

20 CONFIDENTIALITY.

20.1 CAISO.

The CAISO shall maintain the confidentiality of all of the documents, data and information provided to it by any Market Participant that are treated as confidential or commercially sensitive under Section 20.2; provided, however, that the CAISO need not keep confidential: (1) information that is explicitly subject to public data exchange pursuant to Section 6; (2) information that the CAISO or the Market Participant providing the information is required to disclose pursuant to this CAISO Tariff, or applicable regulatory requirements (provided that the CAISO shall comply with any applicable limits on such disclosure); or (3) information that becomes available to the public on a non-confidential basis (other than as a result of the CAISO's breach of this CAISO Tariff).

20.2 Confidential Information.

The following information provided to the CAISO by Scheduling Coordinators shall be treated by the CAISO as confidential:

- (a) individual Bids;
- (b) CRR bids and other CRR Allocation nomination information;
- (c) transactions between Scheduling Coordinators, including Inter-SC Trades;
- (d) individual Generator Outage programs unless a Generator makes a change to its Generator Outage program which causes Congestion in the short term (i.e. one month or less), in which case, the CAISO may publish the identity of that Generator; and

- (e) The following information related to the resource adequacy program in accordance with Section 40:
 - (i) Annual and monthly Resource Adequacy Plans and Supply Plans;
 - (ii) Demand Forecasts; and
 - (iii) Information on existing import contracts.
- (f) The following information related to the Transmission Planning Process in accordance with Section 24:
 - (1) Information received under Sections 24.2.3.2 and 24.2.3.3 to the extent such information has been designated as confidential in accordance with the Business Practice Manual;
 - (2) Information, the release of which may harm competitive markets, as determined by the CAISO's Department of Market Monitoring;
 - (3) Information received by the CAISO pursuant to agreements and contracts, executed prior to December 21, 2007, that preclude the release of the information;
 - (4) Information that involves proprietary analytical tools, computer codes, or any other material that is protected by intellectual property rights held by the CAISO, Project Sponsor, Market Participant or other third-party; and
 - (5) Critical Energy Infrastructure Information.

However, composite documents, data, and other information that may be developed based on confidential information under this Section shall not be deemed confidential if the composite documents, data, and other information do not disclose any confidential information of any individual Scheduling Coordinator, Market Participant, or other third-party or Critical Energy Infrastructure Information.

20.3 Other Parties.

No Market Participant shall have the right hereunder to receive from the CAISO or to review any documents, data or other information of another Market Participant to the extent such documents, data or information is to be treated as in accordance with Section 20.2; provided, however, a Market Participant may receive and review any composite documents, data, and other information that may be developed based upon such confidential documents, data, or information, if the composite document does not disclose such confidential data or information relating to an individual Market Participant and provided, however, that the CAISO may disclose information as provided for in its bylaws.

20.4 Disclosure.

Notwithstanding anything in this Section 20 to the contrary,

- (a) The CAISO: (i) shall publish individual Bids, provided that such data are published no sooner than six (6) months after the Trading Day with respect to which the Bid was submitted and in a manner that does not reveal the specific resource or the name of the Scheduling Coordinator submitting the 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 CAISO 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 included in such data sets.

- (b) If the CAISO 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, the CAISO may disclose such information; provided, however, that as soon as the CAISO learns of the disclosure requirement and prior to making such disclosure, the CAISO 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 CAISO shall cooperate with such affected Market Participant to the maximum extent practicable to minimize the disclosure of the information consistent with applicable law. The CAISO shall cooperate with the affected Market Participant to obtain proprietary or confidential treatment of confidential information by the person to whom such information is disclosed prior to any such disclosure.
- (c) The CAISO may disclose confidential or commercially sensitive information, without notice to an affected Market Participant, in the following circumstances:
 - (i) If the FERC, or its staff, during the course of an investigation or otherwise, requests information that is confidential or commercially sensitive. In providing the information to FERC or its staff, the CAISO shall take action consistent with 18 C.F.R. §§ 1b.20 and 388.112, and request that the information be treated as confidential and non-public by the FERC and its staff and that the information be withheld from public

disclosure. The CAISO shall provide the requested information to the FERC or its staff within the time provided for in the request for information. The CAISO shall notify an affected Market Participant within a reasonable time after the CAISO is notified by FERC or its staff that a request for disclosure of, or decision to disclose, the confidential or commercially sensitive information has been received, at which time the CAISO and the affected Market Participant may respond before such information would be made public; or

- (ii) In order to maintain reliable operation of the CAISO Control Area, the CAISO may share critical operating information, system models, and planning data with other WECC Reliability Coordinators, who have executed the Western Electricity Coordinating Council Confidentiality Agreement for Electric System Data, or are subject to similar confidentiality requirements; or
- (iii) In order to maintain reliable operation of the CAISO Control Area, the CAISO may share individual Generating Unit Outage information with the operations engineering and the outage coordination division(s) of other **Balancing Authorities**, Participating TOs, MSS Operators and other transmission system operators engaged in the operation and maintenance of the electric supply system whose system is significantly affected by the Generating Unit and who have executed the Western Electricity Coordinating Council Confidentiality Agreement for Electric System Data.

- (d) Notwithstanding the provisions of Section 20.2(e), information submitted through Resource Adequacy Plans and Supply Plans in accordance with Section 40 may be provided to:
- (i) the Scheduling Coordinator(s) and/or Market Participant(s) involved in a dispute or discrepancy as to whether a resource is properly identified in a Resource Adequacy Plan or a Supply Plan only to the limited extent necessary to identify the disputed transaction and the relevant counterparty or counterparties.
 - (ii) the regulatory entity, whether the CPUC, other Local Regulatory Authority, or federal agency, with jurisdiction over a Load Serving Entity involved in a dispute or discrepancy as to whether a resource is properly identified in a Resource Adequacy Plan or the Supply Plan, or otherwise identified by the CAISO as exhibiting a potential deficiency in demonstrating compliance with resource adequacy requirements adopted by the CPUC, other Local Regulatory Authority, or federal agency, as applicable. The information provided shall be limited to the particular dispute, discrepancy, or deficiency.
 - (iii) the California Energy Commission with respect to Demand Forecast information provided to the CAISO under Sections 40.2.2.3 and 40.2.3.3(b) to the extent the CAISO seeks, and the California Energy Commission grants, confidential treatment of such information pursuant to California Public Resources Code Section 25322 and related regulations.

- (e) Notwithstanding the provisions of Section 20.2(f), information submitted through the Transmission Planning Process may be disclosed as follows:
- (i) Critical Energy Infrastructure Information may be provided to a requestor where such person is employed or designated by a Market Participant or electric utility regulatory agency within California to receive CEII, the requestor submits a statement as to the need for the CEII, and the requestor executes and returns to the CAISO the form of the non-disclosure agreement and non-disclosure statement included as part of the Business Practice Manual. The CAISO may, at its sole discretion, reject a request for CEII and upon such rejection, the requestor will be directed to utilize the FERC procedures for access to the requested CEII.
 - (ii) Information that is confidential under Section 20.2(f)(i) or 20.2(f)(ii) may be disclosed to any individual designated by a Market Participant, electric utility regulatory agency within California, or other stakeholder that signs and returns to the CAISO the form of the non-disclosure agreement, nondisclosure statement and certification that the individual is or represents a non-Market Participant, which is any person or entity not involved in a marketing, sales, or brokering function as market, sales, or brokering are defined in FERC's Standards of Conduct for Transmission Providers (18 C.F.R. § 358 et seq.), included as part of the Business Practice Manual; and

- (iii) Data base and other transmission planning information obtained from the WECC, or its successor, may be disclosed to individuals designated by a Market Participant, electric utility regulatory agency within California, or other stakeholder in accordance with the procedures set forth in the Business Practice Manual.

Nothing in this Section 20 shall limit the ability of the CAISO to aggregate data for public release about the adequacy of supply.

20.5 Confidentiality.

The CAISO shall implement and maintain a system of communications with Scheduling Coordinators that includes the strict use of passwords for access to data to ensure compliance with Section 20. Access within the CAISO to such data on CAISO's communications systems, including databases and backup files, shall be strictly limited to authorized CAISO personnel through the use of passwords and other appropriate means.

21 **[NOT USED]**

22 MISCELLANEOUS.

22.1 Audits.

22.1.1 Materials Subject to Audit.

The CAISO's financial books, cost statements, accounting records and all documentation pertaining to its operation as a state chartered independent institution which controls the operation of the CAISO Controlled Grid to ensure open, non-discriminatory transmission access to all Market Participants and promotes the efficient use and reliable operation of the CAISO Controlled Grid in accordance with this CAISO Tariff, are subject to audit in the manner prescribed below:

22.1.2 CAISO Audit Committee.

The CAISO Governing Board shall have overall audit responsibility for the CAISO. The CAISO Audit Committee shall make recommendations to the CAISO Governing Board in relation to the approval, initiation and scheduling of the following audits:

22.1.2.1 Certified Financial Statement Audit.

Each year, an audit by an external independent certified public accounting firm shall be performed. This audit will be conducted in accordance with generally accepted auditing standards to verify that the CAISO's financial statements are in compliance with generally accepted accounting principles and fairly present, in all material respects, the financial position, results of operation and cash flows for the audit period. The audit report will be addressed to the CAISO Governing Board, copies will be provided to the CAISO Audit Committee, and, upon request, to Market Participants.

