Clearinghouse Account, in accordance with Rule 2.2(e). On or prior to the date established each year by the Massachusetts Department of Energy Resources, each Account Holder with active Certificates designated under Appendix 2.4 as Massachusetts RPS Class I Solar Carve-Out Unit Certificates that are within their Opt-In Terms may transfer such Certificates into the MA Solar Credit Clearinghouse Account, and each Account Holder with active Certificates designated under Appendix 2.4 as Massachusetts Solar Carve-Out II Unit Certificates that are within their Opt-In Terms may transfer such Certificates into the MA SREC-II Clearinghouse Account. Subject to Rule 3.10(e) below, Certificates in the MA SREC Clearinghouse Accounts may not be transferred, retired, exported, applied to a Certificates Obligation or used in a Reserved Certificate transaction.

(b) Prior to the date that is at least five days before the start of the second quarter Trading Period for the calendar year following the calendar year to which the Certificates in the MA Solar Credit Clearinghouse Account or the MA SREC-II Clearinghouse Account relate, the Massachusetts Department of Energy Resources shall notify the GIS Administrator (1) which Certificates in the MA Solar Credit Clearinghouse Account shall be redesignated as "S-REC Auction Certificates" receiving the treatment as such described in this Rule 3.10, (2) which Certificates in the MA SREC-II Clearinghouse Account shall be redesignated as "SREC-II Auction Certificates" receiving the treatment as such described in this Rule 3.10, (3) which Certificates in the MA SREC Clearinghouse Accounts shall be retired and (3) to which Account Holder's account each S-REC Auction Certificate and each SREC-II Auction Certificate should be assigned. Each S-REC Auction Certificate and each SREC-II Auction Certificate shall be specifically designated as such in the GIS.

(c) For each Certificate redesignated as a S-REC Auction Certificate and each SREC-II Auction Certificate, the Massachusetts Department of Energy Resources shall provide the GIS Administrator with the retirement date for that Certificate (the “S-REC Retirement Date”). Each S-REC Auction Certificate and each SREC-II Auction Certificate shall survive until its S-REC Retirement Date with no further banking or other action by the Account Holder holding that S-REC Auction Certificate or SREC-II Auction Certificate from time to time. Each S-REC Auction Certificate and each SREC-II Auction Certificate shall include a notation of the year in which the associated generation occurred and its S-REC Retirement Date.

(d) S-REC Auction Certificates and SREC-II Auction Certificates being assigned from the MA SREC Clearinghouse Accounts to another Account Holder’s account shall be available to the assignee Account Holder at the start of the second quarter Trading Period of the year following the year to which such S-REC Auction Certificates or SREC-II Auction Certificates relate. Once they are assigned to an Account Holder’s account, S-REC Auction Certificates and SREC-II Auction Certificates may be transferred, applied to a Certificates Obligation, exported or used in a Reserved Certificate transaction in the same manner as other Certificates in the GIS.

(e) An Account Holder may, upon request to the GIS Administrator, have Certificates that it transferred to a MA SREC Clearinghouse Account credited back to one of its accounts or Subaccounts so long as the Massachusetts Department of Energy Resources notifies the GIS Administrator that it approves such transfer. Any Certificates credited to an Account Holder’s account or Subaccount pursuant to this Rule 3.10(e) shall be designated as qualifying for compliance with the Massachusetts Class I RPS and the appropriate Massachusetts Solar Carve-Out requirements for the year for which the Certificates were created. In addition, an Account Holder that has had Certificates that are eligible for inclusion in a MA SREC Clearinghouse Account that were retired from its account or Subaccount at the end of any Trading Period may, upon request to the GIS Administrator, have such Certificates credited to a MA SREC Clearinghouse Account so long as the Massachusetts Department of Energy Resources notifies the GIS Administrator that it approves such transfer. Upon any crediting and/or transfer of Certificates under this Section 3.10(e), the GIS Administrator shall update the quarterly and annual reports produced under Rule 5.2(a) of the Account Holder(s) to which those Certificates have been credited and/or transferred.

## **PART 4 RETAIL LSE OBLIGATIONS AND ACCOUNTS**

### **Rule 4.1 Retail LSE Obligations, Accounts and Subaccounts**

(a) Each Retail LSE in the New England Control Area shall register for one Certificate account with the GIS Administrator and for at least one Retail Subaccount for each state in which it does business as a Retail LSE (regardless of

whether such Retail LSE is subject to any Attribute Laws in such state) and for any external sales of Energy. In addition, if a Retail LSE provides Energy to a retail load serving entity that is not a NEPOOL Participant (a “Non-Participant LSE”), such Retail LSE shall register for a separate subaccount for the Energy provided to such Non-Participant LSE. Only Retail LSEs shall have Retail Subaccounts within their accounts. Also, each Retail LSE shall have one default Retail Subaccount (a “Default Subaccount”) created for it. Any Account may have a Banked Certificate Subaccount.

(b) Except as provided below, a Retail LSE will have a GIS Certificate obligation calculated in accordance with Rule 4.3 (“Certificates Obligation”). Each Account Holder’s Certificates Obligation will be rounded to whole MWh amounts, with 0.5 MWh or more being counted as 1 MWh and less than 0.5 MWh being counted as 0 MWh.

(c) For purposes of these GIS Operating Rules, a “Non-LSE Load Holder” is (x) an entity that has electrical load associated with a registered Load Asset, as recorded by the ISO, but that does not have the obligation to comply with the Attribute Laws with respect to that registered Load Asset or a contractual obligation with a Non-Participant LSE that has an obligation to comply with the Attribute Laws with respect to that registered Load Asset or (y) if no such Attribute Laws apply to that registered Load Asset, an entity that does not have a contractual relationship with either the retail customers represented by that registered Load Asset or with a Non-Participant LSE that in turn has a contractual relationship with the retail customers represented by that registered Load Asset. Each Non-LSE Load Holder is required (i) to notify the GIS Administrator of the identity of the Retail LSE that has the obligation to comply with the Attribute Laws with respect to the subject registered Load Asset or otherwise has the contractual relationship with the retail customers represented by the subject registered Load Asset or otherwise has a contractual relationship with a Non-Participant LSE that in turn has such an obligation or contractual relationship (the “Serving LSE”) and (ii) to transfer within 15 days after each Creation Date at no cost its Certificates Obligations for the subject registered Load Asset for the applicable quarter to the Serving LSE for such registered Load Asset, in each case by so indicating in a designated screen in the GIS. Such Serving LSE is required to accept such Certificates Obligation. The electrical load for which a Retail LSE shall have a Certificates Obligation will include any and all line losses, as already calculated into the settlements data provided to the GIS Administrator by the ISO.

(d) Each Retail LSE’s Certificates Obligation shall initially be assigned to its Default Subaccount, and each Retail LSE must disaggregate such Certificates Obligation into the appropriate subaccount(s) for the states in which it does business by the end of each Trading Period. A Retail LSE’s Certificates Obligation in any state may be further disaggregated into separate Retail Subaccounts for each product offered by such Retail LSE in a particular state, at

the Retail LSE's discretion and as designated by the Retail LSE to the GIS Administrator.

(e) Retail LSEs may hold Certificates in their Default Subaccounts without assigning them to any other Retail Subaccount. APS Certificates may be held in a Retail LSE's Retail Subaccount without being matched to that Retail LSE's Certificates Obligation.

(f) Each Account Holder may, but shall not be required to, designate through a dropdown box for each Certificate (i) whether that Certificate is being used for purposes of compliance with a state renewable portfolio standard or a state alternative energy portfolio standard and (ii) the state for which that Certificate will be used either for compliance with such a portfolio standard or for a "voluntary" transaction.

#### **Rule 4.2 Attribute Laws for Retail LSE Subaccounts**

For each Retail Subaccount held by it (including any subaccounts held for the Energy provided to Non-Participant LSEs), a Retail LSE shall indicate in the GIS database whether the Attribute Laws of any state apply to the retail load represented by such Retail Subaccount.

#### **Rule 4.3 Calculation of Certificates Obligation**

(a) The GIS Administrator shall calculate on each Creation Date the Certificates Obligation of each Retail LSE for that Trading Period with MSS data for electrical load in the applicable calendar quarter obtained from the ISO, adjusted to account for any MMAs occurring prior to that Creation Date. The GIS Administrator shall determine a Retail LSE's Certificates Obligation by subtracting from such electrical load applicable to such Retail LSE that Retail LSE's entitlement or ownership share of Energy used for pumping at a pumped storage facility owned by that Retail LSE or in which that Retail LSE has an Ownership Share during that calendar quarter (or the comparable figures for the transferor of that Retail LSE's Certificates Obligation), which shall be provided by the applicable Retail LSE at least five calendar days before the applicable Creation Date. Without limiting the generality of the foregoing, Forward Certificates will not satisfy a Certificate Obligation for any Trading Period prior to their Creation Date, APS Certificates will not satisfy a Certificate Obligation at any time, and NH Class I Thermal Certificates will only satisfy a Certificate Obligation for a Retail LSE's New Hampshire Retail Subaccount.

(b) Certificates Obligations for load serving obligations during a calendar quarter may only be satisfied (i) with Certificates, other than APS Certificates, associated with Energy generated during such calendar quarter or (ii) with Certificates, other than APS Certificates, that became Banked Certificates that are associated with Energy generated during the same calendar year. Notwithstanding the foregoing, (i) NH Class I Thermal Certificates may satisfy a

Certificates Obligation for Retail LSE's New Hampshire Retail Subaccount, and (ii) Certificates Obligations in any Default Subaccount for any calendar quarter may only be satisfied with Residual Mix Certificates for the same calendar quarter.

