

TO: MEMBERS AND ALTERNATES OF THE NEPOOL PARTICIPANTS COMMITTEE

RE: Legal Notice re Subpoenas from the Connecticut Office of The Attorney General

This notice provides further information regarding the basis upon which ISO New England Inc. (the "ISO") intends to provide Confidential Information that has been sought by the Connecticut Office of The Attorney General ("CT AG") through a series of subpoenas in connection with CT AG's investigation as to whether there has been any violation of Connecticut anti-trust laws. On April 29, 2009, the ISO provided notice (the "April 29 Notice") pursuant to Section 2.2 of the ISO New England Information Policy (the "Information Policy") that, among other things, the ISO had received three subpoenas from CT AG. The April 29 Notice indicated that the ISO had determined that the subpoenas seek Confidential Information that is the property of Furnishing Governance Participants as defined in the Information Policy. The information sought by the subpoenas includes information about Market Participants that supplied ICAP Import Contracts to New England during the period from January 1, 2005 through April 2009. The April 29 Notice and related documents are posted on the ISO's website at <http://www.iso-ne.com/regulatory/iglnotice/index.html>.

Since the issuance of the April 29 Notice, the ISO has not received indication that any Furnishing Governance Participants formally object to the release of Confidential Information to CT AG to the extent that information would continue to be treated confidentially. The ISO has met with the CT AG to discuss the confidentiality arrangements that would apply to the Confidential Information provided in response to the subpoenas. Following those discussions, the CT AG provided a letter to the ISO on May 14, 2009 explaining CT AG's general practice and policy concerning the handling of confidential information received in investigations under Connecticut's anti-trust laws, including an explanation of the current CT AG policy not to enter into separate confidentiality agreements. A copy of the May 14 letter is posted on the ISO's website at <http://www.iso-ne.com/regulatory/iglnotice/index.html>.

Given the circumstances, the ISO intends to release the Confidential Information in response to the subpoenas subject to the confidentiality protections provided by the Connecticut anti-trust statute and the assurances provided in the May 14 letter, but will not do so for at least five business days (*i.e.* no earlier than 12:00 noon on May 26, 2009). If the ISO receives an objection by a Furnishing Governance Participant to this intended action, the ISO will undertake to address directly and expeditiously with the CT AG and any Furnishing Governance Participants that objection, but otherwise will consider continued silence during this time to be acquiescence to the release of Confidential Information on this basis. The five business days not only will provide an opportunity to work through any specific concerns but also will provide any objecting Furnishing Governance Participants the opportunity to pursue any legal actions that it might deem necessary.

If you have any questions about this matter, please contact James Douglass, Senior Regulatory Counsel, at (413) 540-4559.