22.1.2.2 Review of Compliance with Operations Policies and Procedures.

Each year, an independent review shall be conducted of the CAISO management's compliance with its operations policies and procedures. The CAISO Audit Committee will appoint an independent party to perform this review. This review may also include material issues raised by Market Participants and approved by the CAISO Audit Committee for inclusion in the review. The report will be addressed to the CAISO Governing Board, copies provided to the CAISO Audit Committee, and upon request, to Market Participants.

22.1.2.3 Code of Conduct Audits.

On a periodic basis, but not less than once a year, an independent accounting firm shall conduct a management review of governors, officers, employees, substantially full-time consultants, or contractors of the CAISO for compliance with the CAISO Code of Conduct to ensure adherence to the highest standards of lawful and ethical conduct in their activities. The audit report shall be addressed to the CAISO Audit Committee with copies provided to the CAISO Governing Board and, upon request, to Market Participants.

22.1.2.4 Interim Audits.

At such other intervals agreed upon by a majority of the CAISO Audit Committee members, audits may be undertaken for specific issues and concerns of Market Participants that the CAISO Audit Committee believes, at its sole discretion, to be of significant and critical magnitude to the CAISO. Such audits will be conducted by an independent accounting firm. The costs of such an audit will be borne by the requesting Market Participant(s), unless the CAISO Audit Committee determines otherwise. Interim audits will be conducted during normal business hours, after reasonable notice has been given to the CAISO, and in accordance with the guidelines to be established by the CAISO Audit Committee.

22.1.3 Audit Results.

Exceptions identified as a result of an audit will be reviewed with the CAISO Audit Committee. The results of the audits and actions to be taken by the CAISO as a result of the audit shall be mailed to Market Participants upon request.

22.1.4 Availability of Records.

The CAISO will provide full and complete access to all financial books, cost statements, accounting records, and all documentation pertaining to the requirements of the specific audits being performed. Records relating to audits will be retained until the records retention requirements of the CAISO are satisfied or until the audit issues are fully resolved, whichever is the later. The right of access to records does not require the creation of new records, reports, studies, or evaluations not already available.

22.1.5 Confidentiality of Information.

All proprietary information obtained through any audits will remain strictly confidential. All auditors shall sign a confidentiality agreement prior to being accepted as auditors by the CAISO Audit Committee.

22.1.6 Payments.

Any payments agreed to between Market Participants and the CAISO as a result of an audit, or directed by FERC, or disclosed by the CAISO in reviews of its own books and records shall include Interest computed at the rate calculated in accordance with the methodology specified for interest on refunds in FERC's regulations at 18 C.F.R. § 35.19(a)(2)(iii) (as amended from time to time) from the due date to the date such adjustments are due.

22.2 Assignment.

Obligations and liabilities under this CAISO Tariff and any Scheduling Coordinator Agreement or other agreements giving contractual effect to this CAISO Tariff shall be binding on the successors and assigns of the parties to such agreements. No assignment of any Scheduling Coordinator Agreement or other agreements giving contractual effect to this CAISO Tariff shall relieve the original party from its obligations or liabilities to the CAISO under this CAISO Tariff or any such agreement arising or accruing due prior to the date of assignment.

22.3 Term and Termination.

22.3.1 This CAISO Tariff shall become effective on the date it is permitted to become effective by the FERC.

22.3.2 This CAISO Tariff shall terminate upon approval of termination by the CAISO Governing Board in accordance with the bylaws of the CAISO and receipt of any necessary regulatory approval from FERC.

22.4 Notice.

22.4.1 Effectiveness.

Any notice, demand, or request in accordance with this CAISO Tariff, unless otherwise provided in this CAISO Tariff, shall be in writing and shall be deemed properly served, given, or made: (a) upon delivery if delivered in person, (b) five (5) days after deposit in the mail if sent by first class United States mail, postage prepaid, (c) upon receipt of confirmation by return facsimile if sent by facsimile, or (d) upon delivery if delivered by prepaid commercial courier service.

22.4.2 Addresses.

Notices to the CAISO shall be sent to such address as shall be notified by the CAISO to Market Participants from time to time. Notices issued by the CAISO to any Scheduling Coordinator shall be delivered to the address of the representative designated to receive notices for the Scheduling Coordinator included in the Scheduling Coordinator Agreement. Notices to any Market Participant other than a Scheduling Coordinator shall be delivered by the CAISO to the address given to it by the Market Participant. The CAISO and any Market Participant may at any time change their address for notice by notifying the other party in writing.

22.4.3 Notice of Changes in Operating Procedures and Business Practice Manuals.

The CAISO will issue notice of any proposed changes to any Operating Procedure or Business Practice Manual. The effective date of any change or proposed change in any Operating Procedure or Business Practice Manual shall be established as part of the change management process set forth in Section 22.11 but will be no earlier than at least thirty (30) days from the date of publication of a Market Notice describing the change or proposed change, unless: (1) a different notice period is specified by state or federal law, (2) the change is reasonably required to address an emergency affecting the CAISO Controlled Grid or its operations, or (3) the change is to a provision of a Business Practice Manual that is necessitated by emergency circumstances specific to that Business Practice Manual. Such circumstances include, but are not limited to, any change necessary to ensure that the Business Practice Manual is consistent with the CAISO Tariff or any applicable law, regulation, NERC or WECC operating policies, guidelines and standards, or FERC order, in which case the CAISO shall give Market Participants as much notice as is reasonably practicable. Any notices issued under this provision shall be issued in accordance with the procedures set out in Section 22.11.

22.5 Waiver.

Any waiver at any time by the CAISO or any Market Participant of its rights with respect to any default under this CAISO Tariff, or with respect to any other matter arising in connection with this CAISO Tariff, shall not constitute or be deemed a waiver with respect to any subsequent default or other matter arising in connection with this CAISO Tariff. Any delay short of the statutory period of limitations in asserting or enforcing any right shall not constitute or be deemed a waiver.

22.6 Staffing and Training To Meet Obligations.

The CAISO shall engage sufficient staff to perform its obligations under this CAISO Tariff in a satisfactory manner consistent with Good Utility Practice. The CAISO shall make its own arrangements for the engagement of all staff and labor necessary to perform its obligations hereunder and for their payment. The CAISO shall employ (or cause to be employed) only persons who are appropriately qualified, skilled and experienced in their respective trades or occupations. CAISO employees and contractors shall abide by the CAISO Code of Conduct for employees contained in the CAISO bylaws and approved by FERC.

22.7 Accounts and Reports.

The CAISO shall notify Market Participants of any significant change in the accounting treatment or methodology of any costs or any change in the accounting procedures, which is expected to result in a significant cost increase to any Market Participant. Such notice shall be given at the earliest possible time, but no later than, sixty (60) days before implementation of such change.

22.8 Applicable Law and Forum.

This CAISO Tariff shall be governed by and construed in accordance with the laws of the State of California, except its conflict of laws provisions. Market Participants irrevocably consent that any legal action or proceeding arising under or relating to this CAISO Tariff to which the CAISO ADR Procedures do not apply, shall be brought in any court of the State of California or any federal court of the United States of America located in the State of California. Market Participants irrevocably waive any objection

that they may have now or in the future to said courts in the State of California as the proper and exclusive forum for any legal action or proceeding arising under or related to this CAISO Tariff.

22.9 Consistency with Federal Laws and Regulations.

- (a) Nothing in the CAISO Tariff shall compel any person or federal entity to: (1) violate federal statutes or regulations; or (2) in the case of a federal agency, to exceed its statutory authority, as defined by any applicable federal statutes, regulations, or orders lawfully promulgated thereunder. If any provision of this CAISO Tariff is inconsistent with any obligation imposed on any person or federal entity by federal law or regulation to that extent, it shall be inapplicable to that person or federal entity. No person or federal entity shall incur any liability by failing to comply with a CAISO Tariff provision that is inapplicable to it by reason of being inconsistent with any federal statutes, regulations, or orders lawfully promulgated thereunder; provided, however, that such person or federal entity shall use its best efforts to comply with the CAISO Tariff to the extent that applicable federal laws, regulations, and orders lawfully promulgated thereunder permit it to do so.
- (b) If any provision of this CAISO Tariff requiring any person or federal entity to give an indemnity or impose a sanction on any person is unenforceable against a federal entity, the CAISO shall submit to the Secretary of Energy or other appropriate Departmental Secretary a report of any circumstances that would, but for this provision, have rendered a federal entity liable to indemnify any person or incur a sanction and may request the Secretary of Energy or other appropriate Departmental Secretary to take such steps as are necessary to give effect to any provisions of this CAISO Tariff that are not enforceable against the federal entity.

- (c) To the extent that the CAISO suffers any loss as a result of being unable to enforce any indemnity as a result of such enforcement being in violation of federal laws or regulations to which it is entitled under the CAISO Tariff under this Section or otherwise, it shall be entitled to recover such loss through the Grid Management Charge.

22.10 [NOT USED]

22.11 Operating Procedures and Business Practice Manuals Development and Amendment Process.

The CAISO shall prepare, maintain, promulgate and update the Operating Procedures and Business Practice Manuals. The Operating Procedures and Business Practice Manuals shall be consistent with the CAISO Tariff, and any NERC or WECC operating policies, guidelines and standards, and shall be available on the CAISO Website, *provided that the CAISO shall not make available on the CAISO Website any portions of CAISO Operating Procedures that are confidential.* The CAISO shall establish a stakeholder process as set forth in Section 22.11.1 and in a Business Practice Manual for BPM change management in order to ensure that all affected parties have an opportunity to comment on and shape the proposed nature of any proposed changes to any Business Practice Manual. Under that process, the CAISO and stakeholders shall consider whether any amendments to the CAISO Tariff are necessary in order to ensure the consistency of the CAISO Tariff and the Business Practice Manuals.

