

133. The Certificate Holders shall file with the Secretary, no less than sixty (60) days prior to delivery of test energy from the Facility to the Astoria Annex Substation and the Rainey Substation, a report regarding the measures taken to achieve the 1,550 MW deliverability commitment established in Condition 15(a) hereof, as well as copies of all studies, drawings, and backup documentation that support all such measures. The Certificate Holders shall provide a draft of such report to Con Edison for its review and comment at least thirty days prior to the filing of such report. The measures for achieving the 1,550 MW deliverability commitment specified by the Certificate Holders in that report shall not include a Special Protection System (“SPS”) or other operational measures subject to individual approval by NYISO, the New York State Reliability Council or other applicable reliability authorities, unless Con Edison informs the Certificate Holders, no more than twenty five days after receiving Certificate Holders’ draft report, that as a result of changed circumstances since the execution of the Stipulation in Commission Case 10-T-0139 on June __, 2012, it disputes Certificate Holders’ conclusion that they can achieve 1,550 MW of energy deliverability out of the Astoria Annex Substation and into Con Edison’s transmission system. In the event that Con Edison takes the position that Certificate Holders cannot meet the 1,550 MW energy deliverability commitment using such facilities, nothing in this Certificate shall limit Certificate Holders’ right to propose to meet this deliverability commitment by using an SPS, other operational measures or any other measures, or the right of any party, including Con Edison, to object to the use of such measures. In such circumstances, the Certificate Holders shall include with their report all documentation for the design of any such SPS, other operational measures or other measures, with a complete description of all components and logic

diagrams. Prior to delivery of test energy to the Astoria Annex Substation, the Certificate Holders shall provide documentation to DPS Staff that any such measures to be used by the Facility have received all required approvals from all applicable authorities, including without limitation NYISO and NPCC.