(c) Each Retail LSE shall inform the GIS Administrator before the end of the applicable Trading Period how to allocate its total Certificates Obligation in its Default Subaccount for that Trading Period among its other GIS subaccounts, including any subaccounts it maintains to account for its contractual relationships with Non-Participant LSEs.

(d) MMAs may be submitted after the last calendar day of the month in which the load occurred. Any adjustments to a Retail LSE's Certificates Obligation that is the result of an MMA that occurs in a Trading Period after the Trading Period in which such Certificates Obligation was originally calculated shall be accounted for by adjusting that Retail LSE's Certificates Obligation in such later Trading Period.

(e) In order to preserve the MWh-for-MWh match of Energy generated by GIS Generators and imported into the New England Control Area with Certificates created and assigned and with Certificates Obligations, at the beginning of each Trading Period the GIS Administrator shall create a Certificates Obligation for every APS Certificate and for every Certificate created for a C&LM Resource, a BMG Resource, a DR Resource or a Class III Cogeneration Resource for that Trading Period (the "Conservation Obligations"). The Conservation Obligations will be assigned to a special subaccount ("Conservation Subaccount") maintained in the name of the GIS Administrator. The Conservation Obligations in the Conservation Subaccount shall not be transferable.

#### **Rule 4.4 Allocation of Residual Mix Certificates**

After the close of each Trading Period, the GIS Administrator shall assign Residual Mix Certificates to each MWh of Certificates Obligations in each Retail Subaccount and as well as in the Conservation Subaccount that does not have a Certificate. This assigning of Residual Mix Certificates by the GIS Administrator shall not include any APS Certificates nor any NH Class I Thermal Certificates that correspond to any Retail Subaccount that is not a New Hampshire Retail Subaccount.

#### **Rule 4.5 Transfer of Certificates Obligations**

A Retail LSE may transfer any part of its Certificates Obligation to any Retail Subaccount held by such Retail LSE or to any unrelated accounts held by another Account Holder. If such transfer is to or between any subaccounts held by the same Account Holder, such Account Holder shall so notify the GIS Administrator. If such transfer is to another Account Holder (other than a transfer

contemplated by Rule 4.1(c)), the transferring Retail LSE shall reflect such transfer in the GIS by indicating in a designated screen in the GIS that such Certificates Obligation has been transferred and selecting the transferee. In turn and in a similar fashion, the transferee of the Certificates Obligation shall confirm the transfer in a designated screen in the GIS. The transferring Account Holder under this Rule 4.5 may cancel any Certificates Obligation transfer before such transfer has been confirmed by the transferee by withdrawing the transfer in a designated screen in the GIS. The transfer of any Certificates Obligation (other than a transfer contemplated by Rule 4.1(c)) shall only be registered in the GIS upon the electronic notification by both the transferor and the transferee.

#### **Rule 4.6 Energy Used for Pumped Storage**

In order to ensure a MWh-for-MWh match of Energy generated by GIS Generators and imported into the New England Control Area with Certificates created and assigned, a separate account (the “Pumped Storage Account”) will be created, with a separate Certificates Obligation for each calendar quarter equal to the excess of (x) Energy used for pumping at pumped storage facilities in the New England Control Area during such calendar quarter over (y) Energy generated by such pumped storage facilities during such calendar quarter. The GIS Administrator shall obtain figures for such amounts from the MSS. The Pumped Storage Account shall not have an Account Holder associated with it. At the end of each Trading Period, Residual Mix Certificates shall be assigned to each MWh of Certificates Obligations in the Pumped Storage Account.

### **PART 5 REPORTS AND ACCESS TO INFORMATION**

#### **Rule 5.1 Current Account Status**

Each registered Account Holder shall have access, via a secure password-restricted internet portal, to the current status of its account and subaccounts, if any. Such status shall include, at a minimum, a listing of the Certificates and Forward Certificates in each of such Account Holder’s accounts and subaccounts and the Certificates and Forward Certificates which another Account Holder has proposed to transfer to such Account Holder using the mechanism described in Rule 3.1 but which such Account Holder has not yet accepted. Each Account Holder shall be able to view in real time the fields for each Certificate or Forward Certificate in each of its accounts and subaccounts.

#### **Rule 5.2 Reports for Account Holders**

(a) The GIS Administrator will furnish electronically to each registered Account Holder quarterly and annual reports that aggregate by MWh the various Certificate fields listed on the Certificates owned by such Account Holder for such reporting period. Quarterly reports shall be provided by the 5th day after the close of a Trading Period, and annual reports shall be produced by June 20 of the year following the year to which the report applies. Annual reports shall include

amounts for the generation occurring and Certificates Obligations arising during the applicable calendar year and shall include Certificates transactions that occurred during the portions of the Trading Periods that occurred following the end of such calendar year. Account Holders may view only data for their individual accounts and subaccounts.

(b) In addition to the particular Certificate fields mentioned above, each periodic Account Holder's report shall also include the Account Holder's identification number, range of Certificate identification numbers for the Certificates owned by it, and a listing by date and Certificate number of each Certificate creation, Certificate transfer and Forward Certificate Transfer to or from another Account Holder, and Certificate retirement during the applicable reporting period. The GIS Administrator shall provide Account Holders with the ability to group these reports by any field and any subaccount.

(c) Reports provided to a Retail LSE shall also indicate the total Certificates Obligation attributed to such Retail LSE and any transfers of Certificates Obligations during the reporting period. Reports provided to a GIS Generator or an Importing Account Holder shall also include the total amount of Energy attributed to such GIS Generator or Importing Account Holder during the reporting period, and annual reports provided to each GIS Generator or Importing Account Holder shall state whether each Certificate issued to such GIS Generator or Importing Account Holder was (i) designated as a Residual Mix Certificate, (ii) designated as a Reserved Certificate, (iii) exported, (iv) assigned to a Retail LSE, or (v) retired but not designated as a Residual Mix Certificate or Reserved Certificate, exported or assigned to a Retail LSE.

(d) GIS Generators and Importing Account Holders may request that the GIS Administrator provide the information described in the last sentence of Rule 5.2(c) for prior years as well.

### **Rule 5.3 Reports for Regulatory Agencies and ISO**

(a) Each of the regulatory agencies listed on Appendix 5.3 (the "Regulators") and the ISO shall have access, via a secure, password restricted internet portal, to quarterly and annual reports generated by the GIS Administrator. Quarterly reports shall be provided by the 5th day after the close of a Trading Period and shall relate solely to such Trading Period; and annual reports shall be produced by July 1 of the year following the year to which the report applies. Annual reports shall include amounts for the generation occurring and Certificates Obligations arising during the applicable calendar year and shall include Certificates transactions that occurred during the portions of the Trading Periods that occurred following the end of such calendar year.

(b) Each report provided to the Regulators and the ISO shall include the following information:

- (i) List of GIS Generators identified by name, date commercial operations were commenced, and date of any repowering and/or capacity addition, categorized by fuel source;
- (ii) List of Retail LSEs with GIS accounts, identified by name and categorized by state(s) for which they hold subaccounts;
- (iii) Total MWh of Energy generated in the New England Control Area during the reporting period;
- (iv) Total MWh of Energy conserved by C&LM Resources and DR Resources in the New England Control Area during the reporting period;
- (v) Total MWh of Energy imported into the New England Control Area from each adjacent Control Area during the reporting period;
- (vi) Total number of Certificates created during the reporting period (with APS Certificates, NH Class I Thermal Certificates and Conservation Certificates accounted for separately);
- (vii) Allocation of Certificates among retail load in each state during the reporting period, categorized by fuel source (with APS Certificates, NH Class I Thermal Certificates and Conservation Certificates accounted for separately);
- (viii) Total number of Renewable Certificates created during the reporting period;
- (ix) Total number of Banked Certificates at the end of the reporting period (with APS Certificates, NH Class I Thermal Certificates and Conservation Certificates accounted for separately);
- (x) Total number of Banked Certificates from prior Trading Periods that were used to satisfy a Certificates Obligation, used for an export transaction or used in a Reserved Certificate transaction in the Trading Period that most recently ended;
- (xi) Total Unsettled Certificates retired at end of Trading Period, by fuel source, with average emissions for each fuel source, and by state of generation and GIS account holder holding such Unsettled Certificates;
- (xii) Average, in pounds, of each of the emissions listed in Appendix 2.4 that is attributable to load in each state as a result of the Certificate allocation (other than Conservation Certificates and APS Certificates) during the reporting period;
- (xiii) For each GIS Generator (other than Class III Cogeneration Resources, MAPS CHP Resources and MAPS Useful Thermal Resources), the pounds of each of the emissions listed in Appendix 2.4 for such reporting period;
- (xiv) List of GIS Generators (other than Class III Cogeneration Resources, MAPS CHP Resources and MAPS Useful Thermal Resources) and Importing Account Holders reporting emissions by specific fuel type for multi-fuel generating units pursuant to Rule 2.5(d);