22.11.1 Process for Revisions of Business Practice Manuals.

Revisions of Business Practice Manuals shall be made in accordance with the process set forth in this Section 22.11.1, provided that the details and procedures for submittal and consideration of a BPM Proposed Revision Request (PRR) and other elements of the BPM change management process shall be set forth in a separate Business Practice Manual for BPM change management.

22.11.1.1 BPM Proposed Revision Request Submittal.

A request to make any change to a BPM, including any attachments thereto that are incorporated by reference, and any changes to the BPM PRR must be initiated through a submittal of a BPM PRR, except as provided in Section 22.4.3 or 22.11.1.2.

The following entities may submit a BPM PRR:

- (1) Any Market Participant;
- (2) Local Regulatory Authority;
- (3) CAISO management; and
- (4) Any other entity that meets the following qualifications:
 - (a) The entity must represent a Market Participant in dealings with the CAISO or operate in the CAISO Markets, and
 - (b) The entity must demonstrate that the entity (or those it represents) is affected by the subject section(s) of the BPM.

BPM PRRs shall be submitted electronically to the CAISO in the form and manner described in the Business Practice Manual for BPM change management. The BPM PRR shall include a description of the requested revision, the reason for the suggested change, the impacts and benefits of the suggested change (including any impact on the CAISO Market structure, CAISO operations and Market Participants, to the extent the submitter may know this information), a list of affected BPM sections and subsections, general administrative information, suggested language for the requested revision, and for BPM PRRs submitted by CAISO management, a BPM PRR impact analysis.

22.11.1.2 BPM Proposed Revision Request Processing.

The CAISO shall review the BPM PRR for completeness and shall notify the submitter if the BPM PRR is incomplete, including the reasons for its determination, based upon the timelines provided in the BPM for BPM change management. An incomplete BPM PRR shall not receive further consideration until it is completed. In order to pursue the revision requested, a submitter must submit a completed version of the BPM PRR with the deficiencies corrected. If a submitted BPM PRR is complete or once a BPM PRR is corrected, the CAISO shall post the completed or corrected BPM PRR to the CAISO Website and publish a Market Notice of such posting.

22.11.1.3 BPM PRR Coordinator.

The consideration and disposition of BPM PRRs shall be led by a BPM change management coordinator. The BPM change management coordinator shall be an identified employee of the CAISO with responsibility for ensuring that BPM PRRs are processed and reviewed in accordance with the provisions of the Business Practice Manual for BPM change management. The BPM change management coordinator shall also be responsible for submitting a report to the CAISO Governing Board at each regularly scheduled CAISO Governing Board meeting that includes (1) the status of pending BPM PRRs, (2) a summary of proposed revisions that have been accepted, and (3) a summary of proposed revisions that have been rejected and the reason(s) that the proposed revisions have been rejected, including the positions of stakeholders, and any decision on appeal as provided in Section 22.11.1.6.

22.11.1.4 Types and Treatment of BPM PRRs.

Each BPM PRR shall be preliminarily classified by the BPM change management coordinator as either a Category A revision or a Category B or C revision. After further consultation with internal CAISO business units, the submitter (if not the CAISO), and representatives from potentially affected stakeholders in the BPM PRR review process, the BPM change management coordinator may reclassify the BPM PRR as appropriate. Types of BPM PRRs include:

- (a) Category A – Clarifications of existing BPM language, grammatical errors, and revisions with minor significance.

In the event the CAISO receives no comments or no adverse comments within the specified time frame, the CAISO may incorporate the proposed changes into the BPM, if reasonably acceptable to the CAISO, before the next BPM change management meeting. These changes may be placed into effect at any time after the comment period expires.

- (b) Category B – Revisions of substantial significance or revisions that require changes to CAISO or Market Participants' systems.

For proposals falling in this category, the CAISO will, unless urgent or emergency circumstances exist, delay implementation until after the next regularly scheduled BPM change management meeting even if no comments or no adverse comments are received. In the case of a proposed change affecting the CAISO's systems, the CAISO will prepare a BPM PRR impact analysis, if not already prepared, in accordance with the procedures set forth in the Business Practice Manual. The CAISO shall post the completed BPM PRR impact analysis to the CAISO Website and publish a Market Notice of such posting. Comments may be filed concerning the BPM PRR impact analysis. The comments must be delivered electronically to the CAISO within ten (10) Business Days or otherwise as specified in a Market Notice. Comments shall be posted to the CAISO Website.

- (c) Category C – Revisions implementing significant new CAISO policies and/or potentially requiring revisions to the CAISO Tariff.

Proposed revisions implementing significant new CAISO policies may have implications outside the scope of a proposed change to a BPM and may require alternative treatment. For proposals falling in this category, the CAISO will, unless urgent or emergency circumstances exist, delay implementation until after the next regularly scheduled BPM change management meeting. If the CAISO concludes that a Category C BPM PRR cannot be implemented without an amendment to the CAISO Tariff, the CAISO will provide a written explanation and indicate its support for or opposition to the need or appropriateness of a tariff amendment. The written explanation shall also indicate a lead department or business unit within the CAISO that would have responsibility for leading any stakeholder process necessary for the tariff amendment.

22.11.1.5 BPM PRR Review and Action.

Any interested stakeholder or CAISO management may comment on a posted BPM PRR in accordance with the process set forth in the Business Practice Manual for BPM change management. To receive consideration, comments must be delivered electronically to the CAISO within ten (10) Business Days, or within any shorter period determined to be necessary or appropriate pursuant to the provisions of either Sections 22.11.1.7 or 22.11.1.8. Comments shall be posted to the CAISO Website. After their

comment periods have expired, BPM PRRs shall be considered by the CAISO at a regularly established monthly public meeting or specially-noticed meeting dedicated to that purpose. Following any meeting to consider pending BPM PRRs and subject to the standards set forth in Section 22.11.1.4, the BPM change management coordinator shall issue a recommendation for action on each pending BPM PRR and shall publish for public comment a report on the recommendation in accordance with the procedures set forth in the Business Practice Manual for BPM change management. The report shall be sufficiently detailed and shall be published in a timeframe that allows interested stakeholders a meaningful opportunity to provide written comment. The BPM change management coordinator shall publish a final decision on any BPM PRR after considering stakeholder comments and all relevant impacts on their business needs and after the PRR recommendation report and comments concerning it have been discussed at a BPM change management meeting, in accordance with procedures set forth in the Business Practice Manual for BPM change management.

22.11.1.6 Right to Appeal to CAISO.

Any entity eligible to submit a BPM PRR under Section 22.11.1.1 may, within ten (10) Business Days, appeal in writing the outcome of any BPM PRR to a committee comprising at least three CAISO executives established in accordance with procedures set forth in the Business Practice Manual for BPM change management. The CAISO will establish a standing meeting time for the BPM appeals committee to be used if needed and will establish the composition of the BPM appeals committee, including alternates in the case of schedule or other conflicts. Standing meeting dates and the BPM appeals committee composition will be established at least three months in advance. The CAISO may change the meeting time with ten (10) Business Days notice if required to accommodate schedules of the members of the BPM appeals committee. The executive sponsor of a BPM PRR may not sit in review of any appeal of a final decision regarding that same BPM PRR but may participate in and be present during the public discussion of any appeal. The CAISO committee will review the appeal and publish its decision to

the appealing party and to the CAISO Website. If not satisfied with the decision on appeal, the appellant may raise concerns it may have with the CAISO Governing Board at the next regularly scheduled Board meeting through the public comment period or through prior letter to the Governing Board.

22.11.1.7 CAISO Expedited Action in Emergency Circumstances.

Notwithstanding the provisions of Section 22.11.1.1, the CAISO may take expedited action to change or clarify a provision of a BPM under emergency circumstances. In addition to the circumstances identified in Section 22.4.3, emergency circumstances exist whenever the CAISO determines in good faith that (i) failure to implement a change or clarification to a BPM on an expedited basis would substantially and adversely affect System Reliability or security or the competitiveness of the CAISO Markets, and (ii) there is insufficient time to comply with the BPM PRR procedures set forth in Section 22.11.1. The CAISO shall take reasonable steps to communicate with Market Participants and any other directly-affected entities prior to taking expedited action if practicable. If the CAISO takes expedited action to change or clarify a provision of a BPM in emergency circumstances, the CAISO shall promptly issue a Market Notice and submit a BPM PRR to examine the necessity of the change and its impacts.

22.11.1.8 Urgent Requests by Entities for BPM Revisions.

An entity submitting a BPM PRR may request that the BPM PRR be considered on an urgent basis and may be required to show reasonable necessity for such an urgent request. The BPM change management coordinator may designate a BPM PRR for urgent consideration if the BPM change management coordinator determines that such BPM PRR (1) requires immediate attention due to (i) serious concerns about CAISO System Reliability or market operations under the unmodified language or (ii) the crucial nature of Settlement activity conducted pursuant to any Settlement formula, and (2) is of a nature that allows for rapid implementation without negative consequences to the reliability and integrity of the CAISO's system or market operations. The BPM change management coordinator shall consider

the urgent BPM PRR at its next regularly scheduled meeting, or at a special meeting called by the BPM change management coordinator to consider the urgent BPM PRR. Any revisions to a BPM that take effect pursuant to an urgent BPM PRR shall be subject to a BPM PRR impact analysis.

