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Standards of Conduct/TOA-AC

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Issue

Old Dominion Electric Cooperative (“ODEC”) requests that the Transmission Owners Agreement – Administrative Committee (“TOA-AC”) adopt procedures that will accommodate participation by ODEC and other signatories to the Consolidated Transmission Owners Agreement (“CTOA”) that have received a waiver from the Federal Energy Regulatory Commission (“FERC”) Standards of Conduct requirements (18 C.F.R. Part 358)



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Background

- ODEC has obtained from the Commission a waiver from the Standards of Conduct requirements at Part 358 of the Commission's regulations. *See Black Hills Power, Inc.*, 135 FERC ¶ 61,058 at PP 18-20, 41 (2011).
- Based on the fact that ODEC does not own or control transmission facilities and lacks access to transmission or market function information covered by section 358.5(b) of the Commission's regulations. *Id.* at P 41 (2011)).
- TO participation in CTOA/TOAC is mandatory (*See* CTOA definition "Administrative Committee", Section 8.2)
- ODEC's participation in the TOAC might be deemed to provide access to non-public transmission function information.
- ODEC declined to execute TOA-AC Non-Disclosure Agreement but uncertain that transmission function information will be limited to information shared pursuant to the Confidentially Agreement.



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Request for Action by TOA-AC

Consider accommodations for ODEC and other TOs that have obtained a waiver from the FERC Standards of Conduct

Two Possible Options for the TOA-AC to consider:

1. Limit transmission function information to closed portion of TOA-AC meetings and allow TOs with waivers to not attend
2. Revise CTOA to limit participation requirement to only those TOs who do not have a waiver from the Standards of Conduct

Any action by the TOA-AC must be properly documented to ensure TOs with waivers have necessary documentation.



Proposed Revisions to CTOA

1.1 Administrative Committee

Administrative Committee shall mean that committee, consisting of representatives of each Party to this Agreement, established pursuant to Article 8 of this Agreement, with the exception of those Parties who are not required to participate in the Administrative Committee as set forth in Article 8 of this Agreement.

8.2 Representatives.

Each Party shall appoint one or more representatives and alternate representative(s) to serve as a member of the Administrative Committee with authority to act for that Party with respect to actions taken or decisions made by the Administrative Committee. The representative(s) shall be an officer or agent of the Party, having binding decision-making authority with respect to the transmission affairs of the Party. Each representative shall be a member of the Administrative Committee; provided, however, that each Party's alternate shall serve as a member of the Administrative Committee during any absence of that Party's representative. Notwithstanding the foregoing, a Party shall not be required to participate in the Administrative Committee if such participation would be inconsistent with the Party's waiver of the Federal Energy Regulatory Commission's Standards of Conduct as set forth in 18 C.F.R. Part 358.



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