- (xv) Total MWh of Energy exported from the New England Control Area into each adjacent Control Area during the reporting period;
- (xvi) Total number of Reserved Certificate transactions for the reporting period, together with the Account Holder transferring each such Reserved Certificate and the transferee of each Certificate or Forward Certificate subject to such a Reserved Certificate transaction;
- (xvii) a list of all Certificates designated as Reserved Certificates at the end of the reporting period together with access via the internet portal to such Certificates;
- (xviii) a description of the Residual Mix Certificates during the reporting period, with and without giving effect to the Reserved Certificate transactions during that reporting period;
- (xix) Total MWh of Energy consumed by load within the New England Control Area during that reporting period;
- (xx) Total net MWh of Energy imported or exported into or from the New England Control Area from and to each adjacent Control Area during the reporting period;
- (xxi) Total pounds of carbon dioxide emissions by all GIS Generators (other than Non-NEPOOL MAPS Resources and Class III Cogeneration Resources) in the New England Control Area during the reporting period;
- (xxii) Total MWh of Energy and total pounds of carbon dioxide generated during the reporting period by GIS Generators (other than Non-NEPOOL MAPS Resources and Class III Cogeneration Resources) in the New England Control Area in each of the following categories (reported separately for each category), (A) all RGGI-Affected GIS Generators; (B) all GIS Generators that are not RGGI-Affected solely because they have a generating capacity of less than 25 MW; and (C) all GIS Generators in the New England Control Area that are not RGGI-Affected because of their fuel source;
- (xxiii) Average carbon dioxide emissions for the net imports into the New England Control Area from each adjacent Control Area, reported on the basis of pounds per MWh of net imports of Energy (which shall be based on information provided to the GIS Administrator by the system operators and/or the regulatory agencies listed in Appendix 2.7B in each adjacent Control Area, and the GIS Administrator shall not report this data for any Control Area in a reporting period for which it does not receive such information);
- (xxiv) Average carbon dioxide emissions, reported on a pounds per MWh of Energy basis, for each of the following categories (reported separately for each category); (A) all RGGI-Affected GIS Generators (other than Non-NEPOOL MAPS Resources and Class III Cogeneration Resources) in the New England Control Area; and (B) all GIS Generators (other than Non-NEPOOL MAPS

- Resources and Class III Cogeneration Resources) in the New England Control Area that are not RGGI-Affected;
- (xxv) Subject to Rule 5.3(d) below, list of GIS Generators identified by (A) name, (B) location, (C) date commercial operations were commenced, (D) date of any repowering and/or capacity addition, (E) fuel source, (F) eligibility under state renewable portfolio standards or alternative energy portfolio standards (as reflected in Part 2 of Appendix 2.4), (G) asset identification number, (H) total generation or conservation, in MWh, for the reporting period, and (I) whether generation or conservation data included in that report was provided to the GIS Administrator by a Third Party Meter Reader and the identity of any Third Party Meter Reader providing such data (the information described in items (G), (H) and (I) of this Section 5.3(b)(xxv) is referred to as “Protected Generator Information”);
  - (xxvi) Subject to Rule 5.3(d) below, list of Retail LSEs with GIS accounts, identified by (A) name, (B) total Certificates Obligation over the four most recent quarterly Trading Periods and (C) its total imports, in MWh, for the four most recent quarterly Trading Periods (the information described in items (B) and (C) of this Section 5.3(b)(xxvi) is referred to as “Protected Load Information;” Protected Generator Information and Protected Load Information are collectively referred to as “Protected Information”) and categorized by state(s) for which they hold subaccounts;
  - (xxvii) Total number of Certificate retirements designated as being effected for reasons other than compliance with a state renewable portfolio standard or a state alternative energy portfolio standard; and
  - (xxviii) Total number of SREC-II Ineligible Certificates created during the reporting period.

(c) Notwithstanding the availability of such reports to the Regulators, each entity subject to any Attribute Law is responsible for demonstrating compliance with that Attribute Law, and neither the GIS Administrator nor NEPOOL nor the ISO nor the NEPOOL GIS Project Manager has any responsibility for ensuring an entity’s demonstration of Attribute Law compliance.

(d) The Protected Information shall only be included in the reports provided to those Regulators for which the following conditions have been satisfied: (i) the Account Holder to which that Protected Information relates has specified to the GIS Administrator that such Regulator should receive such Protected Information, provided that, subject to sub-section (ii) of this Rule 5.3(d), (A) Protected Information relating to a GIS Generator that is qualified as a Class I or Class II renewable energy resource or a Community-Based Renewable Energy Resource under the Maine RPS (as reflected in the GIS) shall automatically be provided to the Maine Public Utilities Commission and (B) Protected Information relating to

a GIS Generator that is qualified as a Class I, Class II or Class III renewable energy source under the Connecticut RPS (as reflected in the GIS) shall automatically be provided to the Connecticut Public Utilities Regulatory Authority, and (ii) such Regulator has furnished the GIS Administrator with a certification, in the form of Appendix 5.3A hereto, that the Regulator is legally authorized to, and will, treat the Protected Information as confidential and as information that is not subject to public disclosure under the laws of the state in which that Regulator is established, as set forth in that certification. The GIS Administrator shall be expressly entitled to rely on that certification in releasing Protected Information to a Regulator and in no event shall the GIS Administrator, the NEPOOL GIS Project Manager, NEPOOL or any NEPOOL Participants be liable or subject to damages and/or claims of any nature due to the inaccuracy of that certification. The GIS Administrator will notify NEPOOL counsel, the NEPOOL GIS Project Manager and each Account Holder at the time of each Regulator who provides such a certification to it.

#### **Rule 5.4 Publicly Available Reports**

(a) The GIS Administrator will prepare and post in a publicly available portion of the GIS website the quarterly and annual reports described below. Quarterly reports shall be posted by the 5th day after the close of a Trading Period and shall relate solely to such Trading Period; and annual reports shall be posted by July 1 of the year following the year to which the report applies. Annual reports shall include amounts for the generation occurring and Certificates Obligations arising during the applicable calendar year and shall include Certificates transactions that occurred during the portions of the Trading Periods that occurred following the end of such calendar year.

(b) The reports posted on the GIS Administrator's website shall include a directory of all Account Holders in the reporting period, and, for each Account Holder, the following information:

- (i) Name of Account Holder;
- (ii) Name of Account Holder's designated representative;
- (iii) Street address or post office box number;
- (iv) City, state or province, and ZIP or postal code;
- (v) Country (if not the United States);
- (vi) Telephone and fax number;
- (vii) Web site address (with hypertext link);
- (viii) Total exports, in MWh, for the four most recent quarterly Trading Periods;
- (ix) Total number of Reserved Certificate transactions for the four most recent quarterly trading periods; and
- (x) Whether, according to the GIS Administrator's records, the GIS Generator has a Low Impact Hydropower Institute Hydropower Certification or Center for Resource Solutions Green-e certification.

For each Account Holder, the GIS Administrator shall indicate whether it is a GIS Generator and/or a Retail LSE or neither a GIS Generator nor a Retail LSE.

(c) The GIS Administrator shall post for each GIS Generator (with the identity of the GIS Generator masked by use of a code to conceal such identity) a list of the following information from the GIS Generator's Certificate fields for the applicable reporting period:

- (i) Asset identification numbers;
- (ii) Facility names and locations;
- (iii) Fuel sources;
- (iv) Eligibility under state renewable portfolio standards;
- (v) Total generation or conservation, in MWh, for the four most recent quarterly Trading Periods; and
- (vi) Whether generation or conservation data in the report was provided to the GIS Administrator by a Third Party Meter Reader and the identity of any Third Party Meter Reader providing such data.

(d) The GIS Administrator shall post for each Retail LSE (with the identity of the Retail LSE masked by the use of a code to conceal such identity) its total Certificates Obligation over the four most recent quarterly Trading Periods and its total imports, in MWh, for the four most recent quarterly Trading Periods.

(e) The publicly available reports posted on the GIS Administrator's website shall include an aggregation and/or average, as appropriate, of the Certificate fields for all Certificates created during the quarterly or annual reporting period. Such reports shall aggregate data separately for NEPOOL Generators, Importing Account Holders, Non-NEPOOL Generators, Included Generators, C&LM Resources, BMG Resources, Class III Cogeneration Resources, DR Resources, MAPS CHP Resources, MAPS Useful Thermal Resources, NH Useful Thermal Resources and Non-NEPOOL Generator Representatives and shall also include data aggregated for all GIS Generators and Importing Account Holders. Those reports shall include the aggregate and/or average, as appropriate, of the Certificate fields for all Unsettled Certificates for the quarterly or annual reporting period as well. Those reports shall also include a listing of all Third Party Meter Readers for the time period covered by each such report.

(f) The publicly available reports posted on the GIS Administrator's website shall also include a report showing all Certificates transferred during the quarterly or annual reporting period, aggregated separately by (1) fuel type, (2) each RPS and APS for the New England states and (3) the total number of Certificates transferred during the reporting period. Those reports shall also show the number of Certificates that were transferred once, twice, three times or more than three times within each of the fuel type and RPS/APS categories during the quarterly or annual reporting period. The fuel type and RPS and APS categories in such

reports shall correspond to the major categories set forth in Appendix 2.4. Those reports shall also show the aggregate number of Unsettled Certificates that are credited and/or transferred pursuant to Rule 3.8(d), the number of times such a crediting or transfer has occurred during the quarterly or annual Trading Period, and the number of Unsettled Certificates that were credited and/or transferred in each transaction.

