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Request for Initiation of a NAESB Standard for Electronic Business Transactions or Request for Enhancement of a NAESB Standard for Electronic Business Transactions

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ATTACHMENT F

Open Access Same Time Information System
Order No. 605

**UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION
87 FERC ¶ 61,224
18 CFR Part 37**

[Docket No. RM98-3-000; Order No. 605]

Open Access Same-Time Information System

FINAL RULE

(Issued May 27, 1999)

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final Rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is amending its regulations to: (1) extend the retention period and availability of information on curtailments and interruptions; (2) allow the Commission staff and the public to access the supporting information on curtailments and interruptions, upon request; (3) codify that OASIS users are allowed to make file transfers and queries as defined in the Standards and Communications Protocols (S&CP) Document; (4) clarify that Responsible Parties are required to provide access to their OASIS sites for OASIS users making automated queries for extensive amounts of data; (5) add a provision to allow Responsible Parties, under certain circumstances, to limit a user's access to an OASIS node; and (6) add a provision to require OASIS users to notify Responsible Parties one month in advance of initiating a significant amount, or significantly increasing the use, of automated queries.

EFFECTIVE DATE: This final rule will become effective on [insert date 30 days after publication of this final rule in the Federal Register].

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Finally, the complete text on diskette in WordPerfect format may be purchased from the Commission's copy contractor, RVJ International, Inc. RVJ International, Inc. is located in the Public Reference Room at 888 First Street, N.E., Washington, D.C. 20426.

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UNITED STATES OF AMERICA FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: James J. Hoecker, Chairman;
Vicky A. Bailey, William L. Massey,
Linda Breathitt, and Curt Hébert, Jr.

Open Access Same-Time Information)
System)

Order No. 605

FINAL RULE

(Issued May 27, 1999)

BACKGROUND

This proceeding began with the issuance of a Notice of Proposed Rulemaking (NOPR) on July 29, 1998. 1/ The NOPR addressed three main Open Access Same-Time Information System (OASIS) 1/ issues: (1) the retention period and availability of information about curtailments and interruptions; (2) the ability of OASIS users to make file transfers and automated computer-to-computer file transfers and queries; and (3) limiting a user's access to an OASIS node.

2/ Open Access Same-Time Information System, Notice of Proposed Rulemaking, FERC Stats. & Regs. ¶ 32,531 (1998).

3/ Open Access Same-Time Information System (Formerly Real-Time Information Networks) and Standards of Conduct, Order No. 889, FERC Stats. & Regs. ¶ 31,035 (1996), order on reh'g, Order No. 889-A, FERC Stats. & Regs. ¶ 31,049 (1997), order on reh'g, Order No. 889-B, 81 FERC ¶ 61,253 (1997).

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We invited comments on enumerated issues, along with general comments. Comments were filed by 16 commenters. These comments were generally favorable to the proposed changes, although numerous disagreements remained as to the details. The comments will be discussed below on an issue-by-issue basis. ^{1/}

This final rule is being issued after a review of the comments filed in response to the Commission's NOPR issued in this proceeding on July 29, 1998. The final rule becomes effective on [insert date 30 days after publication of this final rule in the Federal Register].

DISCUSSION

In this final rule, we are making revisions to 18 CFR Part 37. These revisions include: (1) amending the retention period for supporting information about curtailments and interruptions in § 37.6(e)(3)(ii); (2) amending § 37.6(e)(3)(ii) to allow the Commission staff and the public access to the supporting information on curtailments and interruptions, upon request; (3) amending § 37.6(a)(6) to allow OASIS users to make file transfers and queries as defined in the S&CP Document; (4) adding § 37.5(c) to require Responsible Parties to provide access to their OASIS sites for OASIS users making automated queries for extensive amounts of data; (5) adding § 37.5(d) and § 37.5(e) to allow Responsible Parties, under certain circumstances, to limit a user's access to an OASIS node; and (6) adding § 37.8(a) to require OASIS users to notify Responsible Parties one month in advance of initiating a significant amount, or significantly increasing the use, of automated queries.

A. Access To, and Retention of Supporting Information on Curtailments and Interruptions

1. Retention Period

The first issue is whether to extend the retention period of supporting information on curtailments and interruptions. Currently, our regulations at 18 CFR § 37.6(e)(ii) require that Transmission Providers make available supporting information about curtailments and interruptions for 60 days after the occurrence of the curtailment or interruption, upon request by the affected customer. Our regulations at § 37.6(e)(i) require that a Transmission

^{4/} In the discussion that follows, our references to comments are illustrative and not exhaustive. While we have identified all of the major issues raised by the commenters, we have not attempted to identify all commenters in instances where more than one comment makes the same point.

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Provider post notice of the curtailment or interruption on the OASIS and state why the transaction could not be continued or completed. Furthermore, § 37.6(e)(ii) required that information to support the curtailment and the operating status of the facilities involved in the constraint must be maintained.

In the NOPR, we noted that issues concerning curtailments and interruptions have been the subject of a number of informal complaints to the FERC Enforcement Hotline. Accordingly, we proposed to revise our regulations to require that Transmission Providers retain supporting information about curtailments and interruptions for three years.

Comments

A number of commenters supported the Commission's proposal to require Transmission Providers to retain the supporting information about curtailments and interruptions for three years. Numerous commenters believe that several aspects of the Commission's proposal need clarification.

The How Group 1/ recognizes that supporting data can be voluminous and it recommends the following clarification: OASIS systems are still required to provide curtailment information on-line in the current templates for ninety (90) days [18 CFR § 37.6(e)(3)(i)], and supporting information must be retained off-line for three years. 1/ The How Group notes that their recommendation is consistent with the retention requirements for audit data. Cal ISO, MAIN and Southwest support the How Group's proposal. 1/

5/ During a technical conference held by the Commission's staff in July 1995, a consensus developed that two industry groups should be formed, one dealing with "what" information should be posted on the network and the other dealing with "how" to design the OASIS. The "what" group would be facilitated by the North American Electric Reliability Council (NERC) and the "how" group would be facilitated by the Electric Power Research Institute. See Real-Time Information Networks, Notice of Timetable and Opportunity for Participation in Industry Working Groups, FERC Stats. & Regs. ¶ 35,029 (1995).

6/ How Group comments at 2.

7/ A list of Commenters' full names and corresponding abbreviations is contained in Attachment 1.

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Cinergy is unclear as to where the information needs to be maintained. Cinergy requests that, if storage of the supporting information is to be off-line, then the Commission should require the Transmission Providers to provide near-term curtailment and interruption data on-line for at least 120 days. 1/

EPSA supports the Commission's proposal to amend its regulations to require that Transmission Providers retain supporting information about curtailments and interruptions for three years. EPSA, however, argues that three years may be insufficient in some circumstances. EPSA argues that Transmission Providers should be required to maintain the supporting data for so long as necessary if such data relates to a complaint pending before the Commission, or otherwise is needed to resolve issues in an ongoing proceeding. 1/

CSW and VEPCO argue that a three-year retention period is too long and that Transmission Providers would be transformed into archivists. 1/ CSW asserts that a one-year retention period is a more cost-effective approach. VEPCO recommends that the Commission keep the 60-day retention requirement. However, VEPCO notes that at a maximum, requiring retention for one year might be useful in comparing curtailments and interruptions on a seasonal basis.

Commission Conclusion

After considering the comments, we continue to believe that three years is an appropriate period for maintaining supporting information about curtailments and interruptions. As the How Group notes, the proposed three-year retention period for supporting curtailment and interruption data is consistent with the retention period for audit data. 1/ Therefore, we will modify the regulations at 18 CFR § 36(e)(3)(ii) to require that the information to support a curtailment or interruption must be retained off-line for three years. In our judgment, a three-year retention period is useful in comparing curtailments and interruptions over time.

8/ See Cinergy comments at 2.

9/ EPSA comments at 4.

10/ See CSW comments at 2; VEPCO comments at 5-6.

11/ See 18 C.F.R. § 37.7 (1998).

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In response to EPSA, we note that under the Federal Power Act, public utilities have record-keeping and reporting obligations and are subject to the Commission's investigation and enforcement powers. ^{12/} These requirements provide safeguards for the handling of documents during pending cases. In any event, we see no need at this time to adopt regulations specifically on retention of information relevant to pending proceedings on curtailments or interruptions.

2. Access to and Availability of Supporting Information

Currently, our regulations at § 37(e)(3)(ii) give access to the supporting curtailment and interruption information to affected customers, upon request. In the NOPR, we expressed concern that the regulations did not allow the Commission staff and the public access to the supporting information. We noted that lack of access to the supporting information limits the Commission's ability to audit the circumstances under which a curtailment or interruption occurs, as well as the Commission's ability to identify compliance problems and resolve complaints. Therefore, we proposed to make the supporting information about curtailments and interruptions available on request, not only to affected customers, but also to the Commission staff and the public.

Comments

EPMI strongly supports the Commission's proposal to require Transmission Providers to make the supporting information relating to curtailments and interruptions available to affected customers, the Commission Staff and the public. Due to the commercial sensitivity of the supporting curtailment and interruption information, however, EPMI proposes that the information not be made available for at least 30 days after the end of the month in which the curtailment or interruption was imposed.

EEI recommends that access to information on curtailments and interruptions should only be available to Transmission Customers. EEI argues that there are serious risks to the reliability of the interconnected transmission system that could result from disclosure to the general public. EEI recommends that the Commission modify

^{12/} See Federal Power Act, Section 301 (making and preservation of accounts, records, and memoranda; Commission's right to inspect and examine); Section 304 (periodic and special reports; obstruction of the making or keeping of required information unlawful); Section 307 (investigations) and Section 314 (enforcement). These Sections are codified at 16 U.S.C. §§ 825, 825c, 825f and 825m.

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section 37.6(e)(3)(ii) to provide the information to "any other transmission customer who: (i) demonstrates a legitimate basis for requesting the information and (ii) agrees to keep the information on curtailment or interruptions confidential, provided that the information may be disclosed to the Commission pursuant to 18 CFR § 388.112." ^{13/} VEPCO recommends the same modifications to this section of our regulations.

Commission Conclusion

First, disclosure of supporting curtailment and interruption data to the Commission will provide useful information for discerning patterns of undue discrimination. With access to the additional information, the Commission will have a greater ability to examine the circumstances under which a curtailment or interruption occurred. This in turn, will lead to early identification of compliance problems and faster resolution of complaints. Accordingly, we will revise § 37.6(3)(ii) to include the Commission staff.

Second, commenters raised two types of arguments concerning the Commission's proposal to allow the public access to the supporting information on curtailments and interruptions, upon request: (1) commercial sensitivity; and (2) reliability of the transmission system.

We have given careful consideration to the possible harmful commercial effects of disclosing supporting curtailment and interruption information to the public. We believe that the disclosure of this information to the public will provide useful information to the public for discerning any patterns of undue discrimination in the rendering of transmission services. Thus, disclosure to the public should promote non-discrimination and lead to better competitive utilization of transmission systems.

The Commission considers the reliability of the interconnected transmission system to be of utmost importance. NERC and the industry have made significant efforts to ensure that reliability of the transmission system is maintained and that reliability criteria are compatible with competitive markets. ^{14/} NERC and its member Regional Reliability Councils have worked cooperatively and effectively to provide reliability standards for public

^{13/} EEI comments at 3-4.

^{14/} See Order No. 888-A, FERC Stats. & Regs. ¶ 31,048 at 30,185 (1997).

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utilities. Furthermore, these entities have not cited any risks to reliability from disclosure of this information. Currently, Transmission Providers already post curtailment-related information on the OASIS including the Available Transmission Capacity for a constrained path. Also, section 213(b) of the Federal Power Act requires transmitting utilities to make annual filings informing the "public of potentially available transmission capacity and known constraints." ^{1/} However, we are taking the precaution of requesting the Market Interface Committee (MIC) ^{1/} to review and specify the supporting information about curtailments and interruptions that should be maintained. ^{1/} In these circumstances, the Commission believes that the disclosure of information on curtailments and interruptions to the public is appropriate at this time.

3. Additional Information on the Congested Path

In the NOPR, we proposed that the information under 18 CFR § 37.6(e)(3)(ii) should include information on any other uses of the congested path at the time of the curtailment or interruption. We noted that it would be helpful to know whether the curtailment or interruption was imposed on other users. Furthermore, information on any other uses of the congested path at the time of the curtailment or interruption would not be burdensome to assemble.

Comments

Many commenters supported the Commission's proposal to include additional information on other uses of the congested path at the time of curtailment or interruption. Many commenters argued that the supporting information must be clearly defined and consistent across all nodes.

^{15/} 16 U.S.C. 824i (1994).

^{16/} The Commercial Practices Working Group (CPWG) was an independent industry-initiated and managed group committed to providing an open forum dedicated to the development and consensus-based business practices in support of reliable and competitive bulk electricity markets. CPWG's membership included members from various segments of the wholesale electric industry, including Transmission Providers and Customers. Recently, the CPWG has been reconstituted and its functions taken over by a replacement group, the MIC, sponsored by NERC.

^{17/} See infra section 3.

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Cinergy asserts that it is not always possible for Transmission Providers to know all of the uses of a given path due to the dynamic nature of the power system. 1/ Cinergy recommends that the Commission clarify that the information furnished for congested paths be scheduled uses only.

Dynegy states that OASIS operators should be required to provide information with respect to the depth of transmission loading relief (TLR) cuts, i.e., whether transactions are being cut hourly or daily, as well as the number of transactions and the total amount in megawatts of each curtailment. 1/

EPMI proposes that the Commission require hourly load data and generation output levels. EPMI further proposes that the names of impacted parties to the curtailment and the magnitude of the curtailment should be disclosed. 1/

PECO submits that each Transmission Provider's OASIS site should identify, for each incident for which transmission TLR procedures are invoked, resulting in a halting or curtailment: 1) each transaction that is halted or curtailed; 2) the time at which halting or curtailment commenced; 3) the time at which the halting or curtailment terminated; 4) which Security Coordinator instituted the TLR procedures that led to such a halt or curtailment; 5) the name of the transmission facility or flowgate for which the TLR procedures were instituted; 6) what level in the TLR procedures has been called; 7) what paths are affected by the TLR procedures; 8) the quantity of megawatts per hour necessary to halt or curtail in order to achieve the desired relief for the constrained transmission facility or flowgate; 9) the total aggregate of megawatts per hour halted or curtailed; and 10) the quantity of megawatts per hour that are made available as a result of such halt or curtailment that would not have otherwise been available. 1/

18/ See Cinergy comments at 2-3.

19/ See Dynegy comments at 2.

20/ See EPMI comments at 3-4.

21/ See PECO comments at 2.

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Commission Conclusion

We believe that additional information about the state of the transmission system will enable customers to make better decisions about the quality of the transmission service they intend to purchase. We further believe that additional supporting information concerning curtailments and interruptions will make it easier to document unduly discriminatory practices concerning facilities critical to transmission capacity. However, a thorough consideration of this issue necessitates a more extensive record than we have before us at this time. To this end, we conclude that the industry is best situated to identify what other supporting information concerning curtailments and interruptions would be helpful and appropriate. We request that the MIC and the How Group prepare a report within three months from the date of publication of this final rule in the Federal Register outlining what additional supporting information about curtailments and interruptions should be posted on the OASIS and available for query. This report should address the scope of the information to support curtailments and interruptions and also include templates for queries of the additional information and for responses containing the information.

B. File Transfers, Automated Queries, and Extensive Requests for Data

When the Commission first proposed OASIS, it envisioned two primary methods of accessing information on OASIS. First, small customers would generally retrieve and post information using the interactive features of OASIS. Second, medium and large customers would generally use computer-to-computer communications to upload and download files. Using computer-to-computer communications, a customer could send a request (automated query) to an OASIS node's computer and the node's computer would respond with the requested files (download). To facilitate these file uploads and downloads, the Commission previously requested that the How Group develop standardized templates for OASIS transactions.

