

ATTACHMENT C

20.3 Confidentiality

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20.3.4 Disclosure

Notwithstanding anything in this Section 20.3 to the contrary,

(a) The ISO: (i) shall publish individual bids for Supplemental Energy, individual bids for Ancillary Services, and individual bids for Adjustment Bids, provided that such data are published no sooner than six (6) months after the Trading Day with respect to which the bid or Adjustment Bid was submitted and in a manner that does not reveal the specific resource or the name of the Scheduling Coordinator submitting the bid or Adjustment Bid, but that allows the bidding behavior of individual, unidentified resources and Scheduling Coordinators to be tracked over time; and (ii) may publish data sets analyzed in any public report issued by the ISO or by the Market Surveillance Committee, provided that such data sets shall be published no sooner than six (6) months after the latest Trading Day to which data in the data set apply, and in a manner that does not reveal any specific resource or the name of any Scheduling Coordinator submitting bids or Adjustment Bids included in such data sets.

(b) If the ISO is required by applicable laws or regulations, or in the course of administrative or judicial proceedings, to disclose information that is otherwise required to be maintained in confidence pursuant to this Section 20.3, the ISO may disclose such information; provided, however, that as soon as the ISO learns of the disclosure requirement and prior to making such disclosure, the ISO shall notify any affected Market Participant of the requirement and the terms thereof. The Market Participant may, at its sole discretion and own cost, direct any challenge to or defense against the disclosure requirement and the ISO shall provide such information and assistance as is necessary to enable the cooperate with such affected Market Participant to conduct such challenge or defense~~the maximum extent practicable to minimize the disclosure of the information~~

consistent with applicable law. The ISO shall provide such information and/or assistance to cooperate with the affected Market Participant seeking to obtain proprietary or confidential treatment of confidential information by the person to whom such information is disclosed prior to any such disclosure.

(c) If FERC or its staff during the course of an investigation or otherwise, requests information from the ISO that is otherwise required to be maintained in confidence pursuant to the ISO Tariff, the ISO shall provide the requested information to the FERC or its staff within the time provided for in the information request. In providing the information to FERC or its staff, the ISO shall request that the information be treated as confidential and non-public and that the information be withheld from public disclosure pursuant to 18 C.F.R. § 388.112. The ISO shall notify any affected Market Participant(s) if it is notified by FERC or its staff that a request for disclosure of, or decision to disclose, confidential information has been received, at which time the ISO and the affected Market Participant may respond before such information would be made public.

(d) If the California Electricity Oversight Board or its staff during the course of an investigation or otherwise, requests information from the ISO that is otherwise required to be maintained in confidence pursuant to the ISO Tariff, the ISO shall provide the requested information to the California Electricity Oversight Board or its staff within the time provided for in the information request provided that the agency has adequate confidentiality arrangements in place. The California Electricity Oversight Board will be deemed to have adequate confidentiality arrangements in place if it is legally bound, by virtue of applicable law, regulation, adoption of a protective order, entering into a confidentiality agreement or any other valid means: (1) not to disclose to the public information that it obtains from the ISO that the ISO designates as confidential, unless it first: (i) provides the ISO notice of any potential disclosure; (ii) provides the ISO (and any affected Market Participant) at least five Business Days after the notice of potential disclosure to formally protest the disclosure; (iii) provides the ISO notice of any final decision to proceed with the disclosure; and (iv) delays disclosure for five Business Days subsequent to notice to the ISO of a final decision to disclose and (2) not to disclose to another agency

information that it obtains from the ISO that the ISO designates as confidential, unless the other agency has adequate confidentiality arrangements in place. In providing the information to the California Electricity Oversight Board or its staff, the ISO shall request that the information be treated as confidential and non-public and that the information be withheld from public disclosure. The ISO shall notify any affected Market Participant(s) when it is notified by the California Electricity Oversight Board or its staff, that a request for disclosure of, or decision to disclose, confidential information has been received, at which time the ISO and the affected Market Participant may respond before such information would be made public, pursuant to the applicable state agency confidentiality arrangements.

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APPENDIX A
MASTER DEFINITIONS SUPPLEMENT

California Electricity Oversight Board _____ The Agency established pursuant to Article 2 of Assembly Bill No. 1890 or any successor in interest to the responsibilities of such agency.