(g) The GIS Administrator shall also post in a publicly available portion of the GIS website a “bulletin board” that may contain information regarding the type, price, and quantity of Certificates available for transfer or which Account Holders seek to acquire, which information shall be provided to the GIS Administrator from time to time by each Account Holder requesting inclusion in such bulletin board. Any such information regarding the type, price, and quantity of Certificates available or sought for transfer is indicative only, is not binding on the party providing that information and may be withdrawn or altered at any time with or without notice to the GIS Administrator. Any contract to effectuate a transfer of Certificates as a result of information posted on the GIS bulletin board shall be negotiated by the parties outside of the GIS. Furthermore, the bulletin board is merely an assembly of data regarding renewable energy projects and their generation and serves only for informational purposes. Any issues or disputes that may arise between the posting GIS Account Holder, other GIS Account Holders and third parties from the use of the bulletin board or the data contained therein, including without limitation in connection with the validity of data, with the purchase and sale of Certificates or whether an ownership interest, beneficial ownership rights, security interest or other proprietary interest is created in any Certificate, shall be addressed between the parties to that transaction. In addition, each Account Holder using the GIS bulletin board will not upload, transmit, distribute or otherwise publish on such bulletin board any material that is: libelous, defamatory, obscene, abusive, pornographic, threatening, inaccurate, or an invasion of privacy; an infringement of the intellectual property rights, including, but not limited to, copyrights and trademarks, of any person or entity; is illegal in any way or advocates illegal activity under any applicable local, state, national, or international law, statute, regulation, ordinance or other means of establishing legal rights and obligations; an advertisement or solicitation of funds, goods or services; a message posted by an Account Holder impersonating another; personal information such as messages which identify personal phone numbers, account numbers, personal addresses, or employer references; or chain letters or serial communications of any kind. Each Account Holder will indemnify NEPOOL, the GIS Administrator and the GIS Project Manager for any claims or suits arising from that Account Holder’s posting of such material on the GIS bulletin boards. NEPOOL and the GIS Administrator reserve the right to monitor and delete any postings deemed inconsistent with these Operating Rules or their policies. Neither NEPOOL nor the GIS Administrator nor the GIS Project Manager assumes any obligation to monitor materials in the GIS bulletin board or any liability for failing to either monitor the GIS bulletin board or remove specific material.

(h) The GIS Administrator shall conspicuously display the following disclaimer in upper case and in bold font on each publicly available report and bulletin board posted on its website: **DISCLAIMER: NEITHER THE GIS ADMINISTRATOR NOR NEPOOL NOR THE ISO NOR THE NEPOOL GIS PROJECT MANAGER KNOWS OR ENDORSES THE CREDITWORTHINESS OR REPUTATION OF ANY GIS ACCOUNT HOLDER LISTED IN THIS DIRECTORY OR THE ACCURACY OF ANY INFORMATION POSTED ON ANY BULLETIN BOARD.** The GIS Administrator may provide other information that describes the GIS as it deems convenient or necessary for administering GIS, provided that such additional information shall not include any Confidential Information (defined below). The GIS Administrator shall maintain hypertext links to the appropriate pages on the various New England state web sites that are related to the GIS Program.

**Rule 5.5 Reports for the ISO**

The GIS Administrator will furnish electronically to the ISO quarterly and annual reports that aggregate by MWh for the applicable period the number of Certificates issued for each of the Fuel Sources set forth in Part 1 of Appendix 2.4, the number of Certificates meeting the requirements for RPS Eligibility for each of the items listed in Part 2 of Appendix 2.4, and the number of Certificates for each of the locations listed in Part 8 of Appendix 2.4. Quarterly reports will be provided by the 5th day after the close of a Trading Period and shall relate solely to such Trading Period; annual reports shall be produced by July 1 of the year following the year to which the report applies. Annual reports shall include amounts for the generation occurring during the applicable calendar year.

**Rule 5.6 Reports for CRS**

Within five days after the end of each Trading Period, the GIS Administrator will furnish electronically to the Center for Resource Solutions a report that will include the following information for each GIS Generator that indicated Green-e eligibility for Certificates created during such Trading Period:

- (i) Name, mailing address, email address and contact person;
- (ii) Fuel source(s) from Part 1 of Appendix 2.4;
- (iii) Green-e fuel source from Part 9 of Appendix 2.4;
- (iv) Vintage information from Part 5 of Appendix 2.4;
- (v) Generating capacity; and
- (vi) Nitrogen oxide emission rate for Certificates for the applicable Trading Period.

**Rule 5.7 Market Surveillance Reports**

The GIS Administrator will produce the reports required under the NEPOOL GIS Market Surveillance Protocol, as in effect from time to time.

## **Rule 5.8 Confidential Information**

(a) The following information will be considered Confidential Information for the purposes of these GIS Operating Rules and the ISO New England Information Policy:

Any information that:

- (i) is furnished by an Account Holder (the “Furnishing Account Holder”) to the GIS Administrator or by the GIS Administrator to an Account Holder in connection with the GIS; and
- (ii) constitutes trade secrets or commercial or financial information, the disclosure of which would harm the Furnishing Account Holder or prejudice the position of that Account Holder in the New England Markets; and
- (iii) has been designated in writing by the Furnishing Account Holder as confidential or proprietary either in the document which provided such information, in the transmittal materials accompanying such information, or in a separate document which identifies the information with sufficient specificity and clarity so that the entity receiving such information has been made aware that the Furnishing Account Holder seeks confidential treatment for such information.

(b) Confidential Information (both under these GIS Operating Rules and under the ISO New England Information Policy) shall exclude information if and to the extent such information:

- (i) is or becomes generally available to the public without any party violating any obligation of secrecy relating to the information disclosed; or
- (ii) is received in good faith from a third party who discloses such information on a non-confidential basis without violating any obligation of secrecy relating to the information disclosed; or
- (iii) is in the public domain; or
- (iv) can be shown by the recipient's prior records to have been already known to the recipient other than through disclosure by a third party which would not be subject to exclusion based on (ii) above; or
- (v) is included in the reports provided to the Regulators and the ISO under Rule 5.3 or in the publicly available reports provided under Rule 5.4.

(c) Confidential Information shall be considered the sole and exclusive property of the Furnishing Account Holder and shall be used solely for the

purposes for which it was supplied to the GIS Administrator by the Furnishing Account Holder and for the purposes set forth in these GIS Operating Rules. Confidential Information may only be disclosed to a third party:

- (i) with the consent of the Furnishing Account Holder; or
- (ii) when required by law or regulation or as may be required or appropriate in response to any summons or subpoena or in connection with any litigation or administrative proceeding.

## FUNCTIONAL REQUIREMENTS

### 1. Introduction

The GIS must contain generation information for each individual New England generation unit that is subject to ISO central dispatch or otherwise participates in the GIS, creating generator-specific and importing system-specific Certificates that identify the relevant generation attributes necessary to demonstrate satisfaction of the various Attribute Laws.

### 2. Sources of Generation Information for GIS.

The ISO currently provides monthly settlement statements to all NEPOOL Participants that take part in the wholesale electricity markets administered by the ISO, through the MSS. Those monthly statements are based on hourly load and supply assignments for all market participants as produced by the ISO's markets software. The initial generation credits produced by the real-time dispatch of generation based on telemetered data are modified by revenue quality meter readings that are submitted within 48 hours of the close of each day's market. The MSS also produces hourly scheduled Energy flows of imports and exports over the external ties to and from the New England Control Area. Those tie-lines connect to New Brunswick (1), Quebec (2), and New York (8). Small wholesale generators that are not telemetered as part of the real-time wholesale market but that request inclusion in the MSS database are included in the overall MSS database based on revenue-quality meter readings. Those readings are submitted within 48 hours of the close of each day's market.

The basic MSS database maintained for financial settlement purposes will provide the initial set of inputs for hourly generation credits by resource for NEPOOL Generators in the GIS database. The MSS will need to be modified to include some additional information on individual generation units, and the cost of that upgrade shall be included in the capital costs of the GIS to be incurred by the GIS Administrator in developing the GIS. In addition, labor characteristics and possibly some other characteristics that are not kept in the MSS, as well as generation information for Non-NEPOOL Generators, Included Generators, C&LM Resources, BMG Resources and Non-NEPOOL Generator Representatives, may be provided directly to the GIS Administrator by the GIS Generators or by certain regulatory agencies.

### 3. Sources of Retail Load, Export and Wholesale Station Service Withdrawal Information for GIS.

ISO monthly settlement statements include information on Energy withdrawals in the form of exports of Energy to neighboring Control Areas and supply of wholesale station service power to some generating facilities when they are not generating. ISO monthly settlement information for Energy responsibility, however, is not necessarily reflective of the associated participant's retail load serving responsibility. For example, a monthly settlement statement may reflect the wholesale bilateral supply of wholesale Energy by a wholesale supplier with no Adjusted Net Interchange reflected in the statement of the Retail LSE. The ISO does have information as to

the owner of each Load Asset, which is not necessarily the retail load serving entity for that Load Asset. The GIS Administrator must ascertain hourly retail load responsibility by Retail LSE, based on the combination of ISO information available and information provided by that Retail LSE.<sup>1</sup>

#### **4. GIS Database.**

The GIS database will be a stand-alone database, separate from the MSS. It will need frequent modifications in the first few years to accommodate evolving Attribute Laws and changes in the GIS Operating Rules.

In addition to the hourly data, which will be listed on the Certificates, provided from the MSS database, the GIS database will need to include fields for other data, on a product-by-product basis. The GIS database shall include the ability to be expanded to include many additional fields. The current list, as expanded by Appendix 2.4, includes, but is not limited to, the following:

- Fuel Source
- Vintage (year commercially operational or as otherwise required by state regulations)
- Union labor (MA)
- Emissions factors for SO<sub>x</sub>, NO<sub>x</sub>, and CO<sub>2</sub> which may vary over time or by fuel
- Eligibility for state RPS (MA, ME, CT, NH, RI)<sup>2</sup> or for MAPS
- Identification of specific unit
- Location
- Time and date of generation
- Certificate ownership share (for multiple owners of a generator)
- Status under Regional Greenhouse Gas Initiative
- Capability to cogenerate electricity and steam

The GIS Administrator will develop and maintain the database, as well as catalog the initial assignment of Certificates and any trading of Certificates, and provide reports on net Retail LSEs' attribute accounting to facilitate verification by the appropriate state agency. Entry and updating of generator-specific attributes may be performed by the GIS Generator or Importing Account Holder or its designated agent, subject to confirmation by the GIS Administrator.