1. File Transfers and Automated Queries

In the NOPR, the Commission noted that it received Hotline calls showing misunderstandings about the use of file transfers and automated queries. In the NOPR, we proposed to add 18 CFR § 37.6(a)(6) to allow OASIS users to make file transfers and automated computer-to-computer file transfers and queries of the nodes.

Comments

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Cal ISO, MAPP and the How Group submitted comments on this issue. All three note that the S&CP Document has definitions and standards for "file transfers" and they recommend that the Commission replace references to "file transfers" with references to the upload and download specifications in the S&CP.

Commission Conclusion

At the outset, we note that the commenters correctly recognize that the S&CP Document contains definitions and standardized procedures for file transfers. The Commission did not intend to propose file transfers that were not defined in the S&CP Document. Accordingly, we will amend § 37.6 (a)(6) to clarify that OASIS nodes must allow OASIS users to make file transfers and queries as defined in the S&CP Document.

2. Extensive Requests for Data and Limits on OASIS Use

In the NOPR, we proposed to add a provision, 18 CFR § 37.5(c), to clarify that Responsible Parties are required to provide access to their OASIS sites for OASIS users making automated queries and extensive requests for data. In the NOPR, we also proposed to add a provision, 18 CFR § 37.5(d), to permit Responsible Parties, under certain circumstances, to restrict access by OASIS users who use the system in a grossly inefficient manner and degrade the performance of the node. We suggested that if a Responsible Party and an OASIS user could not resolve the matter informally, the Responsible Party would be able to seek Commission approval to limit the grossly inefficient use of the system. Comments on this issue fall into three categories: (a) disagreements with the proposal to require Commission approval before limits can be placed on individual OASIS users; (b) limits on heavy OASIS usage; and (c) the meaning of grossly inefficient use.

a. Prior Commission Approval for OASIS Limits

In the NOPR, we proposed that Commission approval be needed for imposition of limits on a user's access to OASIS because we wanted to avoid unwarranted limits on access. Furthermore, we wished to assure OASIS users that they would not be disconnected without cause.

Comments

All commenters recognize that there are circumstances under which a user's automated query capability should be limited. However, commenters disagree over whether limits should be imposed before or after

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notification and concurrence by the Commission. EPSA, EPMI and Power Navigator agree with the Commission's proposal to require Transmission Providers to obtain Commission approval before limiting a user's access to an OASIS node for grossly inefficient usage. Dynegy cautions that permitting Transmission Providers to limit OASIS use presents the potential for abuse and Transmission Providers could punish certain customers. 1/

The How Group, Cal ISO, Cinergy, MAPP, VEPCO, Southern Company and Southwest support allowing Responsible Parties to limit access to an OASIS node prior to Commission notification and approval. The How Group states that because OASIS nodes operate 24 hours a day, seven days a week and process transmission requests as they are received, the nodes are vulnerable to excessive demands by individual customers and therefore, limits on access should be available without Commission authorization. 1/

Furthermore, MAPP, MAIN, Cinergy, VEPCO and the How Group argue that mistakes and bugs in computer programs used to make the automated requests can inadvertently result in a request for more information than the user desires or the same data is repeatedly requested. These commenters argue that node performance could be seriously impaired unless Responsible Parties have the ability to limit a user's access before obtaining Commission concurrence. MAPP further cites the rapid responses associated with computer-to-computer communications and claims that a delay in disconnecting requests due to mistakes or bugs can inadvertently bring down a whole OASIS node. 1/ Cinergy proposes that requests be terminated when it is clear that computer bugs or mistakes have occurred.

MAIN proposes that when a user's request seriously impacts node performance, the Responsible Party administering the node and the user should try to resolve the problem together. Cal ISO proposes that Responsible Parties should follow specific procedures, including promptly notifying the Commission about OASIS limits, working with the user to solve the problem and providing the Commission with a closure report that describes the

22/ See Dynegy comments at 4.

23/ See How Group comments at 3-4.

24/ See MAPP comments at 4.

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problem and the resolution. ^{1/} The How Group and MAPP also propose specific procedures for Responsible Parties to follow when they block access to OASIS nodes.

Commission Conclusion

We are persuaded that Responsible Parties should be permitted, without prior Commission concurrence, to limit access by users who seriously degrade node performance. At the same time, we must ensure that limits on usage are imposed for good reason and that reasonable efforts are made by both parties to resolve problems. Restrictions and disconnections from OASIS should occur in only very limited circumstances. When a problem arises due to grossly inefficient use, all parties should first attempt to resolve the problem in a cooperative manner without OASIS restriction or limitation. If the problem is not resolved in a timely fashion, a Responsible Party can limit a user's access without prior Commission approval. Notification of the restriction must be made to the Commission within two business days of the incident and include a description of the problem and whether a resolution was reached. A closure report describing how the problem was resolved must be filed with the Commission within one week of the incident.

If the problem requires Commission resolution, the Responsible Party will have the obligation to demonstrate to the Commission that the limited user seriously impacted the performance of the node, the node is properly sized for the number of users and types of customers and that the Responsible Party made a good faith effort to resolve the problem. In response, the user will have the obligation of demonstrating to the Commission that its queries were efficient and were the result of reasonable business needs. We anticipate in cases where a Responsible Party has no interest in generation that these types of disputes can be resolved without resort to Commission processes.

Similarly, for errors in queries, the Responsible Party can block the affected query and notify the user of the nature of the error. Users should correct the error before making any additional query. If there is a dispute over whether an error occurred, then the rules for grossly inefficient use would apply.

^{25/} See Cal ISO comments at 7-8.

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b. Limits on Heavy Use of OASIS

In the NOPR, the Commission proposed not to limit heavy use of automated computer-to-computer uploads and downloads (queries and responses) that arise from legitimate ordinary course of business needs. The NOPR distinguished between heavy use in the ordinary course of business and grossly inefficient use.

Comments

Detroit Edison, Southern Company, EPMI and EPSA agree with the Commission that heavy use alone should not justify disconnection from an OASIS node. Southern Company notes that the Commission's requirements regarding automated queries are consistent with the industry's movement toward conducting business on a moment-to-moment basis. Southern Company argues that moment-to-moment transactions can only be accommodated if large volumes of automated information can be transmitted by an OASIS node. Southern requests that the Commission emphasize automated query access over browser access. 1/

Power Navigator describes its experiences with OASIS nodes when using automated queries. Power Navigator states that it has been disconnected from an OASIS node, as a punitive measure after a problem was resolved and also, Power Navigator has been restricted by a node to only one automated query a day. 1/ Furthermore, Power Navigator was disconnected from an OASIS node because of queries deemed inefficient without notice and the opportunity to make the query more efficient.

Southern Company reports that it has also experienced problems using automated queries and file transfers on several OASIS nodes. Southern argues that the "inability of these OASIS nodes to meet the minimum requirements of the S&CP Document regarding automated queries and file transfers increases the transaction costs of market participants by increasing manpower and the time required to gather and analyze information." 1/ Southern notes that the Commission has not sufficiently defined "minimum performance requirements" and that the

26/ See Comments of Southern Company at 7.

27/ See Comments of Power Navigator at 1-2.

28/ Comments of Southern Company at 6-7.

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lack of specificity has resulted in some OASIS nodes lacking sufficient capacity to accommodate bulk transactions. Southern Company requests that the Commission develop, or encourage the industry to develop, a benchmark program to determine if a node satisfies the minimum performance requirements.

MAIN argues that even well-designed automated queries can significantly degrade OASIS performance. MAIN states that OASIS requires a substantial database and MAIN maintains the database on a daily basis. During periods of maintenance, the ability of computer systems to respond to queries and requests is inherently limited. Thus, MAIN claims that even well-designed automated queries can significantly degrade OASIS performance during periods of database maintenance. ^{1/} MAIN notes that it was forced to put limits on "traffic from particular Internet addresses that sent repeated and multiple queries to the MAIN OASIS node." ^{1/} The result is that MAIN restricts access by automated queries ten and one-half hours a day. MAIN suggests that some problems caused by automated queries could be reduced if users were required to furnish Transmission Providers with adequate and timely advance notice of usage requirements. MAIN would use this information in planning for system upgrades and other system modifications.

The How Group raises the question of what constitutes basic service and disagrees with the Commission's interpretation that the basic service level agreement allows large volume, computer-to-computer usage of OASIS to meet ordinary legitimate business needs of users. The How Group argues that the basic service level agreement only provides for average or normal uses of the system. The How Group further argues that the performance requirements in the S&CP Document are based on average, expected usage levels and cover average or normal users of the system. ^{1/}

Commission Conclusion

^{29/} See comments of MAIN at 6-7.

^{30/} Id. at 7.

^{31/} See comments of How Group at 6.

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We continue to believe that large volume usage and automated computer-to-computer file transfers and queries do not constitute the kind of excessive use of resources warranting limitation or disconnection, as discussed in the previous section. Thus, a particular user's heavy use of an OASIS node, even if it would require the node to be upgraded, would not, by itself, be a basis for limitation or disconnection.

However, based on the comments, we are convinced that the standards for node performance and bandwidth need refinement. We therefore request the MIC and the How Group to develop standards for node response time, node capabilities and the bandwidth of the node's connection to the Internet. We further request that the MIC and the How Group report back to the Commission within three months from the date of publication of this final rule in the Federal Register. The standards should explicitly incorporate the concept of requiring nodes to meet the legitimate, ordinary course of business needs of users.

The new standards should take into account the industry's experience with OASIS. The MIC and How Group have the option of proposing a redefinition of the existing standards 1/ or if appropriate, they can develop a new approach. If the existing approach is used, the MIC and the How Group should consider that the assumption in

-
- 32/ The existing standards are as follows: Transmission Services Information Providers can only be responsible for the response capabilities of two portions of the Internet-based OASIS network:
- The response capabilities of the OASIS node server to process interactions with users; and
 - The bandwidth of the connection(s) between the OASIS node server and the Internet.
- Therefore, the OASIS response time requirements are as follows:
- a. OASIS Node Server Response Time: The OASIS node server shall be capable of supporting its connection(s) to users with an average aggregate data rate of at least "A" bits per second. "A" is defined as follows:

$$A = N * R \text{ bits/sec}$$

where: N = 5% of registered Customers and
R = 28,800 bits/sec per Customer.

- b. OASIS Node Network Connection Bandwidth: The bandwidth "B" of the OASIS node connection(s) to the Internet shall be at least:

$$B = 2 * A \text{ bits/sec.}$$

See Standards & Communications Protocol Document (Version 1.3) at section 5.3 (1998). Version 1.3 of the S&CP Document is posted on the Commission Issuance Posting System (accessed through the Commission's Internet Home Page at <http://ferc.fed.us>) or may be inspected in the Commission's Public Reference Room.

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the existing standard of 5 percent of customers in communication with a node at any time was developed before OASIS was implemented. The MIC should determine if a higher or lower percentage is more appropriate. Furthermore, the 28,800 bps/customer, used in the existing standards was a relatively fast modem speed in 1996 when the OASIS standards were formulated. ^{1/} Today, many customers use faster connections to the Internet.

Furthermore, we agree with MAIN's suggestion that OASIS nodes would better meet user needs for automated queries if users notify Responsible Parties prior to increasing their demands significantly. We will, therefore, require users to notify a node of anticipated usage one month in advance of initiating a significant amount of queries or when users expect their use of automated queries to increase significantly. We believe it is appropriate to allow each node to determine reasonable criteria for such notification because nodes have varying requirements. Responsible Parties will post on their OASIS nodes the criteria under which users must notify them of increased usage of automated queries.

c. "Grossly Inefficient" usage of OASIS

In the NOPR, we proposed to not limit heavy use of automated queries that arose from legitimate, ordinary business needs. We distinguished between legitimate OASIS uses and grossly inefficient uses. By using the term grossly inefficient, we intended to address situations where a user fails to adopt more efficient methods of accessing a node or obtaining information in favor of very inefficient methods that may needlessly degrade or damage the node.

Comments

Cinergy, Detroit Edison, MAIN, Southern Company and VEPCO argue that unless the Commission clarifies the definition of "grossly inefficient" and what constitutes degradation of service on an OASIS node, there will be continued disputes over automated queries.

Commission Conclusion

^{33/} See Order No. 889, FERC Stats & Regs. at 31,623.

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We continue to believe that it would be impracticable to delineate all instances of "gross inefficiency". At the same time, we have narrowed the definition of grossly inefficient use by adding the new error category, by clarifying that heavy volume usage and automated computer-to-computer file transfers and queries do not constitute grossly inefficient use and by requiring OASIS users to notify Responsible Parties in advance of substantial increases in automated query usage. We believe that these actions reduce the areas of dispute.

Examples of grossly inefficient use include: (1) when a user seeks data in a resource-intensive wasteful way even though the same data could be obtained as quickly in a far less resource-consuming manner; and (2) when an OASIS user seeks updates more frequently than information on the OASIS is updated. This list, however, is not exhaustive and questions as to whether a particular user's access or use of the node is "grossly inefficient" will be resolved on a case-by-case basis. We also believe that Responsible Parties should use the disconnection procedures as a last resort.

C. Other Issues

MAIN proposed that users of automated query systems be charged for their use. ^{1/} Similarly, CSW proposes an industry-wide OASIS usage charge whereby subscribers pay more when they use an OASIS node continuously and/or intensively.

We note that the issue of OASIS cost recovery was addressed in Orders No. 889 ^{1/} and 889-A. ^{1/} In those orders, we concluded that the cost of developing an OASIS should be included in unbundled transmission rates and that variable costs of operating an OASIS should be recovered, to the extent possible, in usage fees. We left it to individual rate proceedings to determine which OASIS costs can be identified as varying with usage and how to set the recovery of these fees. However, the concept of automated queries has been a basic part of the functionality of

^{34/} MAIN comments at 12.

^{35/} See Order No. 889, FERC Stats. & Regs. ¶ 31,035 at 31,624-26.

^{36/} See Order No. 889-A, FERC Stats. & Regs. ¶ 31,049 at 30,576-77.

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OASIS since its inception and special charges for legitimate, ordinary course of business queries should not be imposed. 1/

A few other commenters raised issues that were not discussed in the NOPR. For example, Dynegy asks the Commission to revisit the posting of generator run status on OASIS nodes. 1/ In addition, Southern Company complains that some Transmission Providers require users of their system to purchase expensive proprietary security software from third party vendors and that this practice imposes limits on OASIS. EPMI requests that the Commission require Transmission Providers to acknowledge receipt of faxed or electronically transferred OASIS requests when the request is received. 1/

All of these issues are beyond the scope of this proceeding and therefore, we will not address them at this time. Commenters will have the opportunity to raise these issues, as well as submit comments on additional issues, during the OASIS Phase II proceedings.

REGULATORY FLEXIBILITY ACT

The Regulatory Flexibility Act (RFA) 1/ requires any proposed or final rule issued by the Commission to contain a description and analysis of the impact that the proposed or final rule would have on small entities or to contain a certification that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Order No. 889 contained a certification under § 605(b) of the RFA that the OASIS Final Rule would not have a significant economic impact on small entities within the meaning of the RFA. 1/

37/ This would also include automated queries by the public.

38/ Dynegy comments at 5.

39/ EPMI comments at 4.

40/ 5 U.S.C. §§ 601-612.

41/ See Order No. 889, FERC State. & Regs. at 31,628.

