

**CONFIDENTIAL COMMUNICATION
REQUEST FOR EXEMPTION FROM FOIL DISCLOSURE**

July 5, 2013

Via Electronic Mail to recordsaccessofficer@dps.ny.gov

Donna Giliberto, Esq.
Records Access Officer
State of New York Department of Public Service
Three Empire State Plaza, 18th Floor
Albany, New York 12223-1350

Subject: Transmittal of Confidential Information – Case No. 12-E-0577

Dear Ms. Giliberto:

The New York Independent System Operator, Inc. (“NYISO”) hereby provides confidential documentation regarding the repowering analysis in the captioned matter. The two (2) electronic files submitted herewith contain data and other related information for the repowering alternatives under review. The information has been requested by DPS on a confidential basis.

The information the NYISO is providing contains commercially sensitive business information protected from disclosure under Public Officers Law, §87(2)(d). This information could be used to gain a competitive advantage. As such, the documentation contains information that constitutes Confidential Information as defined in the NYISO’s Code of Conduct contained in Attachment F to the NYISO’s Open Access Transmission Tariff. NYISO provides this information based upon the understanding that Confidential Information is not subject to disclosure and that the NYSDPS will protect that information from disclosure pursuant to Public Officers Law, Section 87(2)(d) because it constitutes commercially sensitive information “that if disclosed would cause substantial injury to the competitive position of the subject enterprise.” (N.Y.Pub.Off.L. § 87(2)(d) (2013)). Accordingly, the information produced herewith is exempt from disclosure under New York State’s Freedom of Information Law (“FOIL”). (Public Officers Law §87(2)(d)).

If requests for disclosure of these documents or future reports related to the above-referenced analysis are received by the NYDPS, we respectfully request prompt notice so that the NYISO can address the confidential nature of the information provided as required by the NYISO’s Code of Conduct and as provided in the NYSDPS procedures.

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Upon completion of the processing of this cover letter and the Repowering Data documents, please forward copies to authorized NYSDPS personnel David Drexler, Esq. and Steven Keller.

Please contact me at (518) 356-7537 or at csharp@nyiso.com if you have any questions or concerns.

Very truly yours,

/s/ Christopher R. Sharp
Christopher R. Sharp
Compliance Attorney

cc: (By Email Only)
Carl Patka, NYISO, Assistant General Counsel
Zach Smith, NYISO, Manager, Transmission Studies