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<sup>1</sup> Where either a retail load has switched to a different Retail LSE or a Retail LSE has contracted with a third party for the management of its generation disclosure obligations, such transfer or contract must be confirmed by the transferee or third party.

<sup>2</sup> Eligibility will be determined by the applicable regulatory agency pursuant to the applicable Attribute Laws.

## **5. Production of Certificates.**

The GIS Administrator will produce Certificates based on the hourly generation information from the settlements database and/or from information provided by GIS Generators. The certificates will be numbered and may or may not include additional information from the other fields in the GIS database. Each certificate will provide sufficient information (or access to information in the GIS database) so that a participating Person will be able to determine, in combination with other Certificates, its ability to comply with Attribute Laws.<sup>3</sup>

The owner for each generator whose output is settled through the ISO wholesale Energy market will receive from the GIS Administrator a quarterly statement of the Certificates created by its quarterly generation. In addition, the GIS will reflect end-of-the-month adjustments to meter reads and Load Asset values effected by the ISO.

## **6. Transfer of Certificates.**

Certificates may be transferred through a variety of mechanisms. Persons will be able to self-supply, arrange bilateral exchanges in advance of actual generation or creation of the Certificates, purchase Certificates through a central bulletin board or auction, and exchange Certificates through private arrangements over a later period of time. In addition, the GIS database shall be flexible enough to permit new types of transfers as they arise. Regardless of the exchange process used, any Person transferring Certificates will be required to notify the GIS Administrator of the transfer prior to the close of the trading period.

## **7. Retirement of Certificates.**

Issuances and trading of Certificates between and among Persons participating in the GIS will occur over a multi-month period. After each Trading Period, the Retail LSE accounts maintained by the GIS Administrator will be closed and a report sent to each Account Holder. Compliance with Attribute Laws will be determined by regulatory authorities based on the quarterly reports produced for each year.

At the end of each Trading Period, all trading of certificates for that quarter will cease and the GIS Administrator will issue a final report to regulators and Persons participating in the GIS of the aggregate characteristics of remaining Unsettled Certificates for that Trading Period (the "Residual Mix").<sup>4</sup>

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<sup>3</sup> It is not intended that the GIS will impact the allocation of generation attributes under bilateral agreements.

<sup>4</sup> For purposes of compliance with certain regulations, it is anticipated that some regulators may reference the aggregate characteristics of the Residual Mix with respect to retail LSEs whose total Certificates as designated in the final report fall short of their total retail load.

It is anticipated that certain renewable (or other) generators may continue a current practice of selling the rights to attributes represented by Certificates, or the Certificates themselves, directly to third parties independent of transactions between those third parties and their retail LSEs. To avoid the possibility of double counting Certificates, the GIS Administrator will provide a mechanism for generators to inform the GIS Administrator of Certificates transacted under these transactions. In addition, eligible Certificates may be banked for use in subsequent Trading Periods related to the same calendar year. At the end of each quarter, the GIS Administrator will exclude any such Certificates from determination of any retail LSE's account balance, and from the determination of Unsettled Certificates and the Residual Mix.

## **8. Retail LSE Obligations.**

Each Retail LSE will have a Certificates account with the GIS Administrator. Each account will have a Certificates Obligation equal to all of its retail Energy sales in each calendar quarter, including retail line losses consistent with local distribution company allocation of line losses. The Certificates Obligation may be disaggregated into subaccounts for each product offered by the Retail LSE, at the Retail LSE's discretion. To the extent required to demonstrate compliance with Attribute Laws, Retail LSEs must obtain, through bilateral transactions or otherwise, Certificates equal to all or part of its Certificates Obligation in each quarter. If sales or trades of Certificates are made, the GIS Administrator must be notified and will register such transfer. GIS Participants that do not have retail load obligations would not be required to obtain Certificates. The final balance of Certificates in each of a retail LSE's accounts, as well as any shortfall in Certificates relative to its Certificates Obligation, will be reported to each retail LSE and to regulators if applicable.

## **9. Verification of Retail LSE Claims.**

The GIS will maintain one or more subaccounts based on the request of each participating person that serves retail load. For Retail LSEs selling multiple products, there will be a subaccount for each product. The GIS Administrator will follow and document all Certificate exchanges from and between all relevant accounts. Each account will also specify the corresponding MWhs assigned to each wholesale, retail and product subaccount. On a quarterly basis, the GIS Administrator will provide a report to each participating person for each account and subaccount in the database. Those quarterly reports will form the basis for the retail LSEs to make filings with the state agency or agencies that administer the relevant Attribute Laws.

## **10. Exports and Imports.**

Exports of power from the New England Control Area will be treated like other Energy withdrawals within the New England Control Area. The exporting Person may export Certificates equivalent to the MWhs of power exported or may export power without associated Certificates. Moreover, Certificates may be exported without associated power to the extent consistent with applicable Attribute Laws.

Imports of power from outside the New England Control Area may produce Certificates. Ultimately, the total imported MWhs will need to be accounted for. Ideally, a method would be

developed for recognizing certain of the specific attributes of some, if not all, imports to the extent allowed or required by the applicable Attribute Laws. The GIS will be flexible enough to permit the GIS Administrator to address whatever regulatory treatments are adopted with respect to attribute eligibility of imported power.

#### **11. Potential Database Adjustments Related to State Policies.**

An initial design assumption has been that the GIS database would include only the ISO generation volumes reflected in the MSS database and generation volumes provided by Non-NEPOOL Generators, BMG Resources, Included Generators (subject to established limits) and Non-NEPOOL Generator Representatives. Thus, it has been assumed that (i) certain generating units that are not connected to ISO Pool Transmission Facilities would have their outputs reduced in the GIS to the same extent that they are reduced in the MSS for line losses and (ii) the output of each generating unit would be measured at its interconnection meter and would thus be reduced for station service to the same extent that they are reduced in the MSS. Individual states could, however, implement their own procedures to allow and recognize for regulatory purposes the incremental generation amounts and attributes associated with such limitations, and such qualifying generation amounts could, when reliably metered, then be included in the GIS database and certificate program. The GIS will be flexible enough to reflect such additional data sources.

#### **12. Development of Emission Factors.**

Individual generators and certain regulatory agencies will supply the GIS Administrator with the emissions data necessary to issue Certificates. Details with respect to sources of emissions data, mechanisms for transferring data to the GIS Administrator, and the timing of data submittals will be resolved in the development of the GIS Operating Rules.

The GIS shall accommodate co-firing multi-fuel units. The GIS Administrator will develop a mechanism to allow new generation units (with no history) and retrofitted generation units (with anticipated reduced emissions) to adopt prospective emissions factors.

#### **13. Pumped Storage.**

With respect to pumped storage and generation, the real-time generation that runs the pumps will have certificates issued equal to the MWhs that the pumps use. When the stored water is released, additional generation (about 30 percent less than the Energy that initially pumped the water) occurs that is sold into the wholesale market and ultimately to retail consumers.

In order to balance the total amount of Certificates assigned to retail loads with the total MWhs of generation, the losses associated with pumped storage (approximately 30 percent) need to be addressed through the GIS Operating Rules.

While initially the emission reduction benefits of peak clipping from pumped storage facilities and other load management programs will not be explicitly recognized in the GIS, the GIS

Administrator will propose GIS Operating Rules to reflect the benefits they provide to the region after initial implementation.

#### **14. Conservation Resources**

The GIS will also track the Energy conserved by certain conservation and load management resources and curtailment-based demand response resources that qualify under portfolio standard laws in any New England state. The GIS will be configured such that the creation of Certificates for such resources will not reflect additional generation in the New England Control Area.

**Included Generators**

<u>Unit</u>	<u>Account Holder</u>	<u>Energy Regulatory Agency</u>	<u>Limit on MWhs for Certificates</u>
Deer Island Treatment Plant- Anaerobic Digester	Massachusetts Water Resources Authority	Massachusetts Division of Energy Resources	40,000 MWh

**Non-NEPOOL Participant Account Holder Agreement**

By this Agreement dated \_\_\_\_\_, 200\_, \_\_\_\_\_ (“Non-NEPOOL Participant”), [a \_\_\_\_\_ [corporation] with its principal office in \_\_\_\_\_] [a person whose principal place of residence is \_\_\_\_\_] agrees to comply with all of the terms and conditions of the Generation Information System Development and Administration Agreement dated as of October 26, 2001, by and between the entities that are Participants from time to time in the New England Power Pool, a voluntary association, pursuant to the Restated New England Power Pool Agreement dated as of September 1, 1971, as amended and restated from time to time (the “NEPOOL Participants”) and Automated Power Exchange, Inc. (the “GIS Agreement”), and the New England Power Pool Generation Information System Operating Rules (the “GIS Operating Rules”), each as amended, modified or restated from time to time, to the same extent as if the Non-NEPOOL Participant were a NEPOOL Participant, and, if and when the Non-NEPOOL Participant becomes liable to NEPOOL or ISO New England Inc. for financial obligations related to NEPOOL’s generation information system (the “GIS”), with the ISO New England Financial Assurance Policy and the ISO New England Billing Policy attached to the ISO Transmission, Markets and Services Tariff, as modified to include financial obligations related to the GIS of entities that are not NEPOOL Participants (the “Policies”). Without limiting the generality of the foregoing, the Non-NEPOOL Participant shall pay any and all fees established for it from time to time by the NEPOOL Participants Committee or its delegatee; provided, however, that the GIS Project Manager shall provide notice to the Non-NEPOOL Participant at least seven (7) days prior to the effectiveness of any change in NEPOOL’s GIS cost allocation methodology or any fee assessment that would result in the Non-NEPOOL Participant becoming liable for increased financial obligations related to the GIS, and the Non-NEPOOL Participant may withdraw from the GIS prior to the effectiveness of such change without incurring such increased obligations. Any Certificates created for the Non-NEPOOL Participant prior to the date of its withdrawal from the GIS shall remain in existence until the end of the applicable Trading Period, but the Non-NEPOOL Participant shall not participate in transfers of Certificate after the date of its withdrawal. The Non-NEPOOL Participant shall provide Automated Power Exchange, Inc. and/or ISO New England Inc. (or their successors) with any and all information required in order for either of them to bill the Non-NEPOOL Participant for any fees established as described above.