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As discussed above, this proposal would make minor revisions to Part 37. Given that we do not expect these minor revisions to have any significant economic impact and given that we have granted waivers from the requirements of the OASIS Final Rule to small entities where appropriate, and will continue to do so, we hereby certify that the proposed changes in 18 CFR Part 37 would not have a significant economic impact on a substantial number of small entities and that no regulatory flexibility analysis is required pursuant to 5 U.S.C. § 603.

ENVIRONMENTAL STATEMENT

As explained in Order Nos. 888-A and 889-A, Order Nos. 888 and 889 were the joint subjects of the Final Environmental Impact Statement issued in Docket Nos. RM95-8-000 and RM94-7-001 on April 12, 1996. Given that this final rule makes only minor changes in the regulations, none of which would have any environmental impact, no separate environmental assessment or environmental impact statement is being prepared for this final rule.

PUBLIC REPORTING BURDEN

As discussed previously, this final rule makes minor revisions to 18 CFR 37.6(e)(3)(ii). We do not believe that extending the retention period or extending the category of persons who may request the information on curtailments or interruptions will measurably increase the public reporting burden.

Nor do we believe our rule to amend 18 CFR 37.5 and 37.6 to clarify the required minimum access that Responsible Parties must provide to OASIS users, or to allow (under certain circumstances) limitations on access by grossly inefficient users, will increase the public reporting burden.

Consequently, the public reporting burden associated with issuance of this final rule is unchanged from our estimation in Order Nos. 889, 889-A, and 889-B. ^{1/} The Commission has conducted an internal review of this conclusion and thereby has assured itself that there is specific, objective support for this information burden estimate. Moreover, the Commission has reviewed the collection of information required by Order Nos. 889, 889-A, and 889-B, and has determined that the collection of information is necessary and conforms to the Commission's

^{42/} Order No. 889, FERC Stats. & Regs. ¶ 31,035 at 31,587-88, Order No. 889-A, FERC Stats. & Regs. ¶ 31,049 at 30,549-50, Order No. 889-B, 81 FERC ¶ 61,253 at 62,171 (1998).

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plan, as described in those prior orders, for the collection, efficient management, and use of the required information.

INFORMATION COLLECTION STATEMENT

As explained in Order Nos. 889-A and 889-B, Order No. 889 contained an information collection statement for which the Commission obtained approval from the Office of Management and Budget (OMB). ^{1/} Given that the changes on curtailments and interruptions make only minor revisions to the regulations, we do not believe that these changes would require any revision to the information collection statement approved by OMB for Order No. 889. Nor do we believe that our revisions to 18 CFR 37.5 and 37.6, to clarify the required minimum access Responsible Parties must provide to OASIS users, or to allow (under certain circumstances) limitations on access by grossly inefficient users, would require any revision to the information collection statement approved by OMB for Order No. 889. Accordingly, we conclude that OMB approval for this final rule will not be necessary. However, the Commission will send a copy of this final rule to OMB, for informational purposes only.

Interested persons may obtain information on the reporting requirements and associated burden estimates by contacting the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426 [Attention: Michael Miller, Office of the Chief Information Officer, (202) 208-1415], and the Office of Management and Budget [Attention: Desk Officer for the Federal Energy Regulatory Commission (202) 395-3087 (telephone), 202-395-7285 (facsimile)]. In addition, interested persons may file written comments on the collections of information required by this rule and associated burden estimates by sending written comments to the Desk Officer for FERC at: Office of Management and Budget, Room 10202 NEOB, Washington, D.C. 20503, within 30 days of publication of this document in the Federal Register. Three copies of any comments filed with the Office of Management and Budget also should be sent to the following address: Secretary, Federal Energy Regulatory Commission, Room 1A, 888 First Street, N.E., Washington, D.C. 20426.

^{43/} OMB Control No. 1902-0173.

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EFFECTIVE DATE AND CONGRESSIONAL NOTIFICATION

This rule will take effect on [insert date 30 days after publication in the Federal Register]. The Commission has determined, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, that this rule is not a "major rule" within the meaning of section 351 of the Small Business Regulatory Enforcement Fairness Act of 1996. ^{1/} The Commission will submit the rule to both houses of Congress and the Comptroller General prior to its publication in the Federal Register.

This final rule will not have an adverse effect on Year 2000 readiness. This rule makes only minor revisions to our regulations and no major system changes to OASIS are required. Furthermore, commenters did not cite any adverse effects of the rule on their Year 2000 preparation.

In this rule, we are extending the retention period and the availability of supporting information on curtailments and interruptions. These changes will not jeopardize work on the Year 2000 problem. Currently, our regulations require that the supporting information about curtailments and interruptions be maintained for 60 days and available to affected customers. We are extending the retention period to three years and we are allowing the Commission Staff and the public access to the information. Because Transmission Providers already must maintain information on curtailments and interruptions, extending the retention period and the access to this information will not affect Year 2000 preparations.

In addition, we are asking the How Group/MIC to prepare a report outlining what additional supporting information about curtailments and interruptions should be posted on the OASIS. We request that the report be prepared within 3 months from the date of publication of this final rule in the Federal Register. Therefore, the report will be received by the Commission in early September and final implementation, including the adoption of new templates, will not occur until after January 2000.

^{44/} 5 U.S.C. 804(2).

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We also believe that the provision to allow (under certain circumstances) limitations on OASIS access by grossly inefficient users will not have any effect on Year 2000 readiness. The procedures we are adopting in 18 C.F.R. § 37.5(d) and § 37.5(e) will not add any new information technology requirements. Instead, these regulations enable Responsible Parties to disconnect or limit an OASIS user's access to the node.

Finally, we are adopting a new procedure whereby OASIS users notify Responsible Parties one month prior to increasing their automated query demands. Each OASIS node will determine reasonable criteria for such notification and the methods for notification will be posted on the OASIS. We believe that this new provision will not hinder Year 2000 efforts. Posting the notification criteria on the OASIS is only a minor administrative change and this requirement should not divert resources from Year 2000 efforts.

List of Subjects in 18 CFR Part 37

Open Access Same-Time Information System.

By the Commission. Commissioner Bailey concurred with a separate statement attached.
(S E A L)

Linwood A. Watson, Jr.,
Acting Secretary.

In consideration of the foregoing, the Commission amends Part 37 in Chapter I, Title 18, Code of Federal Regulations, as set forth below.

PART 37 -- OPEN ACCESS SAME-TIME INFORMATION SYSTEMS AND STANDARDS OF CONDUCT FOR PUBLIC UTILITIES

1. The authority citation for Part 37 continues to read as follows: 16 U.S.C. 791-825r, 2601-2645; 31 U.S.C. 9701; 42 U.S.C. 7101-7352.
2. Section 37.5 is amended by redesignating paragraph (c) as paragraph (f), and by adding paragraphs (c), (d) and (e) to read as follows:

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§ 37.5 Obligations of Transmission Providers and Responsible Parties

* * * *

(c) A Responsible Party may not deny or restrict access to an OASIS user merely because that user makes automated computer-to-computer file transfers or queries, or extensive requests for data.

(d) In the event that an OASIS user's grossly inefficient method of accessing an OASIS node or obtaining information from the node seriously degrades the performance of the node, a Responsible Party may limit a user's access to the OASIS node without prior Commission approval. The Responsible Party must immediately contact the OASIS user to resolve the problem. Notification of the restriction must be made to the Commission within two business days of the incident and include a description of the problem. A closure report describing how the problem was resolved must be filed with the Commission within one week of the incident.

(e) In the event that an OASIS user makes an error in a query, the Responsible Party can block the affected query and notify the user of the nature of the error. The OASIS user must correct the error before making any additional queries. If there is a dispute over whether an error has occurred, the procedures in the preceding paragraph apply.

(f) Transmission Providers must provide "read only" access to the OASIS to Commission staff and to the staff of State regulatory authorities, at no cost, after such staff members have complied with the requisite registration procedures.

3. Section 37.6 is amended by revising paragraphs (a), (a)(4), (a)(5), and (e)(3)(ii), and adding (a)(6) to read as follows:

§ 37.6 Information to be posted on the OASIS

(a) The information posted on the OASIS must be in such detail and the OASIS must have such capabilities as to allow Transmission Customers to:

* * * *

(4) Clearly identify the degree to which transmission service requests or schedules were denied or interrupted;

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(5) Obtain access, in electronic format, to information to support available transmission capability calculations and historical transmission service requests and schedules for various audit purposes; and

(6) Make file transfers and automated computer-to-computer file transfers and queries as defined by the Standards and Communications Protocols Document.

*	*	*	*
(e)	*	*	*
(3)	*	*	*

(ii) Information to support any such curtailment or interruption, including the operating status of the facilities involved in the constraint or interruption, must be maintained and made available upon request, to the curtailed or interrupted customer, the Commission's Staff, and any other person who requests it, for three years.

4. Section 37.8 is added to read as follows:

§ 37.8 Obligations of OASIS Users

(a) Each OASIS user must notify the Responsible Party one month in advance of initiating a significant amount of automated queries. The OASIS user must also notify the Responsible Party one month in advance of expected significant increases in the volume of automated queries.

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Attachment 1

List of Commenters to the NOPR

<u>Number</u>	<u>Commenter Name</u>	<u>Abbreviation</u>
1)	California Independent System Operator, Corp.	(Cal ISO)
2)	Cinergy Services, Inc.	(Cinergy)
3)	CSW Operating Companies	(CSW)
4)	Detroit Edison Company	(Detroit Edison)
5)	Dynegy, Inc.	(Dynegy)
6)	Edison Electric Institute	(EEL)
7)	Electric Power Supply Association	(EPSA)
8)	Enron Power Marketing, Inc.	(EPMI)
9)	Mid-America Interconnected Network, Inc.	(MAIN)
10)	Mid-Continent Area Power Pool	(MAPP)
11)	OASIS How Working Group	(How Group)
12)	PECO Energy Co-Power Team	(PECO)
13)	Power Navigator	(Power Navigator)
14)	Southern Company Services, Inc.	(Southern Company)
15)	Southwest Power Pool	(Southwest)
16)	Virginia Electric & Power Co.	(VEPCO)

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Open Access Same-Time
Information System)

Docket No. RM98-3-000

(Issued May 27, 1999)

BAILEY, Commissioner, concurring

I support this rulemaking, which amends the Commission's regulations to improve in several respects the operation and effectiveness of OASIS sites. I write separately only to explain my support for one aspect of the final rule.

The Commission revises its OASIS regulations to allow access to supporting information on curtailments and interruptions, upon request, to Commission staff and the public, as well as to affected customers. Slip op. at 8-10. The Commission makes this revision despite the articulated concern of two intervenors -- EPMI and EEI -- that this type of information is commercially sensitive (EPMI) and, if disclosed, might impair the reliability of the interconnected transmission system (EEI).

In my judgment, the Commission's and the public's need for this type of information -- for the purpose of detecting any undue discrimination in any pattern or practice of transmission curtailment -- outweighs the articulated concern for the commercial and reliability implications of disclosure. Significantly, intervenor concerns of commercial and reliability sensitivity here are presented with little explanation and vigor.

In contrast, I have dissented in other cases where the commercial and competitive implications of information disclosure have been well defined and vigorously argued. See Open Access Same-Time Information System and Standards of Conduct, 83 FERC ¶ 61,360 at 62,467-69 (1998), reh'g denied, 85 FERC ¶ 61,139 at 61,493 (1999); American Electric Power Company and Central and South West Corp., 86 FERC ¶ 61,091 at 61,334 (1999). I continue to believe that it is important for the Commission, when confronted with concern for the competitive implications of information disclosure, to balance carefully those concerns against the usefulness of that information in fulfilling the Commission's regulatory responsibilities. Here, unlike in other cases in which I have dissented, I am comfortable with the Commission's conclusion that the balance tips in favor of immediate disclosure.

Vicky A. Bailey
Commissioner

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Open Access Same-Time Information System) Docket No. RM98-3-000

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Vicky A. Bailey
Commissioner

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Appendix G FERC Order 889

UNITED STATES OF AMERICA 75 FERC 61,078{PRIVATE }
FEDERAL ENERGY REGULATORY COMMISSION

18 CFR Part 37

[Docket No. RM95-9-000]

Open Access Same-Time Information System (formerly Real-Time Information Networks) and Standards of
Conduct

ORDER NO. 889

FINAL RULE

(Issued April 24, 1996)

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final Rule.

SUMMARY: The Federal Energy Regulatory Commission is amending 18 CFR to add Part 37 containing rules establishing and governing an Open Access Same-time Information System (OASIS) (formerly real-time information networks) and prescribing standards of conduct. Under this final rule, each public utility (or its agent) that owns, controls, or operates facilities used for the transmission of electric energy in interstate commerce will be required to create or participate in an OASIS that will provide open access transmission customers and potential open access transmission customers with information, provided by electronic means, about available transmission capacity, prices, and other information that will enable them to obtain open access non-discriminatory transmission service. This final rule requires (1) each public utility subject to the rule to implement standards of conduct to functionally separate transmission and wholesale power merchant functions and (2) the creation of a basic OASIS system. In addition, some of the standards and formats for OASIS nodes are prescribed in a document entitled

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OASIS Standards and Communication Protocols that is being issued with the final rule. The Commission also is establishing further procedures to complete the standards for displays and formats. The development of OASIS requirements will continue in a Phase II, in which the Commission will continue to develop the requirements for a fully functional OASIS.

EFFECTIVE DATES: This final rule will become effective on [insert date 60 days from the date of publication in the Federal Register]. Compliance with the standards of conduct and operation of an OASIS meeting the requirements of this final rule must commence on or before November 1, 1996. A technical conference on any remaining issues will be held on June 17, 1996.

ADDRESSES: The technical conference will be held at the Commission's headquarters at 888 First Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Marvin Rosenberg (Technical Information)
Office of Economic Policy
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426
(202) 208-1283

William C. Booth (Technical Information)
Office of Electric Power Regulation
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426
(202) 208-0849

Gary D. Cohen (Legal Information)
Office of the General Counsel
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426
(202) 208-0321

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the Federal Register, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this

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document during normal business hours in the Public Reference Room at 888 First Street, N.E., Washington, D.C. 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing 202-208-1397 if dialing locally or 1-800-856-3920 if dialing long distance. CIPS is also available through the Fed World system (by modem or Internet). To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, or 1200 bps, full duplex, no parity, 8 data bits and 1 stop bit. The full text of this order will be available on CIPS indefinitely in ASCII and Wordperfect 5.1 format. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in the Public Reference Room at 888 First Street, N.E., Washington, D.C. 20426.

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Before Commissioners: Elizabeth Anne Moler, Chair;
Vicky A. Bailey, James J. Hoecker,
William L. Massey, and Donald F. Santa, Jr.

Open Access Same-time Information)
System (formerly Real-time)
Information Networks) and)
Standards of Conduct)

Docket No. RM95-9-000

ORDER NO. 889

FINAL RULE

(Issued April 24, 1996)

I. **INTRODUCTION**

The Federal Energy Regulatory Commission (Commission) is promulgating new regulations amending 18 CFR to add Part 37 containing rules establishing and governing transmission information networks and standards of conduct. The Commission is issuing this final rule in tandem with its final rule on Open Access Transmission and Stranded Costs (Open Access Final Rule). ^{45/} This final rule applies to any public utility that offers open access transmission services under the Open Access Final Rule pro forma tariff. Under the Open Access Final Rule, the open access pro forma tariff may be used by wholesale transmission customers and by retail transmission customers that are able to receive unbundled retail transmission either voluntarily from the public utility or as a result of a state retail access program.

^{45/} See Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities and Recovery of Stranded Costs by Public Utilities and Transmitting Utilities, Final Rule, FERC Stats. & Regs. ¶ 31,036 (April 24, 1996); this document is being published concurrently in the Federal Register.