22.11.2 Changes to Business Practice Manual for BPM Change Management.

Any changes to the Business Practice Manual for BPM change management shall require CAISO Governing Board approval.

22.12 [Not Used]

22.13 Scheduling Responsibilities and Obligations.

Nothing in this CAISO Tariff is intended to permit or require the violation of federal or California law concerning hydro-generation and Dispatch, including but not limited to fish release requirements, minimum and maximum dam reservoir levels for flood control purposes, and in-stream flow levels. In carrying out its functions, the CAISO will comply with and will have the necessary authority to give instructions to Participating TOs and Market Participants to enable it to comply with requirements of environmental legislation and environmental agencies having authority over the CAISO in relation to Environmental Dispatch and will expect that submitted Bids, including Self-Schedules will support compliance with the requirements of environmental legislation and environmental agencies having authority over Generators in relation to Environmental Dispatch. In contracting for Ancillary Services and Imbalance Energy the CAISO will not act as principal but as agent for and on behalf of the relevant Scheduling Coordinators.

ARTICLE II – TRANSMISSION SERVICE

23 CATEGORIES OF TRANSMISSION CAPACITY.

References to new firm uses shall mean any use of CAISO transmission service, except for uses associated with Existing Rights or TORs. Prior to the start of the Day-Ahead Market, for each **Balancing Authority** Area **Transmission** Interface, the CAISO will allocate the forecasted **Total Transfer Capability** of the **Transmission** Interface to four categories. This allocation will represent the CAISO's best estimates at the time, and is not intended to affect any rights provided under Existing Contracts or TORs. The CAISO's forecast of **Total Transfer Capability** for each **Balancing Authority** Area **Transmission** Interface will depend on prevailing conditions for the relevant Trading Day, including, but not limited to, the effects of parallel path (unscheduled) flows and/or other limiting operational conditions. This information will be posted on OASIS in accordance with this CAISO Tariff. The four categories are as follows:

- (a) transmission capacity that must be reserved for firm Existing Rights;
- (b) transmission capacity that may be allocated for use as CAISO transmission service (i.e., "new firm uses");
- (c) transmission capacity that may be allocated by the CAISO for conditional firm Existing Rights; and
- (d) transmission capacity that may remain for any other uses, such as non-firm Existing Rights for which the Responsible PTO has no discretion over whether or not to provide such non-firm service.

24 TRANSMISSION EXPANSION.

24.1 Determination of Need for Proposed Transmission Projects.

A Participating TO, Market Participant, the CAISO, the CPUC, or CEC may propose a transmission system addition or upgrade, and the CAISO will determine, in accordance with this Section 24.1, whether the transmission addition or upgrade is needed, where it will (1) promote economic efficiency, (2) maintain System Reliability, (3) satisfy the requirements of a Location Constrained Resource Interconnection Facility, or (4) maintain the simultaneous feasibility of allocated Long-Term CRRs. CAISO management can determine the need for transmission additions or upgrades with an estimated capital investment of less than \$50 million without CAISO Governing Board approval. The determination of need by CAISO management for transmission additions or upgrades with an estimated capital cost of \$50 million or more must be approved by the CAISO Governing Board.

24.1.1 Economically Driven Projects.

The determination that a transmission addition or upgrade is needed to promote economic efficiency shall be made in accordance with this Section 24 and the Business Practice Manual in any of the following ways:

- (a) Where a Project Sponsor proposes a Merchant Transmission Facility and demonstrates to the CAISO the financial capability to pay the full cost of construction and operation of the Merchant Transmission Facility. The Merchant Transmission Facility must mitigate all operational concerns identified under Section 24.5 to the satisfaction of the CAISO, in consultation with the Participating TO(s) in whose PTO Service Territory the Merchant Transmission Facility will be located, and ensure the continuing feasibility of allocated Long Term CRRs over the length of their terms. To ensure that the Project Sponsor is

financially able to pay the construction and operating costs of the Merchant Transmission Facility, and where the Participating TO is not the Project Sponsor and is to construct the Merchant Transmission Facility under Section 24.1, the CAISO in cooperation with the Participating TO may require (1) a demonstration of creditworthiness (e.g., an appropriate credit rating), or (2) sufficient security in the form of an unconditional and irrevocable letter of credit or other similar security sufficient to meet its responsibilities and obligations for the full costs of the transmission addition or upgrade.

- (b) Where a Project Sponsor, the CPUC, or CEC proposes a transmission addition or upgrade during the Request Window and the project is approved by the CAISO Governing Board, or a Participating TO proposes a transmission upgrade or addition to an existing transmission facility with an estimated capital cost of less than \$50 million in accordance with the Study Plan and the project is included in the CAISO annual Transmission Plan. In determining whether to approve the project, the CAISO Governing Board or CAISO management, as applicable, shall consider the degree to which, if any, the benefits of the project outweigh the costs, in accordance with the procedures and using the technical studies set forth in the Business Practice Manual. The benefits of the project may include, but need not be limited to, a calculation of any reduction in production costs, Congestion costs, Transmission Losses, capacity or other electric supply costs resulting from improved access to cost-efficient resources, and environmental costs. The cost of the project must consider any estimated costs identified under Section 24.1.4 to maintain the simultaneous feasibility of allocated Long Term CRRs for the length of their term. The CAISO management

or CAISO Governing Board, as appropriate, in determining whether to approve or recommend the project, shall also consider the comparative costs and benefits of viable alternatives to the proposed transmission upgrade or addition, including (1) other transmission additions or upgrades, or the effects of other transmission additions or upgrades proposed under Section 24.2 during the Transmission Planning Process cycle, (2) Demand-side management, (3) acceleration or expansion of any transmission upgrade or addition already approved by the CAISO Governing Board or included in any CAISO annual Transmission Plan, or (4) Generation.

- (c) Where the CAISO proposes a transmission addition or upgrade during the CAISO's Transmission Planning Process and the project is approved by the CAISO Governing Board or included in the CAISO annual Transmission Plan, as appropriate. In determining whether to approve the CAISO proposed transmission addition or upgrade, the CAISO Governing Board and CAISO management shall apply the same factors set forth in Section 24.1.1(b). If approved by the CAISO Governing Board or CAISO management, as appropriate, the CAISO will designate one or more of the Participating TOs with PTO Service Territories in which the terminus of the transmission addition or upgrade will be located to act as Project Sponsor. Where two or more Participating TOs are designated as Project Sponsors, such CAISO designation will include the proportionate responsibility between or among Participating TOs to own, construct, and finance the transmission addition or upgrade. If a

Participating TO refuses to act as a Project Sponsor under this Section 24.1.1(c), the CAISO will first request other designated Participating TO(s) to assume the remainder or greater proportionate responsibility, and if no other Participating TO had been designated or is willing to increase its proportionate responsibility, the CAISO may solicit bids to finance, own, and construct the transmission addition or upgrade.

24.1.1.1 Information Requirements for Economic Transmission Projects.

The Project Sponsor and relevant Participating TOs shall provide any necessary assistance and information to the CAISO to enable the CAISO to determine that a transmission upgrade or addition is needed to promote economic efficiency, and will perform all studies required by the adopted Study Plan in a manner consistent with the Business Practice Manual. A Project Sponsor of an economically driven transmission upgrade or addition to promote economic efficiency under Section 24.1.1 shall also provide in its proposal a statement whether the proposed upgrade or addition will be a Merchant Transmission Facility.

24.1.2 Reliability Driven Projects.

The CAISO in coordination with each Participating TO with a PTO Service Territory will, consistent with the procedures set forth in the Business Practice Manual, identify the need for any transmission additions or upgrades required to ensure System Reliability consistent with all Applicable Reliability Criteria and CAISO Planning Standards. In making this determination, the CAISO, in coordination with each Participating TO with a PTO Service Territory and other Market Participants, shall consider lower cost alternatives to the construction of transmission additions or upgrades, such as acceleration or expansion of existing projects, Demand-side management, Remedial Action Schemes, appropriate Generation, interruptible Loads or reactive support. The CAISO shall direct each Participating TO with a PTO Service Area, as a registered Transmission Planner with NERC, to perform the necessary studies, based on the

Unified Planning Assumptions and Study Plan as set forth in Section 24.2.3 and in accordance with the Business Practice Manual, to determine the facilities needed to meet all Applicable Reliability Criteria and CAISO Planning Standards. The Participating TO with a PTO Service Area shall provide the CAISO and other Market Participants with all information relating to the studies performed under this Section, subject to any limitation provided in Section 20.2. The CAISO shall be free to propose any transmission upgrades or additions it deems necessary to ensure System Reliability consistent with Applicable Reliability Criteria and CAISO Planning Standards. The Participating TO with a PTO Service Territory in which the transmission upgrade or addition deemed needed under this Section 24.1.2 is to be located shall be the Project Sponsor, with the responsibility to construct, own and finance, and maintain such transmission upgrade or addition.

24.1.3 Location Constrained Resource Interconnection Facility Projects.

The CAISO, CPUC, CEC, a Participating TO or any other Market Participant may propose a transmission addition as a Location Constrained Resource Interconnection Facility. A proposal shall include the following information, to the extent available:

- (a) Information showing that the proposal meets the requirements of Section 24.1.3.1; and
- (b) A description of the proposed facility, including the following information:
 - (1) Transmission studies demonstrating that the proposed facility satisfies Applicable Reliability Criteria and CAISO Planning Standards;
 - (2) Identification of the most feasible and cost-effective alternative transmission additions, which may include network upgrades, that would accomplish the objective of the proposal;
 - (3) A planning level cost estimate for the proposed facility and all proposed alternatives;

- (4) An assessment of the potential for the future connection of further transmission additions that would convert the proposed facility into a network transmission facility, including conceptual plans;
- (5) The estimated in-service date of the proposed facility; and
- (6) A conceptual plan for connecting potential LCRIGs, if known, to the proposed facility.

