

in Sections 11.10.2, 11.10.3 and 11.10.4.

If the CAISO determines that any Day-Ahead Market award for Ancillary Services capacity or Self-Provided Ancillary Services capacity is not available during the RTM as a result of a Transmission Constraint, then payments for that capacity will not be rescinded, except as provided in section 11.10.9.1 for System Resources or, in the case of Self-Provided Ancillary Services capacity, that capacity will continue to be compensated at the user rate as described in Sections 11.10.2, 11.10.3 and 11.10.4. For purposes of applying this Section to Dynamic Resources or Pseudo-Tie resources, the CAISO shall treat a reduction in the Operating Transfer Capability at an Intertie between the Day-Ahead Market and RTM that is registered in CAISO's outage management system pursuant to Section 9 as a Transmission Constraint. For all other constraints that cause the CAISO to determine that any Day-Ahead Market award for Ancillary Services capacity or Self-Provided Ancillary Services capacity from Dynamic Resource or Pseudo-Tie resources is not available, the ISO shall treat these constraints as resource constraints.

8.11 Temporary Changes to Ancillary Service Penalties

8.11.1 Application and Termination

The temporary change, respecting Ancillary Services penalties, set out in Section 8.11.2 shall continue in effect until such time as the Chief Executive Officer of the CAISO issues a Notice of Full-Scale Operations, posted on the CAISO Website, at <http://www.CAISO.com>, or such other internet address as the CAISO may publish from time to time, specifying the date on which this Section 8.11 shall cease to apply, which date shall be not less than seven (7) days after the Notice of Full-Scale Operations is issued.

8.11.2 Exemption for Penalties Due to CAISO Software Limitations

For so long as this Section 8.11.2 remains in effect, Scheduling Coordinators shall not be liable for the penalties specified in Sections 8.10.7 and 8.10.8 if, as a result of limitations associated with the CAISO's Congestion Management software, the scheduled output of the resource from which the Scheduling Coordinator has committed to provide an Ancillary Service is adjusted by the CAISO to a level that conflicts with the Scheduling Coordinator's Ancillary Service capacity commitments, thereby resulting in a failed availability test.