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This final rule is being issued after a review of the comments filed in response to the Commission's notice of proposed rulemaking issued in this proceeding on December 13, 1995 (RIN NOPR). 46/

This final rule becomes effective on [insert date 60 days after publication of this final rule in the Federal Register]. By November 1, 1996, all affected public utilities must file procedures with the Commission that will enable customers and the Commission to determine whether they are in compliance with the standards of conduct requirements contained herein.

Additionally, under this final rule, each public utility as defined in section 201(e) of the Federal Power Act, 16 U.S.C. 824(e) (1994), (or its agent) that owns, controls, or operates facilities used for the transmission of electric energy in interstate commerce (each Transmission Provider) must develop or participate in an Open Access Same-time Information System (OASIS). 47/ This final rule establishes Phase I OASIS rules that require the creation of a

46/ Real-Time Information Networks and Standards of Conduct, Notice of Proposed Rulemaking, 60 FR 66182 (December 21, 1995), FERC Stats. & Regs. ¶ 32,516 (December 13, 1995).

47/ In the notice of technical conference that initiated this proceeding, see infra n. 12, we chose the term "Real-Time Information Network" to describe the electronic information system envisioned by that notice. We invited comments on whether we should substitute another term in place of RIN. In response, a number of commenters suggested that "RIN" was not a suitable name for the electronic information network envisioned by the RIN NOPR, mainly because while some RIN postings may be made "real-time" most will not and that, therefore, RIN is a misnomer.

After a review of suggested replacements presented in the comments, we will abandon the name "RIN" in favor of Open Access Same-time Information System, suggested by Virginia Electric Power Company (VEPCO), for several reasons. First, as noted above, the information system being developed in this proceeding actually will be a "same-time" information system, and not a "real-time" system. Second, VEPCO correctly points out that the system will be part of an existing network (the Internet) and not a new network.

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basic OASIS. ^{48/} The basic OASIS required by this final rule must be in place and operational by November 1, 1996. The development of OASIS requirements will continue in Phase II, during which the Commission will develop the requirements for a fully functional OASIS.

While the final rule set forth in this order is consistent with the proposal described in the RIN NOPR, it also resolves certain issues that were described in the RIN NOPR but left undecided, and adds clarifications and revisions, as suggested by the comments. As proposed in the RIN NOPR, the final rule describes what information must be provided on an OASIS, how an OASIS must be implemented and used, and contains a code of conduct applicable to all transmission providing public utilities.

As proposed in the RIN NOPR, we are issuing this final rule along with a separate document entitled OASIS Standards and Communication Protocols (Standards and Protocols) to help ensure that each OASIS will provide information in a uniform manner. However, the standards and protocols are not yet complete. Consequently, we are inviting the How Group ^{49/} to submit an additional report, on or before May 28, 1996, to help us resolve these deficiencies. We will also hold a technical conference on **June 17, 1996** to resolve any remaining issues and to allow input from interested persons. We will issue a revised Standards and Protocols document as soon as possible thereafter.

We are moving promptly to complete the standards and protocols to ensure that the OASIS will be operational and in compliance with this final rule by November 1, 1996. In selecting this date, we have balanced the need to have a functional system of fair and non-discriminatory information in place to support the Open Access

Third, the name "OASIS" highlights that the system relates to open access.

^{48/} Any entity may, for good cause, seek a waiver of the requirements established by this final rule, either as to the creation of an OASIS or for reporting requirements.

^{49/} See, infra, n. 13.

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Final Rule against the comments that argued that implementation of an OASIS could not be accomplished in 60 days and to avoid implementation during the peak winter or summer months.

II. PUBLIC REPORTING BURDEN

The final rule requires Transmission Providers to participate in an OASIS, designed to provide open access transmission users and potential open access transmission users with information by electronic means about available transmission capacity and prices.

The RIN NOPR contained an estimated annual public reporting burden associated with a final rule consistent with the RIN NOPR. In response to the RIN NOPR, NRECA 50/ filed comments with the Commission that argued that the Commission's estimated public reporting burden should have taken into account that Question 45 of the RIN NOPR asked whether OASIS rules should be extended to apply to non-public utilities that own or control facilities used for the transmission of electric power in interstate commerce. 51/ Based on this inquiry, NRECA argued that the public burden estimate should have been based on the assumption that the proposed OASIS rules would be extended to apply to non-public utilities (even though this was not proposed by the Commission).

The Commission's task in preparing a public burden estimate at the NOPR stage was to estimate the annual public reporting burden associated with a final rule consistent with the RIN NOPR. This is what the Commission did. An estimate based on deviations from the NOPR proposal, as NRECA suggested, would have been inappropriate. At the same time, however, by asking Question 45, we identified the issue and gave the commenters an opportunity to be heard before making a final decision.

Our final rule, like the RIN NOPR, applies only to public utilities, and not to non-public utilities. However, as discussed in this order and as commented upon by various non-public utilities, in the Open Access Final Rule we

50/ Attached to this document is a list of the commenters and the abbreviations used to designate them. Several of the comments were filed late. We, nevertheless, will consider these comments.

51/ NRECA also submitted a letter to the Office of Management and Budget (OMB) that raised the same issue.

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are including a reciprocity provision in public utility open access tariffs under which all those who elect to take service under the open access tariff (including non-public utilities) will have to offer reciprocal service including an information network, unless they are granted a waiver of the reciprocity provision in the tariff. 52/ Consequently, we have increased the estimate of number of respondents in this rulemaking to reflect the additional burden on those non-public utilities that seek service under open access tariffs. However, this is offset by our current expectation that there will be far fewer OASIS sites than we originally anticipated in the RIN NOPR. The How Group estimates there will be between 20-35 OASIS sites nationwide. 53/ Using the higher number, the burden of running each OASIS will be shared, on average, by four respondents. This is reflected in the burden hour and cost estimates.

Our burden hour and cost estimates include the information gathering requirements imposed on public utilities that do not develop their own OASIS. Additionally, we have refined our estimate of the annual public reporting burden to account for revisions that this final rule makes to the RIN NOPR.

Estimated Annual Burden:

{PRIVATE }Data Collection	No. of Respondents	No. of Responses	Hours per Response	Total annual hours
Reporting	140	1	1879	263,060
Recordkeeping	140	1	418	58,520

Total Annual Hours for Collection
(Reporting + Recordkeeping, (if appropriate)) = 321,580

52/ As explained in the Open Access Final Rule, non-public utilities that do not want to meet the reciprocity condition may choose not to take service under an open access tariff. In that circumstance, the public utility may, if it chooses, voluntarily provide transmission service on a unilateral basis to the non-public utility.

53/ How Group comments at 19.

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Data collection costs: The Commission projects the average annualized cost per respondent to be the following:

{PRIVATE }Annualized Capital/Startup Costs	\$ 47,500
Annualized Costs (Operations & Maintenance)	\$ 142,250
Total Annualized Costs	\$ 189,750

Internal Review

The Commission has reviewed the collection of information required by this final rule and has determined that the collection of information is necessary and conforms to the Commission's plan, as described in this final rule, for the collection, efficient management, and use of the required information. The Commission has assured itself, by means of its internal review, that there is specific, objective support for the information burden estimate set forth above. 54/

Persons wishing to comment on the collections of information required by this final rule should direct their comments to the Desk Officer FERC, Office of Management and Budget, Room 3019NEOB, Washington, D.C. 20503, phone 202-395-3087, facsimile: 202-395-7285 or via the Internet at hillier__t@a1.eop.gov. Comments must be filed with the Office of Management and Budget within 60 days of publication of this document in the Federal Register. A copy of any comments filed with the Office of Management and Budget also should be sent to the following address at the Commission: Federal Energy Regulatory Commission, Information Services Division, Room 41-17, 888 First Street, N.E., Washington, DC. 20426. For further information, contact Michael Miller, 202-208-1415.

III. DISCUSSION

A. **BACKGROUND**

This proceeding began with the issuance of our proposed Open Access rule (Open Access NOPR) 55/ and a notice of technical conference to consider whether a RIN (now an OASIS) or some other option would be the best

54/ See 44 U.S.C. § 3506(c).

55/ See Promoting Wholesale Competition Through Open Access

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means to ensure that potential customers of transmission services could obtain access to transmission service on a non-discriminatory basis. ^{56/} The notice of technical conference was followed by procedures and input (described in the RIN NOPR) that led to the issuance of the RIN NOPR.

Open access non-discriminatory transmission service requires that information about the transmission system must be made available to all transmission customers at the same time. This means that public utilities must make available to others the same transmission information that is available to their own employees and that is pertinent to decisions they make involving the sale or purchase of electricity. The RIN NOPR suggested requirements representing the first steps towards accomplishing these objectives.

The RIN NOPR addressed four main issues: the types of information that need to be posted on an OASIS; technical issues concerning the development and implementation of an OASIS; the development of a basic OASIS in Phase I and the development of a fully functional OASIS in Phase II; and proposed standards of conduct to prevent employees of a public utility (or any of its affiliates) engaged in marketing functions from obtaining preferential access to OASIS-related information.

The Commission's consideration of the first two of these issues relied heavily on the efforts of two industry-led working groups that presented recommendations to the Commission. ^{57/} Additionally, the RIN NOPR

Non-Discriminatory Transmission Services by Public Utilities and Recovery of Stranded Costs by Public Utilities and Transmitting Utilities, Notice and Supplemental Notice of Proposed Rulemaking, 60 FR 17662 (April 7, 1995), FERC Stats. & Regs. ¶ 32,514 (March 29, 1995).

^{56/} Real-Time Information Networks, Notice of Technical Conference and Request for Comments, 60 FR 17726 (April 7, 1995).

^{57/} The North American Electric Reliability Council (NERC) acted as a facilitator for an industry-led independent working group, representing diverse interests, to help participants reach consensus, and to help them prepare a

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invited commenters to address specific questions on various issues and invited comments generally on the entire proposal.

As discussed in the RIN NOPR, the handling of various types of information that might be posted on an OASIS depends on substantive determinations being made in the Commission's Open Access rulemaking proceeding. ^{58/} For this reason, the RIN NOPR attempted to identify the issues that might be affected by decisions that would be made in the Open Access rulemaking and invited comment on the mechanics of implementing whatever determinations ultimately would be reached in the Open Access rulemaking, without attempting to prejudge the merits of the underlying legal and policy issues.

report to the Commission on what information should be posted on a RIN (the "What Group"). The Electric Power Research Institute (EPRI) facilitated a similar working group (the "How Group") that sought consensus on how to implement a system that would accomplish these objectives. Both groups submitted reports to the Commission describing their progress in reaching consensus on their respective issues. As explained in the RIN NOPR, after determining that the working groups had balanced representation from diverse interests and had operated in an open, inclusive manner, the Commission used the working groups' recommendations as the starting point for developing the RIN NOPR.

A fuller description of the working groups' composition and activities is contained in the RIN NOPR and in the reports that those groups submitted to the Commission for its review (attached to the RIN NOPR as Appendices "A" and "B" and made publicly available at the Commission's offices and through the Commission Issuance Posting System (CIPS)).

^{58/} For example, the information about ancillary services that must be posted on an OASIS depends on what ancillary services a public utility must provide. Likewise, the information about discounts that must be posted on an OASIS depends on whether discounting is allowed.

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Additionally, the RIN NOPR included (as Appendix "C") a set of upload and download templates for comment to ensure that all data definitions are the same and that the information presented on the OASIS will be uniform and clearly understood.

The Commission's RIN NOPR, issued on December 13, 1995, invited comments on enumerated questions, along with general comments. Comments were filed by over 100 commenters. These comments were generally favorable to the OASIS concept, although numerous disagreements remained as to the details. The comments will be discussed below on an issue-by-issue basis. 59/

In the RIN NOPR, we invited the two industry-led working groups to continue their efforts to reach consensus and to report to us on their progress. On March 7, 1996, the How Group submitted a report giving proposed revisions to their original report. 60/ The How Group also submitted a report on April 15, 1996 making recommendations on additional issues on which the group had reached consensus.

B. SUMMARY OF THE REGULATIONS AND THEIR IMPLEMENTATION

The Commission is issuing this final rule with the Open Access Final Rule to implement the legal and policy determinations being made in the Open Access Final Rule. 61/ This final rule contains three basic provisions

59/ In the discussion that follows, our references to comments are illustrative and not inclusive. While we have intended to identify all of the major issues raised by the commenters, we have not attempted to identify all commenters in instances where more than one comment makes the same point.

60/ The participants in the How Group submitted a report entitled Consensus Comments of the Wholesale Electric Power Industry on behalf of the "industry management process (interim) on how to implement transmission services information networks."

61/ For example, a number of smaller public utilities and non-public utilities have argued that they should be exempted from the OASIS requirements. The Open Access Final Rule provides that public utilities may seek waivers of some or all of the requirements of the Open Access rules. This

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that, taken together, will ensure that transmission customers have access to transmission information enabling them to obtain open access transmission service on a non-discriminatory basis. This final rule is necessary, therefore, to meet the legal requirement, discussed in the Open Access Final Rule, that the Commission remedy undue discrimination in interstate transmission services by public utilities.

The first provision establishes standards of conduct. These standards are designed to ensure that a public utility's employees (or any of its affiliates' employees) engaged in transmission system operations function independently of the public utility's employees (or of any of its affiliates' employees) who are engaged in wholesale purchases and sales of electric energy in interstate commerce. Such separation is vital if we are to ensure that the utility does not use its access to information about transmission to unfairly benefit its own or its affiliates' sales. Entities subject to these rules are to achieve compliance with the standards of conduct by November 1, 1996.

The second provision sets out basic rules requiring that jurisdictional utilities that own or control transmission systems set up an OASIS. Under these rules, the utilities are required to provide certain types of information on that electronic information system as to the status of their transmission systems and are required to do so in a uniform manner. With these requirements, we are opening up the "black box" of utility transmission system information. When in place, the OASIS will allow transmission customers to determine the availability of transmission capacity and will help ensure that public utilities do not use their ownership, operation, or control of transmission to deny access unfairly. Entities subject to this rule are to have a basic OASIS, meeting the requirements of this final rule, in operation by November 1, 1996.

The third component involves the various standards and protocols referenced in the regulations that are necessary to ensure that the OASIS system presents information in a consistent and uniform manner. As proposed in the RIN NOPR, this final rule references a publication entitled OASIS Standards and Communication Protocols.

would include the OASIS requirement. Similarly, the Open Access Final Rule provides that non-public utilities may seek waivers of the tariff reciprocity provision as applied to them.

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62/ This publication contains the above-mentioned standards and communication protocols. The publication details the Phase I requirements for technical issues related to the implementation and use of an OASIS (i.e., a compilation of OASIS standards and communication protocols). Because of their level of detail, the standards and protocols referenced in the regulations will be contained in the Standards and Protocols document and will not be set out in the Code of Federal Regulations.

In developing the standards and protocols, we have been greatly assisted by the industry. However, more work needs to be done before the necessary standards and protocols are complete. For this we will again look to the industry and its working groups. The Commission believes a standard or uniform set of protocols is essential. The industry is best situated not only to develop the necessary standards but to develop them where possible with a consensus. Consequently, we are asking the How Group to provide us with additional recommendations on those technical issues remaining to be resolved. After receiving this report, we will hold a technical conference. In the meantime, to enable utilities to begin the process of implementing their OASIS, we will publish the standards and protocols that have been developed to date.

We must also provide for the contingency that, over time, the standards and protocols may need to be revised. To this end, NERC, in its comments, proposed to continue the industry-based process for developing OASIS requirements begun by the two industry working groups. NERC argued that the Commission should abandon its intention to approve standards developed by industry-wide consensus and to make decisions in those areas where consensus is not achieved. Instead, NERC argued that the Commission should authorize an industry group, facilitated by NERC and EPRI, to set and enforce detailed standards under broad policy guidelines fixed by the Commission.