24.1.3.1 Criteria for Qualification as a Location Constrained Resource Interconnection Facility.

- (a) The CAISO shall conditionally approve a facility as a Location Constrained Resource Interconnection Facility if it determines that the facility is needed and all of the following requirements are met:
 - (1) The facility is to be constructed for the primary purpose of connecting to the CAISO Controlled Grid two or more Location Constrained Resource Interconnection Generators in an Energy Resource Area, and at least one of the Location Constrained Resource Interconnection Generators is to be owned by an entity(ies) that is not an Affiliate of the owner(s) of another Location Constrained Resource Interconnection Generator in that Energy Resource Area;
 - (2) The facility will be a High Voltage Transmission Facility;
 - (3) At the time of its in-service date, the facility will not be a network facility and would not be eligible for inclusion in a Participating TO's TRR other than as an LCRIF; and
 - (4) The facility meets Applicable Reliability Criteria and CAISO Planning Standards.

- (b) The proponent of a facility that has been determined by the CAISO to meet the requirements of Section 24.1.3.1(a) shall provide the CAISO with information concerning the requirements of this subsection not less than ninety (90) days prior to the planned commencement of construction, and the facility shall qualify as a Location Constrained Resource Interconnection Facility if the CAISO determines that both of the following requirements are met:
- (1) The addition of the capital cost of the facility to ~~the~~ High Voltage TRR of a Participating TO will not cause the aggregate of the net investment of all LCRIFs (net of the amount of the capital costs of LCRIFs to be recovered from LCRIGs pursuant to Section 26.6) included in the High Voltage TRRs of all Participating TOs to exceed fifteen percent (15%) of the aggregate of the net investment of all Participating TOs in all High Voltage Transmission Facilities reflected in their High Voltage TRRs (net of the amount of the capital costs of LCRIFs to be recovered from LCRIGs pursuant to Section 26.6) in effect at the time of the CAISO's evaluation of the facility; and
 - (2) Existing or prospective owners of LCRIGs have demonstrated their interest in connecting LCRIGs to the facility consistent with the requirements of Section 24.1.3.2, which establishes the necessary demonstration of interest.
- (c) Each Participating TO shall report annually to the CAISO the amount of its net investment in LCRIFs (net of the amount of the capital costs of LCRIFs to be recovered from LCRIGs pursuant to Section 26.6), and its net investment in High Voltage Transmission Facilities reflected in its High Voltage TRR (net of the amount of the capital costs of LCRIFs to be recovered from LCRIGs pursuant to Section 26.6), to enable the CAISO to make the determination required under Section 24.1.3.1(b)(1).

24.1.3.2 Demonstration of Interest in a Location Constrained Resource Interconnection Facility.

A proponent of an LCRIF must demonstrate interest in the LCRIF equal to sixty percent (60%) or more of the capacity of the facility in the following manner:

- (a) the proponent's demonstration must include a showing that LCRIGs that would connect to the facility and would have a combined capacity equal to at least twenty-five percent (25%) of the capacity of the facility have executed Large Generator Interconnection Agreements or Small Generator Interconnection Agreements, as applicable; and
- (b) to the extent the showing pursuant to Section 24.1.3.2(a) does not constitute sixty percent (60%) of the capacity of the LCRIF, the proponent's demonstration of the remainder of the required minimum level of interest must include a showing that additional LCRIGs:
 - (1) have obtained control over their site or paid a deposit to the CAISO in the amount of \$250,000, which deposit shall be refundable if the LCRIF is not approved or is withdrawn by the proponent; and

- (2) have demonstrated interest in the LCRIF by one of the following methods:
- (i) executing a firm power sales agreement for the output of the LCRIG for a period of five years or longer; or
 - (ii) being in the CAISO's interconnection queue and paying a deposit to the CAISO equal to the sum of the minimum deposits required of an Interconnection Customer for all studies performed in accordance with the Large Generator Interconnection Procedures (Appendix U) or Small Generator Interconnection Procedures (Appendix S), as applicable to the LCRIG, less the amount of any deposits actually paid by the LCRIG for such studies. The deposit shall be credited toward such study costs. If

- the LCRIF is not approved or is withdrawn by the proponent, any deposit paid under this provision shall be refundable to the extent it exceeds costs incurred by the CAISO for such studies; or
- (iii) paying a deposit to the CAISO equal to five percent (5%) of the LCRIF's pro rata share of the capital costs of a proposed LCRIF. The deposit shall be credited toward study costs performed in connection with the Large Generator Interconnection Procedures (Appendix U) or Small Generator Interconnection Procedures (Appendix S), whichever is applicable. If the LCRIF is not approved or is withdrawn by the proponent, any deposit paid under this provision shall be refundable to the extent it exceeds the costs incurred by the CAISO for such studies.

24.1.3.3 Coordination With Transmission Additions Proposed by Non-Participating TOs.

In the event that a facility proposed as an LCRIF would connect to LCRIGs in an Energy Resource Area that would also be connected by a transmission facility that is in existence or is proposed to be constructed by an entity that is not a Participating TO and that does not intend to place that facility under the Operational Control of the CAISO, the CAISO shall coordinate with the entity owning or proposing that transmission facility through any regional planning process to avoid the unnecessary construction of duplicative transmission additions to connect the same LCRIGs to the CAISO Controlled Grid.

24.1.3.4 Evaluation of Location Constrained Resource Interconnection Facilities.

In evaluating whether a proposed LCRIF that meets the requirements of Section 24.1.3.1 is needed, and for purposes of ranking and prioritizing LCRIF projects, the CAISO will consider the following factors:

- (a) Whether, and if so, the extent to which, the facility meets or exceeds applicable CAISO Planning Standards, including standards that are Applicable Reliability Criteria.

- (b) Whether, and if so, the extent to which, the facility has the capability and flexibility both to interconnect potential LCRIGs in the Energy Resource Area and to be converted in the future to a network transmission facility.
- (c) Whether the projected cost of the facility is reasonable in light of its projected benefits, in comparison to the costs and benefits of other alternatives for connecting Generating Units or otherwise meeting a need identified in the CAISO **Transmission Planning Process**, including alternatives that are not LCRIFs. In making this determination, the CAISO shall take into account, among other factors, the following:
 - (1) The potential capacity of LCRIGs and the potential Energy that could be produced by LCRIGs in each Energy Resource Area;
 - (2) The capacity of LCRIGs in the CAISO's interconnection queue for each Energy Resource Area;
 - (3) The projected cost and in-service date of the facility in comparison with other transmission facilities that could connect LCRIGs to the CAISO Controlled Grid;
 - (4) Whether, and if so, the extent to which, the facility would provide additional reliability or economic benefits to the CAISO Controlled Grid;
and
 - (5) Whether, and if so, the extent to which, the facility would create a risk of stranded costs.

24.1.4 Maintaining the Feasibility of Allocated Long Term CRRs.

The CAISO is obligated to ensure the continuing feasibility of Long Term CRRs that are allocated by the CAISO over the length of their terms. In furtherance of this requirement the CAISO shall, as part of its annual Transmission Planning Process cycle, test and evaluate the simultaneous feasibility of allocated Long Term CRRs, including, but not limited to, when acting on the following types of projects: (a) planned or proposed transmission projects; (b) Generating Unit or transmission retirements; (c) Generating Unit interconnections; and (d) the interconnection of new Load. Pursuant to such evaluations the CAISO shall identify the need for any transmission additions or upgrades required to ensure the continuing feasibility of allocated Long Term CRRs over the length of their terms. In assessing the need for transmission additions or upgrades to maintain the feasibility of allocated Long Term CRRs, the CAISO, in coordination with the Participating TOs and other Market Participants, shall consider lower cost alternatives to the construction of transmission additions or upgrades, such as acceleration or expansion of existing projects; Demand-side management; Remedial Action Schemes; constrained-on Generation; interruptible Loads; reactive support; or in cases where the infeasible Long Term CRRs involve a small magnitude of megawatts, ensuring against the risk of any potential revenue shortfall using the CRR Balancing Account and uplift mechanism in Section 11.2.4. As part of the CAISO's Transmission Planning Process, the Participating TOs and Market Participants shall provide the necessary assistance and information to the CAISO to allow it to assess and identify transmission additions or upgrades that may be necessary under Section 24.1.4. To the extent a transmission upgrade or addition is deemed needed to maintain the feasibility of allocated Long Term CRRs in accordance with this Section and included in the CAISO's annual Transmission Plan, the CAISO will designate the Participating TO(s) with a PTO Service Territory in which the transmission upgrade or addition is to be located as the Project Sponsor(s), responsible to construct, own and/or finance, and maintain such transmission upgrade or addition.