The Non-NEPOOL Participant acknowledges that it has received full and fair consideration for this agreement. Moreover, the Non-NEPOOL Participant agrees that the NEPOOL Participants, acting by and through the NEPOOL Participants Committee, may terminate its involvement in the New England Power Pool Generation Information System if at any time it fails to comply with the GIS Agreement, the GIS Operating Rules or the Policies.

IN WITNESS WHEREOF, the undersigned have caused this agreement to be executed as of the date above.

Non-NEPOOL Participant

[\_\_\_\_\_]

By: \_\_\_\_\_

Name:

Title:

ACKNOWLEDGED:

New England Power Pool Participants

By: \_\_\_\_\_

NEPOOL GIS Project Manager

### GIS Certificate Fields<sup>5</sup>

**Part 1** – The following shall be the data field options for Fuel Sources<sup>6</sup> (each GIS Generator and Importing Account Holder will select at least one) [bracketed references show state energy portfolio standard eligibility for the specific fuel type, subject in certain cases to additional requirements including without limitation size limits and in-service dates]: \*

Air source

Naturally occurring temperature differences in the ambient air that generate useful thermal energy through the application of a heat pump generation unit [MA APS]

Biodiesel\*\*

100% neat

Less than 100% neat

Biofuel

Eligible Liquid Biofuel that generates useful thermal energy, is low emission, and uses efficient energy conversion technologies [MA APS]

Biogas

Biologically derived methane gas that generates useful thermal energy, is low emission, and uses efficient energy conversion technologies [MA APS]

Methane and flammable gases from food waste, agricultural waste, or other organic materials, or from decay of sewage or landfill gases [VT Tier 1] [VT Tier 2]

Biomass\*\* (select all types of biomass that apply)

Sustainable biomass facility with an average emission rate of equal to or less than .075 pounds of nitrogen oxides per million BTU of heat input for the previous calendar quarter [CT Class I]

Biomass facility with a capacity of less than five hundred kilowatts that began construction before July 1, 2003 and such biomass is cultivated and harvested in a sustainable manner [CT Class I]

Biomass, including clean and untreated wood such as brush, stumps, lumber ends and trimmings, wood pallets, bark, wood chips or pellets, shavings, sawdust and slash, agricultural crops, biogas, or liquid biofuels, but shall exclude any materials derived in whole or in part from construction and demolition debris [NH Class I, III, NH Class I Useful Thermal]

Biomass facility that began operation before July 1, 1998 and the average emission rate for such facility is equal to or less than .2 pounds of nitrogen

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<sup>5</sup> Fields identified with an asterisk (\*) will not change.

<sup>6</sup> Fuel Sources identified with two asterisks (\*\*) are eligible for Renewable Certificates, as described in Rule 3.5. Certificates created for a Zero Emissions Generator, as described in Rule 2.3, shall include a notation that such Certificates are “Emission Free-Generated Energy Certificates.”

oxides per million BTU of heat input for the previous calendar quarter [CT Class II]

Biomass including brush, stumps, lumber ends and trimmings, wood pallets, bark, wood chips, shavings, slash and other clean wood that is not mixed with other solid wastes; agricultural waste, food and vegetative material; energy crops; landfill methane; biogas; or neat bio-diesel and other neat liquid fuels that are derived from such fuel sources [RI]

Biomass facility with a quarterly average nitrogen oxide emission rate of less than or equal to 0.02 pounds/mmBTU, and uses any fuel other than biomass only for start-up, maintenance or other required internal needs [CT Class II]

Biomass fuel sources that consist of Eligible Biomass Woody Fuel, Co-Mingled Biomass Woody Fuel, Manufactured Biomass Fuel; by-products or waste from animals or agricultural crops; food or vegetative material; algae; organic refuse derived fuel; anaerobic digester gas and other biogases that are derived from such resources; and neat Eligible Liquid Biofuel that is derived from such fuel sources; but shall not include Construction and Demolition Waste as defined in 310 CMR 19.006. [MA Class I, II, with capitalized terms as defined in the regulations for those programs in 225 CMR 14.02 and 15.02] [MA Class I, II]

Biomass that generates useful thermal energy and is low emission, uses efficient energy conversion technologies and fuel that is produced by means of sustainable forestry practices [MA APS]

Biomass that has received a qualification from the Vermont Public Service Board [VT Tier 1]

Distributed renewable generation plant that produces both electricity and thermal energy from the same biomass fuel and the majority of the energy recovered from the plant is thermal energy [VT Tier 2]

Wood

Other Biomass (\_\_\_\_\_) [ME]

Coal

Composite

Conservation and Load Management [CT Class III]

Curtailed-based Demand Response

Diesel

Digester gas\*\*

Biologically derived methane gas from anaerobic digestion of organic materials from such sources as yard waste, food waste, animal waste, sewage sludge and septage

Other

Direct Solar Radiation\*\* [RI]

Efficient Resource [ME]

Efficient Steam Technology [MA APS]

Ethanol\*\*

Fuel cell\*\* (select all types of fuel cells that apply)

Utilizing renewable fuel sources [MA Class I, II] [RI]

Utilizing Eligible biomass fuel, landfill or digester methane gas or hydrogen created through the use of Non Renewable Generation Landfill methane gas collected and conveyed directly to generation facility

Other [CT Class I] [ME]  
Flywheel Storage [MA APS]

Geothermal/Heat of the Earth\*\* [MA Class I, II] [ME] [RI] [VT Tier 1] [VT Tier 2]

In form of useful thermal energy and generation unit that began operation after  
January 1, 2013 [NH Class I, NH Class I Useful Thermal]

Deep geothermal heat exchange using hot geological formations deep below the ground  
surface to produce useful thermal energy through direct heat exchange or a heat  
pump generation unit [MA APS]

Ground source

Naturally occurring temperature differences in the underground that generate  
useful thermal energy through the application of a heat pump generation unit [MA  
APS]

Hydroelectric/ Hydropower\*\*(select all types of hydroelectric/hydropower that apply)

Hydro – generation unit that uses flowing freshwater as the primary energy source  
with a nameplate capacity up to and including 25 MW or increased capacity  
installed or efficiency improvements implemented after December 31, 1997 (the  
aggregate of which installation and/or improvements does not exceed 25 MW),  
does not involve pumped storage of water or any dam or water diversion  
structure constructed after December 31, 1997, and meets appropriate standards  
addressing river flows and other environmental protections as determined by the  
Massachusetts Department of Energy Resources [MA Class I]

Hydro – generation unit that uses flowing freshwater as the primary energy source  
with a nameplate capacity up to and including 5 MW, does not involve pumped  
storage of water or any dam or water diversion structure constructed after  
December 31, 1997, and meets appropriate standards addressing river flows and  
other environmental protections as determined by the Massachusetts  
Department of Energy Resources [MA Class II]

Hydro - run-of-the-river hydropower facility that has a nameplate generating  
capacity of not more than five megawatts, does not cause an appreciable change  
in the river flow, and began operation after July 1, 2003 [CT Class I]

Hydro - run-of-the-river hydropower facility that has a nameplate generating  
capacity of not more than five megawatts, does not cause an appreciable change  
in the river flow, and began operation prior to July 1, 2003 [CT Class II]

Hydro - run-of-the-river hydropower facility that has a nameplate generating  
capacity of not more than five megawatts, does not cause an appreciable change  
in the river flow, and began operation prior to July 1, 2003, with increased  
nameplate capacity added after July 1, 2003

Hydro – hydropower facility employing one or more hydroelectric turbine  
generators with an aggregate capacity not exceeding 30 MW and not involving  
new impoundment or diversion of water with an average salinity of 20 parts per  
thousand or less

Hydro-hydropower facility that began operation prior to January 1, 2006, when  
required, has documented applicable state water quality certificate under the  
Clean Water Act, Section 401 and either (y) has a gross nameplate capacity of 5  
MW or less, has installed upstream and downstream diadromous fish passages

that have been required and approved under the terms of its license or exemption from the Federal Energy Regulatory Commission or (z) has a total nameplate capacity of one MW or less as measured by the sum of the nameplate capacities of all generators at the facility, is in compliance with applicable Federal Energy Regulatory Commission fish passage restoration requirements, and is interconnected with an electric distribution system located in New Hampshire [NH Class IV]

Hydro – hydroelectric renewable energy plant that (1) is and continues to be certified by the Low-Impact Hydropower Institute or (2) after January 1, 1987, received a water quality certification pursuant to 33 U.S.C. Section 1341 from the Vermont Agency of Natural Resources [VT Tier 2]

Hydro-100 MW or greater

Hydro-greater than 30 MW but less than 100 MW [ME]

Hydro-small (30 MW or less) – automatically qualifies as Connecticut CEO eligible [ME]

Hydro-daily cycle

Hydro-weekly, with pondage

Hydro-Low Impact Hydropower Institute Hydropower Certification<sup>6</sup>

Hydro – Other (\_\_\_\_\_) [RI] [VT Tier 1]

Hydrokinetic\*\* [MA Class I, II] [VT Tier 1] [VT Tier 2]

Jet

Landfill gas\*\* [CT Class I] [MA Class I, II] [ME] [NH Class I, III]

    100% Landfill gas

    \_\_\_% Landfill gas

Low emission advanced renewable energy conversion technology\*\* [CT Class I]

Marine [MA Class I, II]

Marine Thermal [VT Tier 1] [VT Tier 2]

Methanol\*\*

Municipal solid waste\*\*(select all types of municipal solid waste that apply)

    in conjunction with recycling [ME]

    clean construction debris

    clean demolition debris

    other

Natural Gas

Nuclear

Ocean\*\*

    Current [NH Class I]

    Thermal [CT Class I] [MA Class I, II] [NH Class I]

    Wave [CT Class I] [MA Class I, II] [NH Class I]

    Tidal [CT Class I] [MA Class I, II] [ME] [NH Class I]

    Movement or the latent heat of the ocean [RI]

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<sup>6</sup> Certificates created for a hydroelectric facility with a Low Impact Hydropower Institute Hydropower Certification shall include a notation that such Certificates are “Low Impact Hydropower Institute Certificates.”