62/ This title differs slightly from the title we suggested for this document in the RIN NOPR. We are making this change to reflect more accurately the contents of the document as it has evolved.

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As we have needed the contributions of the industry to develop the standards and protocols, we will continue to need that assistance in the future to develop a consensus wherever possible. We need to strike a balance between standardization to make OASIS work and encouraging innovation. To this end we encourage all industry participants to continue seeking consensus and reporting proposals to the Commission for our consideration. We welcome the continued work of all industry participants on revising and improving standards and establishing appropriate methods for recommending standards in the future. We will continue to give careful consideration to all consensus recommendations presented by the industry group(s), provided that they continue to invite balanced participation in an open process.

However, we reject entirely the notion that the Commission need not approve the Standards and Protocols and that these matters can be left to the industry for implementation and self-policing. Although we continue to seek industry consensus, the Commission must reserve final decisions to itself. We cannot turn over the process of approving and enforcing OASIS requirements to the industry. The Commission does not believe that resolution of the outstanding issues or future changes will occur more quickly without Commission oversight. 63/Nor do we believe that merely by announcing broad policy guidelines we would be creating a mechanism that would be sufficient to allow the Commission to revise regulations quickly. Accordingly, we will not abdicate our responsibility to decide these issues ourselves; nor shall we delegate responsibility for making these decisions to anyone else.

With respect to the as yet unresolved technical issues, we invite the How Group to report to us on or before May 28, 1996 on these issues (and to attach any comments it has received from any interested person with opposing views). Prior to issuing a revised Standards and Protocols document, we will hold a technical conference on these

63/ To the contrary, our experience with the natural gas pipeline industry persuades us that an expedited schedule is more likely with active Commission oversight than otherwise.

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issues on **June 17, 1996**. This short time frame is necessary if the OASIS is to be properly operational by November 1, 1996.

The Commission recognizes that the standards and protocols necessarily will evolve over time. The Commission is committed to a process for reviewing and, if necessary, revising and improving the Standards and Protocols on a regular basis after implementation. We are sensitive to the fact that business practices and technology will continue to change under open access and that a mechanism to make changes to the regulations and to the accompanying standards and protocols on an expedited basis may be needed. It would be premature at this time, however, to determine the appropriate mechanism for making such changes, because the method could vary depending on the type of change contemplated. In filing its report, we ask that the How Group advise us on this issue. We will welcome discussions and comments on mechanisms for revising the standards and protocols on an ongoing basis at the **June 17, 1996** technical conference.

In the sections that follow, we discuss, section-by-section, the regulations we are adopting with this final rule; how the costs of implementing the requirements of these regulations are to be recovered; and the details of implementation.

C. SECTION 37.1 -- APPLICABILITY

This section is unchanged substantively from what we proposed in the RIN NOPR. As proposed previously, the rules in Part 37 apply to any public utility that owns or controls facilities used for the transmission of electric energy in interstate commerce. 64/

64/ We are, however, modifying this provision to clarify that it is intended to include public utilities that "operate" facilities used for the transmission of electric energy in interstate commerce. We are also clarifying that these regulations apply to transactions performed under the pro forma tariff required in Part 35 of the Commission's regulations.

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In proposing these regulations, we stated that issues relating to potential gaps in providing comparable open access to wholesale transmission services or to transmission information that may arise because the requirements do not apply to non-public utilities would be addressed in the Open Access rulemaking proceeding. We also invited comment on whether the Commission should extend OASIS requirements to non-public utilities that own or control facilities used for the transmission of electric energy in interstate commerce (Question 45) and on whether the reciprocity condition of the proposed Open Access rule dictates that a non-public utility should have an OASIS (Question 46).

Comments

The responses to Question 45 split along industry lines. Generally, public utilities subject to OASIS rules advocated that the Commission should impose OASIS requirements on non-public utilities. They argued that applying OASIS requirements to non-public utilities would promote competition and a "level playing field." These commenters argue that all companies should pay the costs of developing and operating an OASIS and should be required to divulge information to their competitors on it.

Along these lines, Allegheny argued that, in order to provide a level playing field between public utilities and their competitors, the proposed standards of conduct should be expanded to include personnel of any entity that trades on an OASIS. Allegheny suggested, therefore, that the standards of conduct be rewritten to be applicable to non-public utilities through a requirement that they sign confidentiality agreements as a condition of obtaining access to OASIS.

Those favoring applying OASIS rules to non-public utilities argued that a significant portion of the wholesale transmission market is owned by non-public utilities (ConEd estimates that non-public utilities, excluding cooperatives, control about 25 percent of the circuit miles of transmission lines nationwide). They argued that, without information about these lines, accurate calculations of available transmission capability cannot be made. However, those advocating that the Commission should assert jurisdiction over non-public utilities were divided between those who maintained that the Commission has authority to do so directly under § 311 of the Federal Power

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Act (FPA) 65/ and those who maintained that the Commission does not have such authority. The latter group suggested that the Commission's authority is not clearcut and, to avoid needless delay and litigation, the Commission should rely on the reciprocity condition in the pro forma tariffs to extend OASIS requirements to non-public utilities. 66/ ConEd argued that we should state that compliance with OASIS requirements is required by both § 311 and reciprocity.

The larger non-public utilities argued that, while the Commission lacks authority to impose OASIS rules under § 311 of the FPA, they nevertheless will voluntarily comply with the rules because this would be in their own best interest. By contrast, a number of small non-public utilities argued that they should be exempt from OASIS rules, particularly the standards of conduct, for the same reasons that smaller public utilities argued that they should be exempted from the requirements of the Open Access Final Rule. The smaller non-public utilities stressed that they do not "control" many of their transmission lines and that many of their lines lack commercial interest. They recommended the development of a joint or regional OASIS that would make participation in an OASIS easier and argued that, as to smaller non-public utilities, the rules requiring a separation of functions are unduly burdensome and their scant benefits would be outweighed by their costs to consumers.

NRECA argued that the availability of transmission service under § 211 of the FPA is sufficient to prevent abuses. By contrast, Com Ed argued that Commission orders in § 211 proceedings come too late to prevent abuses.

65/ 16 U.S.C. § 825j. Section 311 authorizes the Commission to obtain information (and conduct appropriate investigations) about, among other matters, the transmission of electric energy throughout the United States, regardless of whether such transmission is otherwise subject to the Commission's jurisdiction, and to report to Congress the results of any investigations it carries out under the authority of this provision.

66/ See discussion of Question 46, infra.

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In Question 46 of the RIN NOPR, we asked whether, based on reciprocity, we should require non-public utilities to develop or participate in an OASIS. ^{67/} The responses to this question generally are split along the same lines as the responses to Question 45, with non-public utilities pointing out that most would participate voluntarily in an OASIS because it would be in their best interest to do so.

APPA asserted that voluntary participation would suffice to accomplish the Commission's goals and seeks assurance that compliance with OASIS requirements by non-public utilities would be deemed by the Commission to satisfy the reciprocity condition in the pro forma tariffs. APPA also asserted that participation in a regional OASIS would make compliance easier for non-public utilities and would help them deal better with operational issues such as parallel flows. At the same time, NE Public Power District argued that, although it is willing to participate in an OASIS voluntarily, the Commission lacks authority to compel publicly-owned non-public utilities to comply with OASIS regulations.

In contrast, a number of public utilities maintained that non-public utilities cannot provide comparable open-access non-discriminatory service unless they comply with the same OASIS rules as do public utilities. PJM argued that, although public utilities and non-public utilities differ in their ownership, this does not provide a rational basis to exclude non-public utilities from participation in an OASIS. Carolina P&L argued that the same concerns that motivated the Commission to propose the standards of conduct dictate that the rules should apply equally to non-public utilities.

Others argued that, if non-public utilities need not comply with the same OASIS rules applicable to public utilities, the non-public utilities would have the benefit of an uneven playing field that would give them a competitive advantage. Along these lines, EGA argued that, in pursuing a competitive wholesale market, the Commission should apply OASIS rules equally to all entities that own wholesale transmission facilities. Mid-American stressed the need for reciprocity by pointing out (as others did in response to Question 45) that a

^{67/} The discussion of questions 45 and 46 by commenters often overlapped.

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significant portion of wholesale transmission facilities nationwide, including some in pivotal areas, are owned by non-public utilities. VEPCO urged that any entity that owns transmission facilities, is affiliated with an entity that owns transmission facilities, controls transmission facilities through a lease or contract, or signs a contract for transmission services, should be required to establish or participate in an OASIS that is compatible with the industry standards established by the Commission in the final rule in this proceeding as a condition of being eligible to use a Transmission Provider's OASIS.

OK Com stated that it would support the Commission's assertion of jurisdiction over non-public utilities, provided that the Commission makes a finding that the non-participation of a transmission owning entity in an OASIS would have a substantial detrimental impact on potential customers attaining open-access non-discriminatory service throughout the Nation. Com Ed argued that the Commission needs to ensure that non-public utilities do not circumvent the rule by making purchases and sales through intermediaries.

Larger non-public utilities, such as Public Generating Pool, suggested that the participation of larger non-public utilities is much more important, in terms of promoting competition in the wholesale market, than is participation by smaller non-public utilities, whose systems are predominantly small distribution systems that are not essential to the larger regional power market. Public Generating Pool proposed that small non-public utilities should be able to seek an exemption and that regional transmission groups should decide whether it is necessary for a small non-public utility to participate in the regional OASIS. Public Generating Pool also suggested that, if the Commission prefers, decisions as to who is required to implement an OASIS could be based on objective factors, such as market share or concentration. Other non-public utilities, such as Seattle and Tallahassee, stress the need for flexibility (in providing sufficient time for compliance and in allowing deviations from the rule) in any requirement that non-public utilities make changes to their system.

Discussion

After reviewing these comments we have concluded that we will not directly assert jurisdiction over non-public utilities under § 311 of the FPA to ensure compliance with OASIS requirements. We will, instead, rely on the reciprocity provision of the pro forma tariff that requires a non-public utility to offer comparable transmission

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service to the Transmission Provider as a condition of obtaining open access service. If a non-public utility chooses to take open access service, and therefore is subject to the tariff reciprocity condition, it will need to meet the OASIS requirements in new Part 37, unless the Commission grants a waiver of this condition. Although, as pointed out by ConEd, non-public utilities control a significant percentage of the circuit miles of transmission lines nationwide, and fully accurate calculations of available capacity on public utilities' lines cannot be made without information about these lines, we believe reciprocity provides a sufficient incentive for non-public utilities to meet the OASIS requirements imposed on public utilities.

We note that in our Open Access Final Rule we have concluded that certain of the requirements we are imposing on public utilities may not be appropriate for small utilities. This conclusion applies equally to the treatment of small public utilities and small non-public utilities. Accordingly, we have established a mechanism in the Open Access proceeding that allows small public utilities and small non-public utilities to seek waivers based on the same criteria. 68/

D. SECTION 37.2 -- PURPOSE

Section 37.2 sets out the fundamental purpose of this part -- to ensure that all potential customers of open access transmission service have access to the information that will enable them to obtain transmission service on a non-discriminatory basis. Comments in response to the RIN NOPR did not take issue with the proposed language of § 37.2 and we are adopting this provision largely without change.

We wish to clarify, however, that while the OASIS requirements imposed by this final rule establish a mechanism by which Transmission Customers may reserve transmission capacity, they do not require the replacement of existing systems for scheduling transmission service and conducting transmission system operations at this time. We believe that it may be appropriate to include energy scheduling as part of the OASIS requirements developed for Phase II. In the meantime, if we conclude that an existing system is operated in an unduly discriminatory manner, we will pursue changes to such a system in a separate proceeding.

68/ Open Access Final Rule at section IV.K.

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E. SECTION 37.3 -- DEFINITIONS

This section defines six terms used throughout this Part -- "Transmission Provider", "Transmission Customer", "Responsible Party", "Resellers", "Wholesale Merchant Function", and "Affiliate". The comments in response to the RIN NOPR did not take issue with the proposed definitions. ^{69/} Consequently, this final rule adopts these definitions largely without change. To prevent confusion, the definition of Transmission Customer has been revised to include potential customers, *i.e.*, those who can execute service agreements or can receive services as well as those who actually do so. And, we have modified the definition of "Affiliate" to more closely track provisions of the FPA and the Public Utility Holding Company Act.

F. SECTION 37.4 -- STANDARDS OF CONDUCT

This section sets out the standards of conduct necessary to ensure that Transmission Providers do not use their unique access to information unfairly to favor their own merchant functions, or those of their affiliates, in selling electric energy in interstate commerce. Although preserving the substance of what was proposed, the final rule has been reorganized.

Paragraph (a) sets out the general rules that require the separation of transmission and merchant functions and that recognize in emergency circumstances system operators may take whatever steps are necessary to keep the system in operation.

^{69/} MidAmerican Energy suggested, however, that a definition for "Transmission System Operator" be added. We will not do so because we do not use this term anywhere in the OASIS regulations. MidAmerican's purpose in making this suggestion may have been to exclude the posting on the OASIS of transactions involving the use of transmission for purchases made for native load (this issue was also brought up by CCEM, EGA, MidAmerican, NYPP, and NIEP). We address the issue of native load purchases in the Open Access Final Rule.

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Paragraph (b) sets out the specific rules governing employee conduct under five headings covering prohibited practices, transfers of employees, access to information, disclosure, and conduct in implementing tariffs. These provisions correspond to elements of paragraph (a), as well as paragraphs (b) through (h) and (j) of the standards proposed in the RIN NOPR.

Paragraph (c) requires that there be written procedures implementing the standards of conduct and that these must be kept in a public place and filed with the Commission. Paragraph (c) corresponds to paragraph (k) of the standards proposed in the RIN NOPR.

In the RIN NOPR, the Commission proposed standards of conduct for public utilities patterned after those promulgated for natural gas pipelines. 70/ The proposed standards of conduct would require Transmission Providers to separate their wholesale merchant functions (i.e., wholesale purchases or wholesale sales of electric energy in interstate commerce) from their wholesale transmission system operations and reliability functions. Employees performing wholesale merchant functions would be required to obtain information on wholesale transmission services only through an OASIS, on the same basis available to all other OASIS users. The standards of conduct were intended to prevent employees of the Transmission Provider that perform wholesale merchant functions or employees of any affiliate from having preferential access to any relevant information about the Transmission Provider's wholesale transmission availability and costs, or uses or possible uses of the Transmission Provider's transmission system by non-affiliates. 71/

70/ In the RIN NOPR, the proposed standards of conduct were set out in § 37.6. See RIN NOPR text at section III.E (60 FR at 66196) and the proposed regulation at 18 CFR § 37.6 (60 FR at 66199). We are renumbering this provision as § 37.4 in this final rule.

71/ Because the Open Access Final Rule pro forma tariff may include certain retail transmission customers, this final rule's OASIS information requirements will apply to applicable retail as well as wholesale services and information.

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We accompanied this proposal with two questions that asked whether the proposed standards of conduct should be modified and whether they sufficiently addressed functional unbundling (Questions 41 and 42). We also asked whether our proposal might interfere with system reliability (see Question 43).

The responses basically fell into three categories. 72/ First, a number of smaller public utilities argued that they should be granted waivers (or be deemed exempt) from the proposed standards of conduct because these standards would compel them to hire additional staff not justified by their small market share or by the small revenues they derive from providing wholesale transmission services. These comments suggested that the standards should not apply to public utilities that lack operational control over the facilities used for wholesale transmission service, or to public utilities that do not exceed given thresholds for market share, percent of revenues, or total revenues from wholesale transmission services.