24.2 Transmission Planning and Coordination.

The CAISO shall perform the CAISO's Transmission Planning Process on an annual cycle in accordance with the terms of this CAISO Tariff, the Transmission Control Agreement, and the Business Practice Manual. The Transmission Planning Process shall, at a minimum:

- (a) Coordinate and consolidate the transmission needs of the CAISO **Balancing Authority** Area into a single plan, which will be assessed on the basis of maintaining the reliability of the CAISO Controlled Grid in accordance with Applicable Reliability Criteria and CAISO Planning Standards, in a manner that promotes the economic efficiency of the CAISO Controlled Grid and considers federal and state environmental and other policies affecting the provision of Energy.
- (b) Reflect a planning horizon covering a minimum of ten (10) years that considers transmission enhancements and expansions, Demand Forecasts, Demand-side management, and capacity forecasts relating to generation technology type, additions and retirements, and such other factors as the CAISO determines are relevant.
- (c) Seek to avoid unnecessary duplication of facilities and ensure the simultaneous feasibility of the CAISO Transmission Plan and the transmission plans of interconnected **Balancing Authority** Areas, and otherwise coordinate with regional and sub-regional transmission planning processes and entities in accordance with Section 24.8.

- (d) Identify existing and projected limitations of the CAISO Controlled Grid's physical, economic or operational capability or performance and identify transmission upgrades and additions, including alternatives thereto, deemed needed in accordance with Section 24.1 to address the existing and projected limitations.
- (e) Account for any effects on the CAISO Controlled Grid of the interconnection of Generating Units on the Distribution System under the Wholesale Distribution Access Tariffs of the Participating TOs, including an assessment of the deliverability of such Generating Units on a basis comparable to the Deliverability Assessment performed under Appendix U.

24.2.1 CAISO Planning Standards Committee.

The CAISO shall maintain a Planning Standards Committee, which shall be open to participation by all Market Participants, electric utility regulatory agencies within California, and other interested parties, to review, provide advice on, and propose modifications to CAISO Planning Standards for consideration by CAISO management and the CAISO Governing Board. The Planning Standards Committee shall meet, at a minimum, on an annual basis prior to publication of the draft Unified Planning Assumptions and Study Plan under Section 24.2.3; however, additional meetings, web conferences, teleconferences may be scheduled as needed. Meetings of the Planning Standards Committee shall be noticed by Market Notice and such notice shall be posted to the CAISO Website. Teleconference capability will be made available for all meetings of the Planning Standards Committee. The CAISO Vice President of Planning and Infrastructure Development or his or her designee shall serve as chair of the Planning Standards Committee. All materials addressed at or relating to such meetings, including agendas, presentations, background papers, party comments, and minutes shall be posted to the CAISO Website. The chair of

the Planning Standards Committee shall seek approval by the CAISO Governing Board of any modifications to the CAISO Planning Standards, as those CAISO Planning Standards exist as of the effective date of Section 24.2, and must include in the report to the CAISO Governing Board a summary of the positions of parties with respect to the proposed modifications to the CAISO Planning Standards and the ground(s) for rejecting modifications, if any, proposed by Market Participants or other interested parties.

24.2.2 Request Window.

Market Participants may propose Economic Planning Studies and transmission upgrades or additions for inclusion in the annual Transmission Plan during a Request Window. The duration of the Request Window will be set forth in the Business Practice Manual and will occur in the year prior to the year in which the Transmission Plan is prepared. Proposals for Economic Planning Studies and transmission upgrades or additions must use the forms and satisfy the information and technical requirements set forth in the Business Practice Manual. Proposals for transmission additions or upgrades must be within or connect to the CAISO **Balancing Authority** Area or CAISO Controlled Grid and proposals for Economic Planning Studies must be intended to promote competition or economic efficiency of serving Load within the CAISO Balancing Authority Area, but may relate to Congestion relief or transmission capacity expansion outside the CAISO **Balancing Authority** Area. The following proposals will only be considered in the Transmission Plan if proposed during the Request Window:

- (a) Economic transmission upgrades or additions proposed under Section 24.1.1, except for projects costing less than \$50 million that are identified through Participating TO proposals provided pursuant to the Study Plan;
- (b) Location Constrained Resource Interconnection Facilities under Section 24.1.3 not identified by the CAISO as part of Interconnection Studies performed under the LGIP set forth in Appendix U;

- (c) Demand response programs that are proposed for inclusion in the base case or assumptions for the Transmission Plan or as alternatives to transmission additions or upgrades;
- (d) Generation projects that are proposed as solutions to Congestion identified in previously published Economic Planning Studies, for inclusion in long-term planning studies, or as alternatives to transmission additions or upgrades; and
- (e) Requests for Economic Planning Studies.

24.2.2.1 CAISO Assessment of Request Window Proposals.

Following the submittal of a proposal for a transmission addition or upgrade, Demand response program, or generation project during the Request Window in accordance with Section 24.2.2, the CAISO will determine whether the proposal will be included in the Unified Planning Assumptions or Study Plan as appropriate. A proposal can only be included in the Unified Planning Assumptions or Study Plan upon the determination by the CAISO that:

- (a) the proposal satisfies the information requirements for the particular type of project submitted as set forth in templates included in the Business Practice Manual;
- (b) the proposal is not functionally duplicative of transmission upgrades or additions that have previously been approved by the CAISO; and
- (c) the proposal, if a sub-regional or regional project that affects other interconnected *Balancing Authority* Areas has been reviewed by the appropriate sub-regional or regional planning entity, is not inconsistent with such sub-regional or regional planning entity's preferred solution or project, and has been determined to be appropriate for inclusion in the CAISO Study Plan, rather than, or in addition to, being included in or deferred to the planning process of the sub-regional or regional planning entity.

In accordance with the schedule and procedures set forth in the Business Practice Manual, the CAISO will notify the Market Participant submitting the proposal of any deficiencies in the proposal and provide the Market Participant an opportunity to correct the deficiencies. The failure to correct the deficiency precludes the proposal from inclusion in the Study Plan. The CAISO will notify the Market Participant submitting the proposal whether or not the proposal will be included in the Study Plan.

24.2.2.2 CAISO Assessment of Requests for Economic Planning Studies Received During the Request Window.

Following the submittal of a request for an Economic Planning Study during the Request Window in accordance with Section 24.2.2, the CAISO will determine whether the request shall be designated as a High Priority Economic Planning Study for inclusion in the Unified Planning Assumptions and Study Plan.

In making the determination, the CAISO will consider:

- (a) Whether the requested Economic Planning Study seeks to address Congestion identified by the CAISO in the Congestion Data Summary published for the applicable Transmission Planning Process cycle and the magnitude, duration, and frequency of that Congestion;
- (b) Whether the requested Economic Planning Study addresses delivery of Generation from Location Constrained Resource Interconnection Generators or network transmission facilities intended to access Generation from an Energy Resource Area (ERA) or similar resource area assigned a high priority by the CPUC or CEC;
- (c) Whether the requested Economic Planning Study is intended to address Local Capacity Area Resource requirements; or

- (d) Whether resource and Demand information indicates that Congestion described in the Economic Planning Study request is projected to increase over the planning horizon used in the Transmission Planning Process and the magnitude of that Congestion.

In accordance with the schedule and procedures set forth in the Business Practice Manual, the CAISO will post to the CAISO Website the list of selected High Priority Economic Planning Studies to be included in the draft Unified Planning Assumptions and Study Plan. The CAISO may assess requests for Economic Planning Studies individually or in combination where such requests may have common or complementary effects on the CAISO Controlled Grid. The CAISO will perform a maximum of five High Priority Economic Planning Studies; however, the CAISO retains discretion to perform greater than five High Priority Economic Planning Studies should stakeholder requests or patterns of Congestion or anticipated Congestion so warrant.

24.2.3 Additional Planning Information.

24.2.3.1 Information Provided by Participating TOs.

In addition to any information that must be provided to the CAISO under the NERC Reliability Standards for Modeling, Data and Analysis (NERC MOD Standards), Participating TOs shall provide the CAISO on an annual or periodic basis in accordance with the schedule and procedures and in the form required by the Business Practice Manual any information and data reasonably required by the CAISO to perform the Transmission Planning Process, including, but not limited to: (1) modeling data for power flow, including reactive power, short-circuit and stability analysis; (2) a description of the total Demand to be served from each substation, including a description of any Energy efficiency programs reflected in the total Demand; (3) the amount of any interruptible Loads included in the total Demand (including conditions under which an interruption can be implemented and any limitations on the duration and frequency of interruptions);

(4), a description of Generating Units to be interconnected to the Distribution System of the Participating TO, including generation type and anticipated Commercial Operation Date; (5) detailed power system models of their transmission systems that reflect transmission system changes, including equipment replacement not requiring approval by the CAISO; (6) Distribution System modifications; (7) transmission network information, including line ratings, line length, conductor sizes and lengths, substation equipment ratings, circuits on common towers and with common rights-of-ways and cross-overs, special protection schemes, and protection setting information; and (8) Contingency lists.

24.2.3.2 Information Provided by Participating Generators.

In addition to any information that must be provided to the CAISO under the NERC Reliability Standards for Modeling, Data and Analysis (NERC MOD Standards), Participating Generators shall provide the CAISO on an annual or periodic basis in accordance with the schedule, procedures and in the form required by the Business Practice Manual any information and data reasonably required by the CAISO to perform the Transmission Planning Process, including, but not limited to (1) modeling data for short-circuit and stability analysis and (2) data, such as term, and status of any environmental or land use permits or agreements the expiration of which may affect that the operation of the Generating Unit.

24.2.3.3 Information Requested from Load Serving Entities.

In addition to any information that must be provided to the CAISO under the NERC Reliability Standards for Modeling, Data and Analysis (NERC MOD Standards), the CAISO shall solicit from Load Serving Entities through their Scheduling Coordinators information required by, or anticipated to be useful to, the CAISO in its performance of the Transmission Planning Process, including, but not limited to (1) long-term resource plans; (2) existing long-term contracts for resources and transmission service outside the CAISO Balancing Authority Area; (3) resource capacity and Energy Bid information received through requests for offers or similar solicitations; and (4) Demand Forecasts, including forecasted effect of Energy efficiency and Demand response programs.

