

- b) The Uninstructed Deviation Penalty will not apply to Interconnection Schedules because such Schedules are deemed delivered. However, dynamic Interconnection Schedules, to the extent they deviate without instruction from their final Hour-Ahead Schedule, and real-time instructions for Energy from Interconnection Schedule bids that are declined, will be subject to the Uninstructed Deviation Penalty;
- c) The Uninstructed Deviation Penalty will not apply to Load, other than Participating Load; for Participating Load, the Uninstructed Deviation Penalty will not apply for the duration of the relevant Minimum Down Time;
- d) The Uninstructed Deviation Penalty will not apply to constrained resources for the duration of the relevant startup/shutdown and Minimum Up/Down Times;
- e) The Uninstructed Deviation Penalty will not apply to Regulatory Must-Run Generation or Participating Intermittent Resources that meet the scheduling obligations established in the technical standards for Participating intermittent Resources adopted by the ISO and published on the ISO Home Page or Regulatory Must-Run Generation. No other applicable charges will be affected by this exemption. Uninstructed Deviation Penalty also will not apply to Qualifying Facilities that have not executed a Participating Generator Agreement (PGA), pending resolution of QF-PGA issues at the Commission;
- f) For Metered Subsystems (MSS), the Uninstructed Deviation Penalty will apply to the net injection (System Unit generation plus import minus MSS load and export) into the ISO Controlled Grid;
- g) The Uninstructed Deviation Penalty will not apply to Generators providing Regulation to the extent that the Generators' Uninstructed Deviations are within the range of their actual Regulation range;

- h) The Uninstructed Deviation Penalty will be calculated and assessed for each resource separately, however, resources represented by the same Scheduling Coordinator and connected to the same ISO Controlled Grid bus and voltage level can be aggregated for purposes of Uninstructed Deviation Penalty determination. Other levels of aggregation for purposes of the Uninstructed Deviation Penalty will be considered on a case-by-case basis based on an ISO review of impact on the ISO Controlled Grid;
- i) The tolerance band for the application of the Uninstructed Deviation Penalties to Generators or aggregated Generators initially will be the Energy produced in a BEEP Interval by the greater of five (5) MW or three percent (3%) of the relevant generating unit's maximum output ( $P_{max}$ ), as registered in the Master File;
- j) The tolerance band for the application of the Uninstructed Deviation Penalties to Participating Loads initially will be equal to the Energy produced in a BEEP Interval by the greater of five (5) MW or three percent (3%) of the relevant final Hour-Ahead Schedule;
- k) The Uninstructed Deviation Penalty will not apply when the BEEP Interval Ex Post Price is negative or zero;
- l) The Uninstructed Deviation Penalty for positive Uninstructed Imbalance Energy will be the amount of the Uninstructed Imbalance Energy in excess of the tolerance band multiplied by a price that initially will be equal to 100% of the corresponding BEEP Interval Ex Post Price; and the net effect of the Uninstructed Deviation Penalty and the Settlement for positive Uninstructed Imbalance Energy beyond the tolerance band will be that the ISO will not pay for such Energy;