72/ Among the over 100 comments filed, only Dayton P&L, among public utilities, questioned the Commission's underlying authority to mandate control room unbundling. Dayton P&L's short conclusory statements in this proceeding were not accompanied by even a cursory explanation of its reasoning or by any legal analysis or supporting citations.

Although Dayton P&L offered no support for its position in this proceeding, it did (along with other parties) devote extensive discussion to the more general issue of the Commission's authority to order open access transmission in its initial comments in the Open Access rulemaking proceeding. We reject Dayton P&L's unsubstantiated conclusion, urged in this proceeding, that we lack authority to order control room unbundling for the same reasons that we reject their more general and more extensive arguments on the Commission's authority in the Open Access Final Rule. See Open Access Final Rule at section IV.B.

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Second, a number of large utilities basically were satisfied with the proposed rules and offered specific suggestions for revisions. Third, commenters raised the issue of whether to require the separation of generation and transmission functions. ^{73/} We discuss these three categories below.

1. **Requests by Smaller Public Utilities for Waivers from the Standards of Conduct**

Turning first to the arguments of smaller public utilities that they should be exempt from the standards of conduct, we note that this issue also arose in the Commission's Open Access rulemaking proceeding. As described in the Open Access Final Rule, we will publish a list of jurisdictional public utilities that must comply with these rules. At the same time, we establish a mechanism that allows small public utilities to seek a waiver. In appropriate

^{73/} A number of comments raised the issue of whether the OASIS regulations would promote ISOs (independent system operators) and whether participation in an ISO would exempt an entity from compliance with OASIS requirements. In this regard, a number of comments suggested that the proposed standards of conduct will result in the widespread transfer of transmission functions to the control of ISOs and predicted that the need for the standards of conduct will diminish as ISOs become more prevalent. In this context, IN Com supported the formation of ISOs, because this would reduce the need for state commissions to monitor functional unbundling and would help in resolving jurisdictional questions.

The concept of ISOs is addressed in the Open Access Final Rule. As to the prediction that the rise in the number of ISOs will make the standards of conduct unnecessary, or should offer a basis for an exemption from the standards of conduct, we would characterize the potential of ISOs somewhat differently. In our view, a properly constituted ISO could be a mechanism, not for an exemption, but as a means to comply with the standards of conduct.

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circumstances, the Commission would waive some or all of the Open Access requirements, subject to future reconsideration as warranted by circumstances. ^{74/}

A related issue involves the concerns of small non-public utilities about their obligation under the reciprocity condition. We have decided in the Open Access rulemaking proceeding that we would use these same criteria to decide whether a small non-public utility should be granted a waiver from all or part of the reciprocity condition contained in public utility open access tariffs. Such waivers could be sought of the requirements to have open access tariffs, provide ancillary services, establish an OASIS, or separate functions.

A full explanation of the waiver mechanism is contained in the Open Access Final Rule. ^{75/} We will use these same standards to determine whether small public utilities have complied with the OASIS requirements and to determine whether small non-public utilities have met their contractual obligation to comply with OASIS requirements as a condition of service under open access tariff reciprocity provisions.

2. **Suggested Revisions to the Standards of Conduct and Timing**

For the most part, we have adopted the standards of conduct as proposed, making technical and conforming revisions. In a few instances, in response to comments, we have made substantive changes. These changes, and the suggestions that led us to make them, are discussed below, along with some suggestions that we rejected.

1. As proposed, the regulations would prohibit preferential access to the system control room and "other facilities of the public utility" that differs from the access available to other potential transmission users. AEP suggested that it is not clear whether this was intended to restrict access to all other facilities or is meant to restrict access to other similar facilities, (i.e., those facilities that, like the control room, are involved in transmission operations and reliability functions). Consistent with this latter interpretation, AEP suggested that the restriction be modified to apply to the system control room and "similar facilities used for transmission operations or reliability

^{74/} Open Access Final Rule at section IV.K.

^{75/} Id.

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functions." We agree with AEP's interpretation of the scope of this restriction and adopt the suggested revision in section 37.4(b)(1)(ii) of the final rule.

2. Section 37.4(c) of the proposed standards of conduct would prohibit contacts (off OASIS) between employees of the public utility engaged in transmission system operations and employees of the public utility engaged in wholesale marketing functions, and employees of any affiliate no matter how employed. AEP, Com Ed, and Ohio Edison argued that this provision is too broad and would exclude contacts between transmission system operators and employees of affiliates engaged in various activities, many of which are unrelated to a public utility's merchant functions. For example, an energy services subsidiary might be engaged in building a power plant in a foreign country. AEP argued that there would be no reason to deny employees engaged in such an activity access to utility personnel involved in transmission or reliability functions. Com Ed suggested that this provision should be modified to prevent contacts between system operators and employees engaged in wholesale marketing functions, regardless of whether those marketing employees are engaged in those activities on behalf of either the utility or its affiliates. Thus, under this argument, contacts between system operators and affiliate employees not engaged in wholesale marketing functions would not be prohibited.

We agree with AEP, Com Ed, and Ohio Edison that our proposed standards of conduct were overly broad because they prohibited contacts between system operators and affiliate employees engaged in functions completely unrelated to a public utility's wholesale power and energy marketing functions. We will revise the proposed standards of conduct accordingly.

AEP also argued that employees of the affiliate may be involved in the wholesale merchant function, but not in the utility's market area. For example, an employee of an affiliate might be involved in a different geographic area, far from the system's transmission grid. AEP argued that there would be no need to isolate such activities from the utility's transmission operations. To cover such situations, AEP suggested that the language be modified to read "employees of any affiliate of the public utility, to the extent that such employees are engaged in wholesale merchant functions in the utility's market area."

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We reject AEP's suggestion. Although public utilities may still have the ability to exert market dominance in particular markets, they also will now have the ability to participate in transactions across the nation. We fully expect -- and our experience with the WSPP demonstrates -- that in the move to a competitive wholesale bulk power market, public utilities will have extensive market areas in which to make offers. Thus, there is no reason to limit the scope of the standards of conduct as recommended by AEP.

We also have clarified section 37.4(b)(3)(i) to explain that employees engaged in merchant trading functions must not have preferential access to any information about the Transmission Provider's transmission system that is not available to all users of an OASIS. However, the standards of conduct do not foreclose customers, including merchant employees, from obtaining information about the status of their particular contracted for transaction from Transmission Provider employees engaged in system operation and reliability functions. The information provided in status reports must present the same types of information, in the same level of detail, to any customer presenting a similar request. The standards do, however, preclude merchant employees from obtaining preferential access to information about the Transmission Provider's system (not directly linked to their particular transaction) from any nonpublic source as well as market information acquired from nonaffiliated customers or potential nonaffiliated customers or developed by the Transmission Provider in its role as a Transmission Provider (except to the limited extent that this information is required to be posted on the OASIS). 76/

3. APPA argued that the rules should prohibit preferential treatment of wholesale purchases or sales by any utility. APPA interpreted the originally proposed language to mean that preferential treatment would be permitted, as long as the preference would not be extended to the public utility itself or an affiliate. APPA and Com Ed argued that preferential treatment of any wholesale customer over the interests of any other wholesale customer must not be allowed. Com Ed adds that absent clarification, relationships of reciprocal favoritism could develop in the industry, to the detriment of all other customers.

76/ See § 37.4(b)(4)(iii); see text accompanying n. 33, infra.

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We find this contingency is possible. While the standards of conduct set guidelines for Transmission Providers and their affiliates in handling their wholesale merchant functions; public utilities are also governed by section 205(b) of the Federal Power Act. Section 205(b) prohibits public utilities from granting any undue preference or advantage to any person or subjecting any person to any undue prejudice or disadvantage with respect to any transmission or sale subject to the jurisdiction of the Commission. This provision remains in full force and effect and prohibits preferential treatment in transactions regardless of whether those transactions are specifically addressed in the standards of conduct.

4. In section 37.6(i) of the RIN NOPR we proposed that public utilities offer customers discounts comparable to those that the public utility offers to its own power customers or those of an affiliate. AEP suggested that this limitation on allowable discounts be expressly limited to discounts on wholesale transmission services. We agree and are revising this provision accordingly. Discounts for jurisdictional power sales are not governed by this final rule but by section 205(b) of the FPA and related precedent on power sales.

5. Allegheny suggested that the Commission should find that there will no longer be a presumption of discriminatory dealing between utility affiliates in generation and transmission services when network owners comply with the standards of conduct. Allegheny has presented no basis for making such a finding and we decline to do so.

6. Com Ed, Duke, and NEPOOL suggested that the proposed standards should not be interpreted to prevent employees of the utility engaged in wholesale marketing functions from obtaining information about their competitors from non-affiliated third party sources such as the trade press. Com Ed also suggested that the utility should be allowed freedom to give out information about its transmission functions off OASIS (e.g., in briefings at public meetings) as long as the utility's wholesale marketing employees do not obtain preferential access to those forums. Ohio Edison suggested that the proposed standards of conduct should be revised to preclude only "substantive access" to the system control room. Ohio Edison argued that access for matters unrelated to transmission matters, such as training programs, should be permitted.

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We have two points we wish to make regarding these related suggestions. First, we clarify that the rules do not prohibit access to information contemporaneously available without restriction to other members of the general public. (See section 37.4(b)(1)(ii) dealing with access to information). Second, these rules are intended to be interpreted consistent with common sense, prudence, and caution.

Our standards of conduct are intended to prevent preferential access to information related to transmission prices and availability by employees of the public utility or any affiliate engaged in wholesale merchant functions. Preferential access means that information is obtained from those with access to information about the public utility's transmission system operations that is not equally available to other customers. It is obvious, at least to us, that this does not bar wholesale merchant employees from reading the trade press or from sitting in the audience of a publicly-announced and available lecture delivered by the public utility's transmission operator or a third party in an open forum. However, the onus is on the public utilities subject to these standards to conduct their affairs in compliance with these rules, and they should exercise care and prudence in so doing.

We decline, therefore, to specify in these regulations whether, for example, a "public meeting" must be preceded by advance notice, to whom that notice must be provided, and what that notice would need to spell out. We do not believe that it would be appropriate to burden our rules with this kind of minutiae in a misplaced effort to anticipate every possible contingency. Such regulatory overkill is unwarranted and counterproductive. Moreover, those subject to the regulations may, like other members of the public, call the Enforcement Task Force Hotline to obtain informal advice on implementing the standards of conduct.

7. VEPCO suggested that, rather than prohibiting contacts between system operators and employees of the public utility and any affiliates engaged in wholesale merchant functions, the Commission could reach the same result by allowing system operators to disclose, through informal communications, information about the status of the transmission system, provided that they then post this information on OASIS.

We find this suggestion untenable. First, such disclosures would necessarily be posted after-the-fact, and thus the information would not be conveyed to all potential customers at the same time. Second, such a provision

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would be very difficult to enforce. Third, the same information could just as easily be divulged on the OASIS to all customers, rather than "reported" on the OASIS after-the-fact.

8. Com Ed suggested that the reference in subsections (a) and (d) of the proposed standards to "reliability functions" should be clarified to apply only to transmission functions and not to generation functions. We disagree. As discussed below, system operations and reliability functions include both transmission and generation functions.

9. Con Ed suggested that the standards of conduct should include a disclaimer that utilities will not be liable for the reliability or accuracy of data posted on the OASIS as an accommodation to third parties. We agree that the responsibility for assuring the reliability and accuracy of data supplied by third parties rests with those third parties and not with the public utility that posts this information on the OASIS as an accommodation. We do not, however, view this as a standard of conduct issue. Instead, we address this point in our discussion of what information is to be posted under § 37.6(g).

10. Ohio Edison suggested that posting the names of personnel transferring between departments would make these employees targets for recruitment by competitors. Notwithstanding this concern, we believe that this information must be posted on the OASIS to make possible "gaming of the system" through spurious revolving door tactics more visible.

11. Ohio Edison also suggested that the phrase in subsection (b) of the proposed standards “. . . must rely upon the same information relied upon by the public utility’s wholesale transmission customers” should be modified to read “. . . must have available only the same information available to the public utility’s wholesale transmission customers.” Ohio Edison argued that the Transmission Provider has no way of knowing what information its customers “relied upon” and that it should not be held to an undefinable subjective standard. We agree. Accordingly, we adopt Ohio Edison's suggestion in section 37.4(b)(3)(i) of the final rule and omit the phrase "rely upon."

12. Ohio Edison also suggested that if its suggestion (in the previous item) is adopted, then the language in section 37.4(b) beginning with the language in parenthesis becomes redundant and should be deleted. We disagree

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and will retain that language in section 37.4(b)(3)(ii) of the final rule. We believe the language adds necessary clarification.

13. Montana Power suggested that, if off-OASIS communications between the utility's system operators and wholesale marketing personnel are prohibited, these kinds of communications should also be prohibited between system operators and all transmission users. Montana Power would prefer, however, that these communications be permissible. Likewise, Duke suggested that we change the regulations so that if an employee of an unrelated third party calls the transmission-related employees, for example, to better understand the public utility's transmission system, such communications should be permitted to be conducted off the OASIS. Duke maintains that the free flow of information should not be discouraged so long as functional unbundling is implemented and affiliate abuse is avoided. NEPOOL suggested that the rules dictating the Transmission Provider's release of information should apply to all Transmission Customers, not just to the Transmission Provider's employees, as affiliates, engaged in wholesale merchant functions.

Our proposed standards of conduct were designed, and our final standards are being implemented, to prevent Transmission Providers from giving themselves an undue preference over their customers through the exchange of "insider" information between the company's system operators and employees of the public utility, or any affiliate, engaged in wholesale marketing functions. Thus, the rules place restrictions on preferential communications from the system operators to only those merchant employees. The rules were not designed to prevent system operators from having communications with third parties. We do not generally see this as an area that needs regulatory oversight. As discussed above, we have revised the regulations to ensure no discriminatory treatment and we remind public utilities subject to these regulations that section 205(b) of the FPA prohibits undue discrimination. This should suffice.

14. NUSCO suggested that the Commission should distinguish: (1) the functional separation of generation marketing related to operation of the transmission system and administration of transmission tariffs (which are relatively short-term activities); from (2) the coordination of marketing with the system planning function (a long-term activity encompassing both generation and transmission). Similarly, the FL Com is concerned that the

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standards of conduct might impede system reliability, and argued that marketers and system operators should be able to confer concerning the company's long-term planning activities that require knowledge about the company's generation and transmission systems. NEPOOL expresses similar concerns.

By contrast, Com Ed suggested that the proposed standards of conduct will not impair planning because, like a one-way street, they allow information to be conveyed from employees engaged in merchant functions to system operators, while at the same time prohibiting information to be conveyed in the opposite direction. Com Ed submitted that the inter-relationship between the areas of strategic planning, resource planning and long-range transmission planning require the flow of information to transmission personnel. Future acquisitions of capacity may constitute a resource taken into account in planning and may have an impact on the transmission system that needs to be accounted for by transmission planners. Thus, Com Ed argued that there should be no restriction on the flow of information about future purchases or sales from the merchant function to the transmission function, although restrictions on the flow of information to the merchant function should be adopted as proposed.

We agree with Com Ed that, as we proposed in the RIN NOPR, the flow of information, through the OASIS, from employees engaged in wholesale merchant functions to system operators should remain permissible, to allow proper system planning, while at the same time restricting information being conveyed off the OASIS from system operators to utility and affiliate employees engaged in wholesale merchant functions, to prevent preferential access to transmission information. Consequently, we reject the proposals offered by NUSCO, FL Com, and NEPOOL in this regard.