24.2.3.4 Information Requested from Interconnected **Balancing Authority Areas, Sub-Regional Planning Groups and Electric Utility Regulatory Agencies.**

In accordance with Section 24.8 , the CAISO shall obtain or solicit from interconnected **Balancing Authority** Areas, regional and sub-regional planning groups within the WECC, the CPUC, the CEC, and Local Regulatory Authorities information required by, or anticipated to be useful to, the CAISO in its performance of the Transmission Planning Process, including, but not limited to (1) long-term transmission system plans; (2) long-term resource plans; (3) generation interconnection queue information; (4) Demand Forecasts; and (5) any other data necessary for the development of power flow, short-circuit, and stability cases over the planning horizon of the CAISO Transmission Planning Process.

24.2.3.5 Obligation to Provide Updated Information.

If material changes to the information provided under Sections 24.2.3.1 and 24.2.3.2 occur during the annual Transmission Planning Process, the providers of the information must provide notice to the CAISO of the changes.

24.2.4 Unified Planning Assumptions and Study Plan.

24.2.4.1 Additional Projects and Data for Development of the Unified Planning Assumptions and Study Plan.

The CAISO will develop Unified Planning Assumptions and Study Plan using information and data received during the Request Window and under Section 24.2.3. The CAISO will also use the following in the development of the Unified Planning Assumptions and Study Plan:

- (1) WECC base cases for the relevant planning horizon;
- (2) transmission upgrades and additions approved by the CAISO and scheduled to be energized within the planning horizon;
- (3) Location Constrained Resource Interconnection Facilities conditionally approved under Section 24.1.3.1(a);

- (4) Network Upgrades identified pursuant to Section 25, Appendix U or Appendix W relating to the CAISO's Large Generator Interconnection Procedures and Appendix AA relating to the CAISO's Small Generator Interconnection Procedures;
- (5) operational solutions validated by the CAISO to address Local Capacity Area Resource requirements;
- (6) regulatory initiatives, as appropriate, including state regulatory agency initiated programs;
- (7) Energy Resource Areas or similar resource areas identified as high priority by the CPUC or CEC; and
- (8) results and analyses from Economic Planning Studies or other assessments that may have identified potentially needed transmission upgrades or additions performed in past CAISO Transmission Planning Process cycles.

24.2.4.2 General Scope of Unified Planning Assumptions and Study Plan.

The Unified Planning Assumptions and Study Plan shall, at a minimum, describe:

- (a) the planning data and assumptions to be used, to the maximum extent possible, as a base case for each technical study to be performed in the Transmission Planning Process cycle, including, but not limited, to those related to Demand Forecasts and distribution, generation capacity additions and retirements, and transmission system modifications;
- (b) a list of each technical study to be performed in the Transmission Planning Process cycle and a summary of the technical study's objective or purpose;

- (c) a description of any modifications to the planning data and assumptions developed as the general base case in Section 24.2.4.2(a) made in each technical study performed in the Transmission Planning Process cycle;
- (d) a description of the software tools, methodology and other criteria used in each technical study performed in the Transmission Planning Process cycle;
- (e) the identification of any entities directed to perform a particular technical study or portions of a technical study;
- (f) a proposed schedule for all stakeholder meetings to be held as part of the Transmission Planning Process cycle, and means for notification of any changes thereto, the location on the CAISO Website of information relating to the technical studies performed in the Transmission Planning Process cycle, and the name of a contact person at the CAISO for each technical study performed in the Transmission Planning Process cycle;
- (g) a list and description of each Economic Planning Study studied by the CAISO as a High Priority Economic Planning Study under Section 24.9; and
- (h) to the maximum extent practicable, and where applicable, identify appropriate sensitivity analyses, including project or solution alternatives, to be performed as part of technical studies.

24.2.4.3 Preparation of Draft and Final Unified Planning Assumptions and Study Plan.

- (a) Following review of relevant information, the CAISO will prepare and post on the CAISO Website a draft Unified Planning Assumptions and Study Plan. The CAISO will issue a Market Notice announcing the availability such draft, soliciting comments, and scheduling a stakeholder conference(s) as required by Section 24.2.4.3(c).

- (b) All comments from stakeholders on the draft Unified Planning Assumptions and Study Plan will be posted by the CAISO to the CAISO Website.
- (c) Subsequent to the posting of the draft Unified Planning Assumptions and Study Plan, the CAISO will conduct a minimum of one stakeholder meeting open to Market Participants, electric utility regulatory agencies, and other interested parties to review, discuss, and recommend modifications to the draft Unified Planning Assumptions and Study Plan. Additional stakeholder meetings, web conferences, or teleconferences may be scheduled as needed. All stakeholder meetings, web conferences, or teleconferences shall be noticed by Market Notice and such notice shall be posted to the CAISO Website.
- (d) Following the stakeholder conference(s) required by Section 24.2.4.2(c), and under the schedule set forth in the Business Practice Manual, the CAISO will determine and publish to the CAISO Website the final Unified Planning Assumptions and Study Plan in accordance with the procedures set forth in the Business Practice Manual.

24.2.5 Development and Approval of Transmission Plan.

24.2.5.1 Technical Studies.

- (a) In accordance with the Unified Planning Assumptions and Study Plan and the procedures and deadlines in the Business Practice Manual, the CAISO will perform, or direct the performance by third parties of, technical studies and other assessments necessary for the Transmission Plan and Transmission Planning Process, post the preliminary results on the CAISO Website, conduct a minimum of one stakeholder conference, and provide an opportunity for comments of the preliminary results. Additional stakeholder meetings, web conferences, or

teleconferences may be scheduled as needed. All stakeholder meetings, web conferences, or teleconferences shall be noticed by Market Notice and such notice shall be posted to the CAISO Website.

- (b) All technical studies, whether performed by the CAISO or third party under the direction of the CAISO, must utilize the Unified Planning Assumptions for the particular technical study to the maximum extent practical, and deviations from the Unified Planning Assumptions for the particular technical study must be documented in the preliminary and final results of each technical study. The CAISO will measure the results of the studies against NERC planning standards, WECC planning standards, and the CAISO Planning Standards, and other criteria established by the Business Practice Manual. After consideration of the comments received on the preliminary results, the CAISO will complete, or direct the completion of, the technical studies and post the final study results on the CAISO Website.

24.2.5.2 Development of Transmission Plan.

- (a) In accordance with the schedule and procedures in the Business Practice Manual, the CAISO will post a draft Transmission Plan. The CAISO will subsequently conduct a stakeholder conference regarding the draft Transmission Plan and solicit comments, consistent with the timelines and procedures set forth in the Business Practice Manual. Additional stakeholder meetings, web conferences, or teleconferences may be scheduled as needed. All stakeholder meetings, web conferences, or teleconferences shall be noticed by Market Notice and such notice shall be posted to the CAISO Website. After consideration of comments, the CAISO will post a final Transmission Plan to the CAISO Website.

- (b) The draft and final Transmission Plan may include, but is not limited to: (1) the results of technical studies performed under the Study Plan; (2) determinations, recommendations, and justifications for the need, according to Section 24.1 for identified transmission upgrades and additions; (3) assessments of transmission upgrades and additions not proposed under Section 24.1 and for which need has not been formally determined by the CAISO Governing Board or management, as applicable, under Section 24.1, but which have been identified by the CAISO as potential solutions to transmission needs studied during the Transmission Planning Process cycle; (3) results of Economic Planning Studies performed during the Transmission Planning Process cycle; and (4) an update on the status of transmission upgrades or additions previously approved by the CAISO, including identification of mitigation plans, if necessary, to address any potential delay in the anticipated completion of an approved transmission upgrade or addition.
- (c) The Transmission Plan may not include the results of certain technical studies performed as part of the Transmission Planning Process cycle identified in the Unified Planning Assumptions and Study Plan that were scheduled for completion after publication of the Transmission Plan for the Transmission Planning Process cycle.

24.2.5.3 Approval by the CAISO Governing Board.

The CAISO will present the Transmission Plan to the CAISO Governing Board at the first meeting of the year following the year in which the Transmission Plan is prepared. The Transmission Plan will be considered final once it has been presented to the CAISO Governing Board and will be posted on the

CAISO Website. Transmission upgrades and additions for which CAISO Governing Board approval is required may be presented to the CAISO Governing Board for approval separate from presentation of the Transmission Plan.

24.3 Obligation to Construct Transmission Projects Included in Transmission Plan.

A Participating TO that has a PTO Service Territory shall be obligated to construct all transmission additions and upgrades that are determined by the CAISO Governing Board or management, as applicable, to be needed in accordance with the requirements of Section 24, not including conditional approvals and determinations of need under Section 24.1.3.1(a), and which: (1) are additions or upgrades to transmission facilities that are located within its PTO Service Territory, unless (a) it does not own the facility being upgraded or added and neither terminus of such facility is located within its PTO Service Territory or (b) it does not own the facility being upgraded or added and the Project Sponsor is a Participating TO that elects to construct the transmission upgrade; or (2) are additions to existing transmission facilities or upgrades to existing transmission facilities that it owns, that are part of the CAISO Controlled Grid, and that are located outside of its PTO Service Territory, unless the joint-ownership arrangement, if any, does not permit. A Participating TO's obligation to construct such transmission additions and upgrades shall be subject to: (1) its ability, after making a good faith effort, to obtain all necessary approvals and property rights under applicable federal, state, and local laws and (2) the presence of a cost recovery mechanism with cost responsibility assigned in accordance with Section 24.7. The obligations of the Participating TO to construct such transmission additions or upgrades will not alter the rights of any entity to construct and expand transmission facilities as those rights would exist in the absence of a TO's obligations under this CAISO Tariff or as those rights may be conferred by the CAISO or may arise or exist pursuant to this CAISO Tariff.