Oil

Pumped Storage

Solar\*\* [CT Class I] [ME] [NH Class I, II]

Thermal Electric [MA Class I, II]

In form of useful thermal energy and generation unit that began operation after January 1, 2013 [NH Class I Useful Thermal]

Photovoltaic [MA Class I, II] [VT Tier 1] [VT Tier 2]

Useful Thermal [MA APS]

Concentrated Solar Power [VT Tier 1] [VT Tier 2]

Trash-to-energy\*\* [CT Class II]

Waste to Energy\*\* [MA Class II]

Waste Oil

Water source

Naturally occurring temperature differences in water bodies that generate useful thermal energy through the application of a heat pump generation unit [MA APS]

Wind\*\* [CT Class I] [MA Class I, II] [ME] [NH Class I] [RI] [VT Tier 1] [VT Tier 2]

Multi-fuel Capability (yes/no)

**Part 2** - The following shall be the data field options for Renewable Portfolio Standard (“RPS”) and Alternative Energy Portfolio Standard (“APS”) Eligibility:

Connecticut

Class I renewable energy source (yes/no)

Class I low emission eligible energy source (“LREC”) (yes/no)

Class II renewable energy source (yes/no)

Class III renewable energy source (select one, if applicable)

Conservation and Load Management

Combined Heat and Power (12-month average efficiency of CHP Unit: \_\_\_\_\_)

Curtailment-based Demand Response (select one)

Reliability

Price Response

If run-of-the-river hydropower facility that has a nameplate generating capacity of not more than five megawatts, does not cause an appreciable change in the river flow, and began operation prior to July 1, 2003, with increased nameplate capacity added after July 1, 2003, percentage of generation that is a Class I renewable energy source:

\_\_\_\_%; and percentage of generation that is a Class II renewable energy source:

\_\_\_\_% (percentages to be provided to the GIS Administrator by the Connecticut

Public Utilities Regulatory Authority)

State Certification Number

Date of eligibility: \_\_\_\_\_

Eligible under Clean Energy Options (“CEO”) program (yes/no)

Massachusetts

APS Alternative Generation Unit (yes/no)

CHP

Efficient Steam Technology  
Flywheel Storage Unit  
Useful Thermal Energy Generation Unit  
RPS Class I Renewable Generation Unit (yes/no)  
RPS Class I Solar Carve-Out Unit (yes/no)  
Expiration of Opt-In Term: (month/year)  
Solar Carve-Out II Unit (yes/no)  
Expiration of Opt-In Term: (month/year)  
RPS Class I S-REC Auction (yes/no)  
Year of energy generation (year)  
Date of conversion / redesignation (month/year)  
Date of expiration (month/year)  
SREC-II Auction (yes/no)  
Year of energy generation (year)  
Date of conversion / redesignation (month/year)  
Date of expiration (month/year)  
RPS Class II Renewable Generation Unit (yes/no)  
RPS Class II Waste Energy Generation Unit (yes/no)  
Renewable Resource (yes/no)  
Eligible MA Renewable for NOx Allowances claims from Public Benefit set-a-side  
(yes/no)  
Generation level per year or Energy imported per year above which qualifies as RPS  
Class I Renewable Generation Unit or APS Alternative Generation Unit: \_\_\_\_\_  
Generation level per year or Energy imported per year up to which qualifies for RPS  
Class II Renewable Generation Unit: \_\_\_\_\_  
Percentage of Generation in each reporting period that qualifies as RPS Class I  
Renewable Generation Unit: \_\_\_\_\_  
Percentage of Generation in each reporting period that qualifies as RPS Class II  
Renewable Generation Unit: \_\_\_\_\_  
State Certification Number  
Date of eligibility: \_\_\_\_\_

#### Maine

Class 1 - New Renewable Energy Resource (yes/no)  
Class 2 - Eligible Resource (yes/no)  
Community-Based Renewable Energy (yes/no)  
Eligible for CO2 netting (yes/no)

#### New Hampshire

Class I source (yes/no)  
Average annual electric production in (MWh) from a facility other than hydroelectric  
from 2004 through 2006, or for the first 36 months after commercial operation if that date  
is after December 31, 2001:

Average annual production (in MWh) of a hydroelectric facility from the later of January  
1, 1986 or the date of first commercial operation through December 31, 2005 (if such a

facility was upgraded or expanded during this baseline period, actual generation should be adjusted to estimate the average annual production that would have occurred had the upgrade or expansion been in place for this entire period):

Class I Useful Thermal Energy source (yes/no)

Class II source (yes/no)

Class III source (yes/no)

Class IV source (yes/no)

Date of eligibility:

Rhode Island

New Renewable Energy Resource (yes/no)

Existing Renewable Energy Resource (yes/no)

Generation level per year above which qualifies as a New Renewable Energy Resource: \_\_\_\_\_

State certification number

Date of eligibility: \_\_\_\_\_

Percentage of average annual production attributable to the efficiency improvements or additions of capacity placed in service after December 31, 1997: \_\_\_\_\_.

(percentages to be provided to the GIS Administrator by the Rhode Island Public Utility Commission).

Vermont

Tier 1 (yes/no)

Tier 2 (yes/no)

State Certification Number

Date of eligibility: \_\_\_\_\_

**Part 3** - The following shall be the data fields for Emissions (each designated in pounds per quarterly reporting period or pounds per year for the generating unit):

Carbon dioxide

Carbon monoxide

Mercury

Nitrogen oxides

Particulate matter

Particulate matter 10 microns or less

Sulfur dioxides

Volatile organic compounds

CEM Reporting (yes/no)

**Part 4** - The following shall be the data field options for Labor Characteristics:

Majority of employees operating at generation plant are employed under collective bargaining agreement. (yes/no)

If generating plant experienced a labor dispute in the most recent calendar year, replacement workers were used. (yes/no)

**Part 5** - The following shall be the data field options for Vintage:

Vintage: \_\_\_\_\_ (month and year of commercial operation)\*  
Repowering date and capacity addition: \_\_\_\_\_  
Refurbishment date: \_\_\_\_\_ (Relevant to Maine RPS)  
Date operation recommenced after at least two years of not operating: \_\_\_\_\_  
(Relevant to Maine RPS)  
Date recognized by ISO as capacity resource after not being recognized as a  
capacity Resource for at least two years: \_\_\_\_\_ (Relevant to Maine RPS)  
Federal Energy Regulatory Commission hydroelectric license relicensing date:  
\_\_\_\_\_

**Part 6** - The following shall be the data fields for asset information:

Asset identification (using identification number recorded with ISO)\*  
Generator identification number as reported to the EPA\*  
Asset owner\*  
Status (active, retired or expired)  
Month and year of generation  
Capacity  
Capability to cogenerate electricity and steam (yes/no) – If yes, indicate whether any  
steam has been generated during the month in the quarterly reporting period to which the  
Certificate relates

**Part 7** - Total MWh generated during the reporting period: \_\_\_\_ MWhs

Total MWh conserved during the reporting period (Conservation Certificates only):  
\_\_\_\_ MWhs

Total equivalent MWh produced for NH Useful Thermal Resource

**Part 8** - Location of generating unit (each GIS Generator and Importing Account Holder will select one):\*

- New England (New England Control Area)
  - Connecticut
  - Maine (excluding portions of Maine in the Control Area administered by the Northern Maine ISA)
  - Massachusetts
  - New Hampshire
  - Rhode Island
  - Vermont
- New York (NY ISO Control Area)
- Quebec
- Maritime Provinces (including portions of Maine not in New England Control Area)
- Mid-Atlantic States (MACC)
- Mid-Western States (ECAR and MAIN)
- Ontario
- Southern States (SERC and FPCC)
- Other (WSCC, ERCOT, SPP and MAPP)

**Part 9** – Green-E Eligibility:

- Product Eligibility: (State product)
- Tradable Renewable Certificate Eligibility: (yes/no)
- Green-E fuel type (select all that apply):

Biogas

- Digester gas
- Landfill gas
- Landfill gas co-fired with natural gas (only landfill gas portion is eligible)

Biomass

- Agricultural crop or waste (non-animal waste only)
- Animal waste, animal litter or any other animal derived fuel
- Bioenergy crops (non-forestry only)
- Forestry derived fuel
- Mill residues
- Waste wood (must not contain painted, treated or pressurized wood)
- Other

Geothermal

Hydroelectric/Hydropower:

- Low Impact Hydropower Institute Certified
- Less than 30MW
- Hydroelectric relicensed by Federal Energy Regulatory Commission 1986 or later