15. Omaha PPD argued that information regarding the scheduling of power transfers, economic dispatch, and economic conditions have nothing to do with the information that is needed regarding the availability of transmission capability. Omaha PPD suggested, therefore, that any information relating to economic operation or the commercial state of a utility be removed from the standards of conduct. By contrast, NUCOR suggested that, since economic dispatch is premised on real-time marginal production cost data and generating unit economics, the comparability standard mandates that utilities provide the same generation cost data to other market participants.

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Similarly, NUCOR argued that, because economic dispatch also is dependent on the economics of off-system purchases and sales, data pertaining to such purchases and sales also must be made generally available.

Except for postings for certain ancillary services, the RIN NOPR did not propose the posting on an OASIS of data on generation and we are not persuaded, at this juncture, to do more. Our decision is based on a balancing of the need for the information, the claimed commercial sensitivity of the information, and the desire to avoid, to the extent possible, having public utilities reporting generation data that their competitors may not be required to report.

16. VEPCO suggested that the regulations should prohibit system operators from disclosing information to wholesale marketing employees or other customers about the ancillary services offered by third parties because they are not permitted to disclose the same information about their companies' own products. VEPCO further suggested that the prohibition against discussing the companies' own products should be removed.

We find these suggestions inconsistent with the kinds of safeguards we are trying to provide through these standards of conduct. In any event, as discussed below in our discussion of items to be posted on the OASIS, we are requiring that this kind of information be posted on the OASIS, and thus companies will be able to get their message out that these services are available.

17. Duke suggested that the proposed subsection dealing with the impartial application of tariff provisions should be revised to make clear it is the customer (and not the employees) who is to be treated on a fair and impartial basis. We agree and the final rule in section 37.4(b)(5)(ii) adopts this suggestion.

18. VEPCO suggested that the rules requiring a separation of functions should be suspended if additional employees trained in system operations (but normally assigned to marketing functions) should be needed to assist in handling system operation functions during emergencies affecting system reliability. VEPCO also suggested that the Commission should allow transmission and generation operators to engage in emergency energy transactions and hourly non-firm energy transactions.

It is not the purpose of these rules to compromise reliability. In emergency circumstances affecting system reliability, system operators may take whatever steps are necessary to keep the system in operation. Consequently, we are adding a provision to the standards of conduct that specifically grants system operators the authority to take

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whatever steps are necessary to maintain system reliability during an emergency, notwithstanding that this could otherwise constitute a violation of the standards of conduct. Transmission Providers will be required to report to the Commission and on the OASIS each emergency that resulted in any deviation from the standards of conduct, within 24 hours of such deviation. If we see a pattern of activities that suggested that "emergencies" are not authentic, we will take strong action against the offending public utilities.

Because we are adding a provision that allows actions to be taken in response to emergencies, we are deleting the phrase "to the maximum extent practicable" that had appeared in section 37.6(a) of the standards of conduct proposed in the RIN NOPR.

19. Continental Power Exchange argued that, just as merchant traders should be prohibited from access to the control center, system operators should be prohibited from access to the trading floor. United Illuminating agreed that separation of functions needs to apply to separation of transmission and customer supply functions. Continental Power Exchange also suggested that discounts should be offered unilaterally to all customers without prior notice and without two-way negotiation. Continental Power Exchange further suggested that short-term transactions should be deemed approved upon request, unless the utility specifically notifies the customer that the transaction will be denied. Continental Power Exchange argued that this would streamline the proposed procedures and make OASIS transactions faster and more manageable.

We will not, at this time, adopt Continental Power Exchange's suggestion to create an absolute prohibition against system operators having access to the trading floor because we are concerned about information divulged by system operators and not about information acquired by them. However, any non-public contacts between system operators and merchant traders creates the risk that there will be improper communications between these employees and the burden is on Transmission Providers subject to the standards of conduct to devise procedures that will prevent improper contacts. We expect, therefore, that the Transmission Providers themselves will devise procedures that will either prohibit or, at a minimum, severely restrict access to the trading floor by system operators.

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As to Continental Power Exchange's other suggestions, we will not adopt these suggestions at this time, but may come back to them as the process evolves and the feasibility of back and forth negotiations is tested by experience.

20. SoCal Edison and Tucson Power suggested that, while the proposed 60-day deadline for filing procedures to implement the standards is adequate, the Commission needs to be flexible on implementing other changes, such as reconfiguring and relocating control rooms and other facilities, and training and recruiting new employees.

Although we originally proposed to require compliance with the standards of conduct starting 60 days from the publication of this final rule, on further consideration we have decided to put off the requirement that they be implemented until the implementation of OASIS, that is by November 1, 1996. As a practical matter, the standards of conduct cannot be implemented apart from the electronic communication systems of a functioning OASIS; the two work together. In addition, the extra time will permit utilities the opportunity to fully implement the requirements of the standards of conduct. Although the result will be a window of time during which open access transmission tariffs will not be supported by standards of conduct (or OASIS), we must recognize that the changes we are mandating for the industry cannot be implemented overnight; a transition period is required.

21. Finally, after a review of the comments, we have added an additional provision to the standards of conduct (section 37.4(b)(5)(vi) of the final rule) dealing with the posting of any additional market information developed by a Transmission Provider in its role as a Transmission Provider and shared with employees of its, or an affiliate's, merchant function.

We have expressed concern in a number of recent orders about the possibility of the dissemination of market information by a public utility with market-based rate authority. ^{77/} To guard against the possibility of affiliate abuse, we have required such public utilities to commit in their codes of conduct with affiliates to share

^{77/} See, e.g., *Illinova Power Marketing, Inc.*, 74 FERC ¶ 61,313, slip op. at 4-6 (1996); *USGen Power Services, L.P.*, 73 FERC ¶ 61,302 at 61,845 (1995).

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market information only if they make the same information publicly available to non-affiliates at the same time. We have not dictated the means by which public utilities are to make this information simultaneously available to all.

This same concern for the unequal distribution of market information, in a manner that may benefit select recipients with commercial or competitive information that is not equally available to others, leads us, after a review of the comments, to extend the standards of conduct to cover any market information gathered by Transmission Providers in the course of responding to transmission or ancillary service inquiries.

Our concern, based in part on our experience with implementing and monitoring electronic bulletin boards developed for use by the natural gas pipeline industry, is that there remains the incentive for a Transmission Provider to share with its own merchant employees, or those of an affiliate, any information it has developed (not limited to transmission system information) in responding to requests made over the OASIS. This is particularly a concern with respect to market information developed in the course of denying a request for transmission service.

While we have developed procedures dealing with the obligations of Transmission Providers in responding to requests for service, we believe that these procedures, alone, may not be sufficient to eliminate the possibility of an unfair competitive advantage to employees of the Transmission Provider (or an affiliate) engaged in merchant functions, by virtue of access to market information not shared with others.

Accordingly, we will add to the standards of conduct a provision that precludes a Transmission Provider from sharing market information acquired from nonaffiliated Transmission Customers or potential nonaffiliated Transmission Customers or developed in the course of responding to requests for transmission or ancillary service. In this manner, we can be better assured that employees of the Transmission Provider or an affiliate engaged in merchant operations do not develop a competitive advantage by virtue of operation of an OASIS. The Transmission Provider may only reveal information about transmission requests as provided in the provisions of this rule (section 37.6 (e)) dealing, generally, with responses to transmission and ancillary service requests and, specifically, with transaction confidentiality (except to the limited extent that this information is required to be posted on the OASIS).

3. Whether to Require the Separation of Generation and Transmission Functions

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In the RIN NOPR we proposed standards of conduct that would require Transmission Providers and their affiliates to separate system operation and reliability functions from wholesale merchant functions. Both transmission and generation functions are included within system operation and reliability functions. The RIN NOPR, notwithstanding Questions 42 and 43, did not propose that these functions (transmission and generation) be separated. Nor did we propose that Transmission Providers divest their ownership of generation assets.

We received numerous comments in response to our questions 42 and 43 that asked whether, if the Commission would go beyond unbundling transmission and generation merchant functions to order the unbundling of generation and transmission operations, this would necessitate revision of the proposed standards of conduct and whether this would adversely affect reliability. ^{78/} After reviewing the comments, we conclude that we should require -- with these final rules -- only the unbundling of the transmission operations and wholesale marketing functions of public utilities and their affiliates, as proposed in the RIN NOPR. We do not extend these rules to require the unbundling of transmission and generation control functions or to mandate the divestiture by Transmission Providers of their generation assets.

We will require the functional unbundling of transmission operations and wholesale marketing functions because we are persuaded that this will prevent abuses based on preferential access to information and other discriminatory behavior, without compromising system reliability. The standards of conduct are designed to accomplish this: (a) by requiring that transmission-related information be made available to all customers (including employees of the public utility, and any affiliate, engaged in merchant functions) through OASIS postings available

^{78/} The commenters nearly universally focused their presentations on why the Commission should not order an unbundling of generation and transmission operations, rather than addressing the precise topic we set out. In any event, the issue is now moot, as we have decided not to order Transmission Providers to separate their generation and transmission operations at this time. If, however, with experience we discover that the steps we are ordering here are not adequate to remedy undue discrimination, we can revisit this issue.

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to all customers at the same time and on an equal basis; and (b) by prohibiting the employees of Transmission Providers and any affiliates from disclosing (or obtaining) non-public transmission-related information, through communications not posted on the OASIS.

G. SECTION 37.5 -- OBLIGATIONS OF TRANSMISSION PROVIDERS

This section of the final rule adopts, without substantive change, the provisions proposed as section 37.4 (Standardization of Data Sets and Communication Protocols) and section 37.5 (Obligations of Transmission Providers) in the RIN NOPR. The final rule requires, in paragraph (a), that a Transmission Provider must provide for the operation of an OASIS either individually or jointly with other Transmission Providers and it must do so in accord with the requirements of Part 37. Paragraph (b)(1) requires that the OASIS must give access to relevant standardized information pertaining to the status of the transmission system as well as to the types and prices of services. Finally, in paragraph (b)(2), the rule requires that the OASIS must be operated in compliance with the protocols set out in the publication, OASIS Standards and Communication Protocols.

In the RIN NOPR, we explained that each Transmission Provider would be responsible for compliance, regardless of whether it establishes its own OASIS or participates in a joint OASIS. ^{79/} The final rule does not change this. In a related provision, we proposed, in § 37.1, that Part 37 would apply to any public utility that owns, operates, or controls facilities used for the transmission of electric energy in interstate commerce. However, as noted by many commenters, it is quite probable that individual public utilities may turn the operation of their transmission system and information system over to an ISO or other joint or regional entity. (This has been provided for in the definition of the term "Responsible Party"). This raises the issue of the Commission's jurisdiction over such entities.

^{79/} NRECA commented that the Commission should ensure that expenses by a joint OASIS are subject to the Commission's jurisdiction and audit authority. We agree. We will treat this as a normal ratemaking expense issue and will allocate such costs on a case-by-case basis when such expenses are presented to us for our review.

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Under section 201(e) of the FPA, a "public utility" means,

any person who owns or operates facilities subject to the jurisdiction of the Commission under this Part (other than facilities subject to such jurisdiction solely by reason of section 210, 211, or 212).
[80/]

To the extent that anyone is given control and decision making authority over the transmission operations of a public utility's transmission facilities, it clearly would "operate" public facilities, within the meaning of section 201(e), and therefore would be subject to the Commission's jurisdiction. 81/ To the extent that a public utility turns over its operations to an ISO or any other joint entity to satisfy the Open Access and OASIS requirements, the ISO or any other entity would fall within the definition of a "public utility" under § 201 of the FPA and thus would be subject to the OASIS regulations of Part 37.

H. SECTION 37.6 -- INFORMATION TO BE POSTED ON AN OASIS

In the RIN NOPR, we proposed, in sections 37.7 through 37.14, rules governing: (1) the information that must be posted on an OASIS; (2) the procedures for the posting and updating of information on the OASIS; (3) the posting of discounts; (4) procedures for Transmission Providers to respond to customer requests for transmission service; (5) procedures for communicating denials of requests for service and curtailments; and (6) the posting of information about scheduling and affiliate transactions. These provisions have been consolidated and are now covered in § 37.6 of the regulations adopted by this final rule.

As discussed in more detail below, section 37.6 has eight paragraphs. Paragraph (a) lists the objectives of an OASIS. Paragraph (b) lists what must be posted for public transmission capability -- that is, available transmission capability (ATC) and total transmission capability (TTC) -- as well as how and when this information is to be updated. Paragraph (c) sets out the requirements for posting transmission service products, including resold

80/ 16 U.S.C. § 824.

81/ See, e.g., Bechtel Power Corporation, order granting declaratory order and disclaiming jurisdiction, 60 FERC ¶ 61,156 at 61,572 (1992) (on control issue), and FPC v. Florida Power & Light Company, 404 U.S. 453 (1972) (on defining jurisdictional facilities).

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capacity as well as their prices. Paragraph (d) provides the same for offerings of ancillary services. Paragraph (e) sets out the requirements for posting transmission service requests and responses including service denials and curtailment or interruption of transmission. Paragraph (f) provides requirements for posting transmission service schedules. Paragraph (g) deals with posting other transmission-related communications. Finally, paragraph (h) sets out the requirements for auditing information.

Some of the proposed provisions have not been adopted. These include requirements concerning an application procedure for requesting transmission service (§ 37.9(b)(5) of the proposed regulations); requirements imposed on the reseller to notify the Transmission Provider of certain information (§ 37.9(c)(3) of the proposed regulations); and the steps that must be followed by the Transmission Provider and Requester in their negotiations (§ 37.12 of the proposed regulations). These did not prescribe information that must be posted; rather, they were concerned with how parties should conduct business in an open access environment. These matters are considered in the Open Access Final Rule.

1. **OASIS Objectives** (§ 37.6(a))

The Commission proposed five objectives for the OASIS in the RIN NOPR. ^{82/} Few comments were received on these objectives; none were substantive. Thus, we adopt these objectives without substantive revision in the final rule.

2. **Posting Transmission Capability** (§ 37.6(b))

a. **ATC for Network Integration Service**

The RIN NOPR discussed requiring the posting of available transmission capability for network service. As we acknowledged in the RIN NOPR, ^{83/} before-the-fact measurement of the availability of network transmission service is difficult. Nonetheless, it is important to give potential network customers under the Commission's pro

^{82/} See RIN NOPR text at section III.C (60 FR at 66188) and the proposed regulation at 18 CFR 37.7 (60 FR 66200).

^{83/} See RIN NOPR text at section III.C (60 FR at 66188).

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forma tariff (as discussed in the Open Access Final Rule) 84/ an easy-to-understand indicator of service availability.

To this end, the Commission requested comments on how best to post the availability of network transmission service on the OASIS (Question 3).

NERC reiterated the statement in the What Group report that “it does not seem possible to post the availability of Network Integration Transmission Service” on an OASIS. No other commenter disagreed.

NERC went on to describe some of the challenges involved with calculating available transmission capability (ATC) for network integration service. Network service is a complex, long-term relationship between a requester and provider that must be investigated in detail because it involves the specification of multiple points of receipt or delivery or both. Because of the long-term nature of network service, the planning process involves a complex interrelationship of future loads and resources, with an impact on the network that is extremely location dependent. A major difficulty in estimating network ATC is the lack of specific locations for which to calculate an impact on the network. Each network service request would be unique, with different sets of integrated loads and generating stations affecting the network, including its constrained paths, differently.

The Commission also asked if there were any alternative service that is more suitable to measurement than the current version of network service. Some commenters said that it might be possible to devise a concept which supports better measurement of network-like service availability, but devising and implementing such a new concept within the proposed initial implementation time line for OASIS is not feasible. The Commission is not, at this time, persuaded to require the posting of ATC for network service.

b. Minimizing the Reporting of ATC
(§§ 37.6(b)(1) and (3))

In the RIN NOPR, the Commission requested comments on ways to minimize the burden of ATC calculations, while ensuring that wholesale Transmission Customers have the information they need (Question 5).