24.4 Participating TO Study Obligation.

The Participating TO constructing or expanding facilities in accordance with Section 24.3, will be directed by the CAISO to coordinate with the Project Sponsor or Participating TO(s) with PTO Service Territories in which the transmission upgrade or addition will be located, as appropriate, and other Market Participants to perform any study or studies necessary, including a Facility Study, to determine the appropriate facilities to be constructed in accordance with the CAISO Transmission Planning Process and the terms set forth in the TO Tariff.

24.5 Operational Review.

The CAISO will perform an operational review of all facilities studied as part of the CAISO Transmission Planning Process that are proposed to be connected to, or made part of, the CAISO Controlled Grid to ensure that the proposed facilities provide for acceptable operating flexibility and meet all its requirements for proper integration with the CAISO Controlled Grid. If the CAISO finds that such facilities do not provide for acceptable operating flexibility or do not adequately integrate with the CAISO Controlled Grid, the CAISO shall coordinate with the Project Sponsor and, if different, the Participating TO with the PTO Service Territory in which the facilities will be located to reassess and redesign the facilities required to be constructed. Transmission upgrades or additions that do not provide acceptable operating flexibility or do not adequately integrate with the CAISO Controlled Grid cannot be included in the CAISO Transmission Plan or approved by CAISO management or the CAISO Governing Board, as applicable.

24.6 State and Local Approval and Property Rights.

24.6.1 The Participating TO obligated to construct facilities under this Section 24 must make a good faith effort to obtain all approvals and property rights under applicable federal, state and local laws that are necessary to complete the construction of the required transmission additions or upgrades. This obligation includes the Participating TO's use of eminent domain authority, where provided by state law.

24.6.2 If the Participating TO cannot secure any such necessary approvals or property rights and consequently is unable to construct a transmission addition or upgrade found to be needed in accordance with Section 24.1, it shall promptly notify the CAISO and the Project Sponsor, if any, and shall comply with its obligations under the TO Tariff to convene a technical meeting to evaluate alternative proposals. The CAISO shall take such action as it reasonably considers appropriate, in coordination with the Participating TO, the Project Sponsor, if any, and other affected Market Participants, to facilitate the development and evaluation of alternative proposals including, where possible, conferring on a third party the right to build the transmission addition or upgrade as set forth in Section 24.6.3.

24.6.3 Where the conditions of Section 24.6.2 have been satisfied and it is possible for a third party to obtain all approvals and property rights under applicable federal, state and local laws that are necessary to complete the construction of transmission additions or upgrades required to be constructed in accordance with this CAISO Tariff (including the use of eminent domain authority, where provided by state law), the CAISO may confer on a third party the right to build the transmission addition or upgrade, which third party shall enter into the Transmission Control Agreement in relation to such transmission addition or upgrade.

24.7 WECC and Regional Coordination.

The Project Sponsor will have responsibility for completing any applicable WECC requirements and rating study requirements to ensure that a proposed transmission addition or upgrade meets regional planning requirements. The Project Sponsor may request the Participating TO to perform this coordination on behalf of the Project Sponsor at the Project Sponsor's expense.

24.8 Regional and Sub-Regional Planning Process.

The CAISO will be a member of the WECC and other applicable regional or sub-regional organizations and participate in WECC's operation and planning committees, and in other applicable regional and sub-regional coordinated planning processes.

24.8.1 Scope of Regional or Sub-Regional Planning Participation.

The details of the CAISO's participation in regional and sub-regional planning processes are set forth in the Business Practice Manual. At a minimum, the CAISO shall be required to:

- (a) solicit the participation, whether through sub-regional planning groups or individually, of all interconnected **Balancing Authority** Areas in the development of the Unified Planning Assumptions and Study Plan and in reviewing the results of technical studies performed as part of the CAISO's Transmission Planning Process in order to:
 - (1) coordinate, to the maximum extent practicable, planning assumptions, data and methodologies utilized by the CAISO, regional and sub-regional planning groups or interconnected **Balancing Authority** Areas;
 - (2) ensure transmission expansion plans of the CAISO, regional and sub-regional planning groups or interconnected **Balancing Authority** Areas are simultaneously feasible and seek to avoid duplication of facilities.
- (b) coordinate with regional and sub-regional planning groups regarding the entity to perform requests for Economic Planning Studies or other Congestion related studies;
- (c) transmit to applicable regional and sub-regional planning groups or interconnected **Balancing Authority** Areas information on technical studies performed as part of the CAISO Transmission Planning Process;
- (d) post on the CAISO Website links to the planning activities of applicable regional and sub-regional planning groups or interconnected **Balancing Authority** Areas.

24.8.2 Limitation on Regional Activities.

Neither the CAISO nor any Participating TO nor any Market Participant shall take any position before the WECC or a regional organization that is inconsistent with a binding decision reached through an arbitration proceeding pursuant to Section 13.

24.9 Economic Planning Studies.

24.9.1 Congestion Data Summary.

In accordance with the schedule and procedures set forth in the Business Practice Manual, the CAISO shall post on the CAISO Website a Congestion Data Summary.

24.9.2 High Priority Economic Planning Studies.

High Priority Economic Planning Studies shall be performed in accordance with the standards and procedures established in the Business Planning Manual. Market Participants may conduct Economic Planning Studies that have not been designated as High Priority Economic Planning Studies at their own expense and may submit such studies for consideration in the development of the Transmission Plan when the CAISO provides notice of the stakeholder meeting regarding technical study results pursuant to Section 24.2.5.2.

24.10 Cost Responsibility for Transmission Additions or Upgrades.

Cost responsibility for transmission additions or upgrades constructed pursuant to this Section 24 (including the responsibility for any costs incurred under Section 24.6) shall be determined as follows:

24.10.1 Where a Project Sponsor commits to pay the full cost of a transmission addition or upgrade as set forth in subsection (2) of Section 24.1.1, the full costs shall be borne by the Project Sponsor.

24.10.2 Where the need for a transmission addition or upgrade is determined by the CAISO or as a result of the CAISO ADR Procedure as set forth in subsection (3) of Section 24.1.1, the cost of the transmission addition or upgrade shall be borne by the Participating TO that will be the owner of the transmission addition or upgrade and shall be reflected in its Transmission Revenue Requirement.

24.10.3 Provided that the CAISO has Operational Control of the Merchant Transmission Facility, a Project Sponsor that does not recover the investment cost under a FERC-approved rate through the Access Charge or a reimbursement or direct payment from a Participating TO shall be entitled to receive Merchant CRRs as provided in Section 36.11. The full amount of capacity added to the system by such transmission upgrades or additions will be as determined through the regional reliability council process of the Western Electricity Coordinating Council or its successor. Pursuant to its Project Sponsor status as specified in Section 4.3.1.3, consistent with FERC's findings in Docket Nos. EL04-133-001, ER04-1198-000, and ER04-1198-001, issued on May 16, 2006 (115 FERC ¶ 61,178), Western Path 15 shall receive compensation associated with transmission usage rights modeled for Western Path 15. In the event that Western Path 15 has an approved rate schedule that returns excess revenue from any compensation obtained from the CAISO associated with the transmission usage rights for Western Path 15, such revenue shall be returned to the CAISO through a procedure established by the CAISO and the Western Area Power Administration for that purpose.

24.10.4 Once a New Participating TO has executed the Transmission Control Agreement and it has become effective, the cost for New High Voltage Facilities for all Participating TOs shall be included in the CAISO Grid-wide component of the High Voltage Access Charge in accordance with Schedule 3 of Appendix F, unless and with respect to Western Path 15 only, cost recovery is provided in Section 24.7.3. The Participating TO who is supporting the cost of the New High Voltage Facility shall include such costs in its High Voltage Transmission Revenue Requirement, regardless of which TAC Area the facility is geographically located.

24.11 Ownership of and Charges for Expansion Facilities.

24.11.1 All transmission additions and upgrades constructed in accordance with this Section 24 shall form part of the CAISO Controlled Grid and shall be operated and maintained by a Participating TO in accordance with the Transmission Control Agreement.

24.11.2 Each Participating TO that owns or operates transmission additions and upgrades constructed in accordance with this Section 24 shall provide access to them and charge for their use in accordance with this CAISO Tariff and its TO Tariff.

24.12 Expansion by Local Furnishing Participating TOs.

Notwithstanding any other provision of this CAISO Tariff, a Local Furnishing Participating TO shall not be obligated to construct or expand facilities, (including interconnection facilities as described in Section 8 of the TO Tariff) unless the CAISO or Project Sponsor has tendered an application under FPA Section 211 that requests FERC to issue an order directing the Local Furnishing Participating TO to construct such facilities pursuant to Section 24. The Local Furnishing Participating TO shall, within 10 days of receiving a copy of the Section 211 application, waive its right to a request for service under FPA Section 213(a) and to the issuance of a proposed order under FPA Section 212(c). Upon receipt of a final order from FERC that is no longer subject to rehearing or appeal, such Local Furnishing Participating TO shall construct such facilities in accordance with this Section 24.