Ocean

- Wave
- Tidal

Solar-Photovoltaic  
Wind

**Part 10** – Third Party Meter Reader: \_\_\_\_\_

**Part 11** – Status under Regional Greenhouse Gas Initiative (select one);

Generating Unit in New England Control Area that is subject to RGGI requirements  
(“RGGI-Affected”)

Generating Unit in New England Control Area that is not RGGI-Affected solely because  
it has a generating capacity under 25 MW

Generating Unit in New England Control Area that is not RGGI-Affected because of its  
fuel source, regardless of its generating capacity

Generating Unit not in New England Control Area

### Imported Unit Energy Seller Certification

\_\_\_\_\_ [a \_\_\_\_\_ [corporation] with its principal office in \_\_\_\_\_] [a person whose principal place of residence is \_\_\_\_\_] (“Seller”) certifies to the Participants in the New England Power Pool that, other than the Sale (defined below), it has not retired (other than for purposes of complying with Rule 2.7 of the GIS Rules, defined below), sold, claimed, represented as part of Energy sold elsewhere, or used to satisfy obligations in any jurisdiction outside of New England any of the fuel source, emission or labor attributes (the “Attributes”) associated with the Imported Unit Energy it sold to \_\_\_\_\_, [a \_\_\_\_\_ [corporation] with its principal office in \_\_\_\_\_] [a person whose principal place of residence is \_\_\_\_\_] (the “Sale”). Seller further promises that it will not retire (other than for purposes of complying with Rule 2.7 of the GIS Rules), sell or claim the Attributes, represent the Attributes as part of Energy sold or use the Attributes to satisfy obligations in another jurisdiction, other than in connection with the Sale.

Capitalized terms not otherwise defined herein have the meanings given to them in the Restated New England Power Pool Agreement or the New England Power Pool Generation Information System Operating Rules (the “GIS Rules”), each as amended and restated from time to time.

Under penalties of perjury, I declare that I have examined this certification and to the best of my knowledge and belief, this certification is true, correct and complete in all material respects.

[Seller]

By: \_\_\_\_\_  
Name:  
Title:  
Date:

**Regulatory Agencies for Other Control Areas**

**New York**

**Regulatory Agencies to be Notified:** New York Department of Environmental Conservation; New York Department of Public Service

**Maritimes**

**Regulatory Agency to be Notified:** New Brunswick Department of the Environment and the Local Government

**Québec**

**Regulatory Agency to be Notified:** Québec Ministère de l'Environnement

## **REGULATORY AGENCIES**

### Energy Regulatory Agencies

Connecticut Public Utilities Regulatory Authority  
Maine Public Utilities Commission  
Massachusetts Department of Public Utilities  
Massachusetts Department of Energy Resources  
New Hampshire Public Utilities Commission  
Rhode Island Public Utilities Commission  
Vermont Public Service Board  
Vermont Department of Public Service

### Environmental Regulatory Agencies

Connecticut Department of Energy & Environmental Protection  
Maine Department of Environmental Protection  
Massachusetts Department of Environmental Protection  
New Hampshire Department of Environmental Services  
Rhode Island Department of Environmental Management  
Vermont Agency of Natural Resources

### State Attorneys General

Attorney General of Connecticut  
Attorney General of Maine  
Attorney General of Massachusetts  
Attorney General of New Hampshire  
Attorney General of Rhode Island  
Attorney General of Vermont

### State Renewable Funds

Rhode Island Office of Energy Resources  
Connecticut Clean Energy Finance and Investment Authority  
Massachusetts Clean Energy Technology Center as Administrator of Massachusetts Renewable Energy Trust  
Maine State Planning Office as Administrator of Maine Renewable Resource Fund  
New Hampshire Renewable Energy Fund

**REGULATOR CERTIFICATION FOR  
PROTECTED INFORMATION**

This **CERTIFICATION** (the “Certification”) is given this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, a \_\_\_\_\_ (the “Authorized Commission”), to and for the benefit of APX, Inc. (“APX”), as administrator of the New England Power Pool (“NEPOOL”) Generation Information System (“GIS”), ISO New England Inc. (“ISO”), as GIS Project Manager, and the NEPOOL Participants from time to time, together with their successors and assigns (the “GIS Parties”). The Authorized Commission and the GIS Parties shall be referred to herein collectively as the “Parties.”

[**WHEREAS**, a GIS Account Holder has requested that the Authorized Commission be provided certain Protected Information; and

**WHEREAS**, under the GIS Operating Rules (as amended from time to time, the “Rules”), the Authorized Commission must provide this Certification in order to obtain Protected Information];

[**WHEREAS**, the Authorized Commission is entitled to receive Protected Information from the GIS, subject to the Authorized Commission providing this Certification;]

**NOW, THEREFORE**, the Authorized Commission hereby makes the following representations and warranties, all of which shall be true and correct as of the date of execution of this Certification, and at all times thereafter, and with the express understanding that GIS Parties shall rely on this Certification at all times.

- 1. Definitions.** Terms contained, but not defined, herein shall have the definitions or meanings ascribed to such terms in the Rules.
- 2. Requisite Authority.** The Authorized Commission hereby certifies that it has all necessary legal authority to execute, deliver, and perform the obligations in this Certification.
- 3. Protection of Protected Information.** The Authorized Commission represents and warrants that:
  - a. The Authorized Commission has adequate internal procedures, to protect against the release of any Protected Information to any person or entity other employees or agents of the Authorized Commission who have a need to view the Protected Information in connection with their duties on behalf of the Authorized Commission (the “Authorized Persons”), and the Authorized Commission will strictly enforce and periodically review all such procedures.
  - b. The Authorized Commission has legal authority to protect the confidentiality of Protected Information from public release or disclosure and/or from release or disclosure to any

other person or entity, either by the Authorized Commission or any employees or agents of the Authorized Commission.

c. The Authorized Commission shall ensure that the Protected Information shall be maintained by, and accessible only to, the Authorized Persons.

d. The Authorized Commission and its Authorized Person(s) shall not disclose the Protected Information.

**4. Defense Against Requests for Disclosure.** The Authorized Commission shall defend against, and will direct the Authorized Persons to defend against, disclosure of any Protected Information pursuant to any request or demand by any entity upon the Authorized Commission or any Authorized Person for release or disclosure of Protected Information provided to the Authorized Commission (a “Third Party Request”) through all available legal process, including, but not limited to, obtaining any necessary protective orders. The Authorized Commission shall provide the GIS Parties with prompt notice of any such Third Party Request or legal proceedings, and shall consult with the GIS Parties and any GIS Generator to which that Third Party Request relates (the “Affected GIS Generator”) in its efforts to deny the request or defend against such legal process. In the event a protective order or other remedy is denied, the Authorized Commission agrees to furnish only that portion of the Protected Information which their legal counsel advises the GIS Parties and the Affected GIS Generator in writing that the Authorized Commission is legally required to be furnished, and to exercise best efforts to obtain assurance that confidential treatment will be accorded to such Protected Information. The Authorized Commission shall promptly notify the GIS Parties and the GIS Generator of any instance in which it furnishes Protected Information pursuant to a Third Party Request, specifying the quarterly and/or annual reporting periods to which that furnished Protected Information relates.

**5. Use and Destruction of Protected Information.**

a. The Authorized Commission shall use, and allow the use of, the Protected Information solely for the purpose of assisting the Authorized Commission in discharging its legal responsibility to monitor compliance with the renewable energy statutes and regulations of the State in which the Authorized Commission has regulatory jurisdiction, and for no other purpose. Without limiting the foregoing, the Authorized Commission shall not use its right to acquire Protected Information as a means of conducting discovery or providing evidence during an adversarial proceeding against an Affected GIS Generator or any group of NEPOOL Participants. The Authorized Commission, however, shall not be prevented from using in an adversarial proceeding Protected Information the Authorized Commission has obtained if: (i) such information becomes known in that proceeding through disclosure by entities other than the Authorized Commission or any Authorized Person; and (ii) the Authorized Commission discloses such Protected Information consistent with the protections and procedures governing the disclosure of Protected Information to parties in that proceeding; or (iii) the information being disclosed no longer meets the definition of Protected Information.

b. If for any reason any Authorized Person is not, or will no longer be an Authorized Person, the Authorized Commission will ensure that such Authorized Person either (a) returns

the Protected Information and all copies thereof to APX, or (b) provides a certification that the Authorized Person has destroyed all paper copies and deleted all electronic copies of the Protected Information, unless such actions are inconsistent with or prohibited by applicable state law, in which case the Authorized Commission shall continue to maintain the confidentiality of the Protected Information in accordance with the terms and conditions of this Certification.

**6. Notice of Disclosure of Protected Information.** The Authorized Commission shall promptly notify the GIS Parties of any inadvertent or intentional release or possible release of the Protected Information provided to the Authorized Commission or any Authorized Person, and shall take all available steps to minimize any further release of Protected Information and/or retrieve any Protected Information that may have been released.

**7. Ownership and Privilege.** Nothing in this Certification, or incident to the provision of Protected Information to the Authorized Persons, is intended, nor shall it be deemed, to be a waiver or abandonment of any legal privilege that may be asserted against subsequent disclosure or discovery in any formal proceeding or investigation. Moreover, no transfer or creation of ownership rights in any intellectual property comprising Protected Information is intended or shall be inferred by the disclosure of Protected Information by the GIS Parties, and any and all intellectual property comprising Protected Information disclosed and any derivations thereof shall continue to be the exclusive intellectual property of the GIS Parties and/or the Affected GIS Generator.

**Executed**, as of the date first set out above.

**[Commission]**

By: \_\_\_\_\_

Its: \_\_\_\_\_