84/ See Open Access Final Rule at sections IV.G and IV.H.

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Commenters suggested a number of ways to minimize the reporting of ATC, including less frequent updates, developing standardized methods for calculating ATC, and encouraging regional efforts. Most of the comments discussed ways to limit the number of paths for which ATC has to be posted.

The What Group proposed that ATC be posted only for paths as "business needs" arise. This proposal was intended to limit the number of paths for which ATC must be posted. A "business need" was defined, in part, by a Transmission Customer requesting information about a path. A number of commenters supported the proposal to limit paths based on "business need." 85/

The Commission suggested in the RIN NOPR a different approach to the problem. Calculating ATC and updating frequency could be based, instead, on the level of activity and constraints on a given path. This approach was supported by a number of commenters. 86/ A number of commenters wanted to leave to the Transmission Provider the decision of which paths to post ATC. 87/

Detroit Edison, Oklahoma G&E and PSNM suggested that customers could also identify paths, along with a process for deleting them. NEPOOL and Detroit Edison stated that they will post ATC for all control area interfaces and any internal constraints. The Western Group had a similar proposal.

NE Public Power District, NERC and NSP commented that ATCs should be posted only for constrained paths. PJM and WP&L proposed that, for unconstrained paths, static numbers or limits could be used and would be updated infrequently. VEPCO suggested that paths be coded by the quality of the ATC calculation used and that

85/ See, e.g., Arizona, ConEd, NEPOOL, NE Public Power District, NERC and Western Group comments.

86/ See Basin EC, Duke, NE Public Power District, Tallahassee, Union Electric, and VEPCO comments. Only Arizona said it was a bad idea because it would be too subjective and confusing.

87/ See Central Illinois Public Service, Detroit Edison, Omaha PPD, PSNM, Texas Utilities, Union Electric, and VEPCO comments.

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high quality effort be used only when ATC is less than 25 percent of the total transmission capability. ConEd suggested that posting could be sorted by frequency of update so that busier paths would be at the top of the list.

Dayton P&L suggested mandatory information on ATC be limited to: (1) identification of the interface; (2) firm and non-firm ATC (hourly for the current day, daily for the next seven days, weekly for the next four weeks, monthly for the next 12 months); and (3) price for each service.

MAPP summarized the issue well when it stated "[t]he burden of ATC calculations will be determined by the number of paths for which ATC is being calculated and posted, the accuracy needed and the frequency of required update."

The proposed regulations have been modified to implement the alternative approach suggested by the Commission in the RIN NOPR. The regulations in § 37.6(b)(1) define the paths for which ATC and TTC must be posted. These are called "posted paths."

A transmission path becomes a "posted path" in one of three ways. First, ATC and TTC must be posted for any path between two control areas. Second, posting is required for any path for which transmission service has been denied, curtailed or subject to interruption during any hour or part of an hour for a total of 24 hours in the last 12 months. In counting up to 24, curtailment for any part of an hour counts for a whole hour. Finally, Transmission Customers can request that ATC and TTC be posted for any other transmission path. Customer requested postings may be dropped if no customer has taken service on the path in the last 180 days.

The regulations in § 37.6(b)(3) define two classes of posted paths based on usage: "unconstrained" and "constrained". A constrained posted path is one for which ATC has been less than or equal to 25 percent of TTC for at least one of the last 168 hours or is calculated to be 25 percent or less of its associated posted TTC during the next 7 days. An unconstrained posted path is any posted path that is not a constrained posted path.

For constrained posted paths, ATC and TTC for firm and non-firm service would have to be posted for the next 168 hours and, thereafter, to the end of a 30-day period. In addition, ATC and TTC for firm and non-firm service must be posted for the current month and the next twelve months. However, this monthly posting for ATC and TTC for non-firm service is required only if requested by a customer. If the Transmission Provider charges

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separately for on-peak and off-peak periods in its tariff, ATC and TTC will be posted daily for each period. A posting for a constrained posted path must be updated when transmission service on the path is reserved or service ends or when the path's TTC changes by more than 10 percent.

For an unconstrained posted path, ATC and TTC for firm transmission service and non-firm transmission service would be required to be posted for the next seven days and for the current month and the next twelve months. ^{88/} If the Transmission Provider charges separately for on-peak and off-peak periods in its tariff, ATC and TTC will be posted for the current day and the next six days following for each period. Postings for an unconstrained posted path must be updated when the ATC changes by more than 20 percent of the path's TTC.

We will not require ATC and TTC to be posted on the OASIS more than thirteen months in advance, with the following exception. If planning and specific requested transmission studies have been done, seasonal capability shall be posted for the year following the current year and for each year following to the end of the planning horizon, but not to exceed 10 years.

c. Methodology for Calculating ATC and TTC
(§ 37.6(b)(2))

In the RIN NOPR, the Commission discussed the requirements for calculating ATC and TTC. ^{89/} Recognizing that formal methods do not currently exist to calculate ATC and TTC, the Commission requested comment on how to develop a consistent, industry-wide method of calculation (Question 4).

Most commenters recommended that the Commission defer to NERC regarding the development of a consistent, industry-wide method of calculation. NERC, in turn, recommended that the Commission give deference to NERC's ongoing, industry-wide effort. NERC's Transmission Transfer Capability Task Force (TTC Task Force),

^{88/} The terms "firm point-to-point transmission service" and "non-firm point-to-point transmission service" are defined in the definition section of the pro forma tariff for point-to-point service.

^{89/} See RIN NOPR text at section III.C (60 FR at 66188) and the proposed regulation at 18 CFR 37.9(b)(2) (60 FR 66200).

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with an expanded roster to include representation from all segments of the electric industry, was formed to develop uniform definitions for determining ATC and related terms. Because the TTC Task Force will not be finished with its assignment until May 1996, NERC recommended that the OASIS final rule not contain specific definitions of terms such as ATC, but instead be limited to a general framework within which the same information can be made available to all transmission users at the same time.

The Commission encourages industry efforts to develop consistent methods for calculating ATC and TTC. Consequently, the final rule follows the proposed regulations in requiring that ATC and TTC be calculated based on a methodology described in the Transmission Provider's tariff and that it be "based on current industry practices, standards and criteria." (Section 37.6(b)(2)(i)). 90/

As provided in the pro forma tariff, Transmission Providers may themselves purchase only transmission capability that is posted as available. This requirement should create an adequate incentive for them to calculate ATC and TTC as accurately and as uniformly as possible.

d. Accommodating Flow-Based Pricing

In the RIN NOPR, the Commission asked for comment on what requirements would have to be changed if the electric power industry moves to regional pricing, flow-based pricing, or other pricing models that depart from the "contract path" approach (Question 2). 91/

Many commenters expressed the need for OASIS flexibility to support both contract path and actual flow models. 92/ Com Ed stated that, so long as the OASIS is flexible, appropriate postings involving ATC, price, and related information will develop for use with tariffs using flow-based pricing.

90/ The pro forma tariff in the Open Access Final Rule provides that Transmission Providers must develop a method for calculating ATC and TTC and must include a description of this methodology in their tariffs.

91/ See RIN NOPR text at section III.C (60 FR at 66186).

92/ See, e.g., Consumers Power, Basin EC, ERCOT, NEPOOL, PA

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The Commission concludes that the proposed regulations were general enough to accommodate flow-based pricing methods. Therefore, we have provided no special provision regarding flow-based pricing in the final rule. Any OASIS-related issue that arises when flow-based proposals are made can be dealt with at that time. We cannot accurately foresee what issues may arise concerning flow-based pricing because this is an evolving area.

e. Actual Flow Data

The RIN NOPR proposed the posting of actual path flow data to better inform Transmission Customers about the true network impacts of taking service on a contract path basis. ^{93/} The Commission asked whether there are any difficulties, technical or otherwise, associated with posting actual path flows (Question 20).

In response, commenters stated that such posting is technically difficult, but possible. However, they question the value and usefulness of such postings. ^{94/} Commenters stated that information on actual path flows is voluminous, excessive, and burdensome to post.

Allegheny stated that actual flow information could be commercially sensitive depending on the degree to which a generator's output can be determined from it. Oklahoma G&E stated that actual flows are meaningless unless accompanied by voltage, line thermal limits, and line first contingency incremental transfer capability. NERC commented that actual path flow postings would be irrelevant or even misleading to the Transmission Customer and should not be required. NERC added, however, that the Commission should not preclude such postings either. The How Group pointed out that, from a technical standpoint, posting actual path flows significantly increases the level of detail in information about transmission service. APPA answered that some

Com, How Group, NIEP, NYPP, NERC, Ohio Com, OK Com, Oklahoma G&E, PSNM, Texas Utilities, Western Group, PacifiCorp, and PJM comments.

^{93/} See RIN NOPR text at section III.C (60 FR at 66191).

^{94/} See, e.g., Allegheny, Arizona, Central Illinois Public Service, Carolina P&L, Florida Power Corp, Montana Power, NERC, Omaha PPD, Texas Utilities, Union Electric, and VEPCO comments.

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regions already have the capability to post actual flows, but functional separation diminished the need for the Commission to require the posting of actual flows.

The final rule does not require the posting of actual path flows. As long as ATC and TTC are calculated to reflect network conditions, including parallel path constraints, actual flow data need not be posted. The Commission may reassess this issue after reviewing the proposals of the TTC Task Force on methods for calculating ATC and TTC expected in May 1996.

f. Providing Supporting Information (§ 37.6(b)(2)(ii))

In the RIN NOPR, we proposed that public utilities must post all data used in calculating the ATC and TTC and make such data publicly available. 95/ The Commission received a number of comments on this proposal.

A majority of commenters stated that supporting data should not be available on the OASIS. 96/ About half of the commenters argued that the data should be available off-line. 97/ Others suggested that procedures and software used in calculating ATC and TTC must be posted. 98/ NYPP suggested that a bibliography of supporting information should be maintained on the OASIS.

Having this information available is essential for building and maintaining trust in the information posted on the OASIS. Transmission Providers generally seem willing to provide this information after-the-fact and off-line. Since this information would be used only after-the-fact and can be voluminous, the final regulations require

95/ See RIN NOPR text at section III.C (60 FR at 66190) and the proposed regulation at 18 CFR 37.9(b)(6) (60 FR 66200).

96/ See, e.g., Allegheny, Central Illinois Public Service, Continental Power Exchange, EPRI, Florida Power Corp, MAPP, NERC, NE Public Power District, NYPP, Ohio Edison, PSNM, VEPCO, Western Group, and WP&L comments.

97/ See, e.g., Allegheny, ConEd, Detroit Edison, Duke, EPRI, Idaho, MAPP, NEPOOL, NE Public Power District, Ohio Edison, PSNM, VEPCO, and Western Group comments.

98/ See, e.g., Duke, EPRI, Idaho, PSNM, Western Group comments.

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that ATC and TTC supporting information be made available by the Responsible Party within one week of posting, on request, in their original electronic format and at the cost of reproducing the materials. A requirement specifying how long the information must be retained also has been added.

g. Long-Term Studies (§ 37.6(b)(2)(iii))

The RIN NOPR proposed that any planning or specifically requested studies of the transmission network performed by the Transmission Provider be posted on a same-time basis. ^{99/} This would include only those parts of customer-specific interconnection studies that relate to network impacts.

The majority of commenters responded that transmission planning studies should not be posted on the OASIS. ConEd and MAPP suggested an index to be maintained on the OASIS. NEPOOL, Tallahassee, and Montana Power suggested that summaries should be maintained on the OASIS.

As with the ATC supporting information, having this information available is essential for building and maintaining trust in the ATC and TTC posted on the OASIS. Since this information would be used only after-the-fact and can be voluminous, the final regulations require that final transmission studies be available from the Responsible Party on request in original electronic format and at the cost of reproducing the materials. A list of available studies is to be posted on the OASIS. A requirement specifying how long the studies must be retained also has been added.

3. Posting Transmission Service Products and Prices (§ 37.6(c))

Paragraph 37.6(c) of the regulations adopts several of the proposed provisions. It requires Transmission Providers to post prices and a summary of the terms and conditions of transmission products. In addition, Transmission Providers must provide a downloadable file of their complete tariffs. Furthermore, customers who use an OASIS to resell transmission capacity must submit relevant information about their resale transactions to the Transmission Provider for posting to the same OASIS as used by the Transmission Provider in originally offering

^{99/} See RIN NOPR text at section III.C (60 FR at 66191) and the proposed regulation at 18 CFR 37.8(c) (60 FR 66200).

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that capacity. As proposed in the RIN NOPR, the Transmission Provider must post this information about resales on the same display page, using the same tables, as similar capacity being sold by it. Similarly, the information must be contained in the same downloadable files as the Transmission Provider's own available capacity. A customer who does not use an OASIS to arrange a resale of transmission capacity must, nevertheless, inform the original Transmission Provider of the transaction within the time limits prescribed by the "Sale or Assignment of Transmission Service" section of the pro forma tariff.

The proposed standards of conduct required a Transmission Provider that offers any discount on behalf of its power customers or those of an affiliate, to post offers for similar service containing comparable discounts, at the same time, to all Transmission Customers.

As to discounts that the Transmission Provider has agreed to give to any Transmission Customer (affiliated or unaffiliated), the Commission proposed requiring that these discounts be posted within 24 hours after the agreement is entered (measured from when ATC is adjusted in response to the agreement), and that they remain posted for 30 days. The Commission sought comment on whether all transmission discounts should be posted on the OASIS, or only those provided to the Transmission Provider or its affiliates (Question 14).

Most commenters, including representatives with diverse interests such as APPA, EEI, Continental Power Exchange, EGA, EEI, NIEP, and NRECA, argued that discounts must be made available to all customers. NRECA especially, was concerned about the potential for selective discounting. The Ohio Com, clearly concerned about allowing Transmission Providers to negotiate privately, asked that we clarify how discounting would work, and EGA raised some practical concerns about how the Commission's proposal would work. EGA asked whether, when a discount is offered to an affiliate, discounts must be offered to others on the same path, all paths, or only paths needed to get to the buyer to whom the affiliate is selling. This issue is addressed in the Open Access Final Rule, which concludes that such discounts must be offered to all customers on all unconstrained paths.

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Several commenters were against discounting, but would accept discounts if they were made available to all customers. ^{100/} Several commenters agreed with the proposal to require posting of discounts offered to affiliates and delaying the reporting of discounts to others. ^{101/} However, CCEM wants to change the 24-hour delay period to 30 days.

SCE&G and Union Electric would allow discounting but not post them on the OASIS. Central Hudson would post only affiliate discounts. SMUD argued that selective discounting is good and stated that, if public utilities must offer discounts to everyone, no discounts would be offered to anyone.

The question of whether discounts may be offered is discussed in the Open Access Final Rule. ^{102/} If a Transmission Provider offers a discount for transmission service to its own power customers or those of an affiliate, it must, at the same time, post on the OASIS an offer to provide the same discount to all eligible customers on the same path and on all unconstrained transmission paths. As to discounts for ancillary services, if a Transmission Provider offers a rate discount to an affiliate, or attributes a discounted ancillary service rate to its own transactions, the Transmission Provider must, at the same time, post on the OASIS an offer to provide the same discount to all eligible customers. If a Transmission Provider offers discounts to non-affiliates, it must offer to do so on a basis that is not unduly discriminatory. Any discounts under § 37.6(c)(3) offered to affiliates or to the Transmission Provider's own power customers must be posted on the OASIS when they are offered pursuant to § 37.4(b)(5)(v). Discounts offered to non-affiliates must be posted within 24 hours of when ATC is adjusted in response to the transaction.

4. **Posting Ancillary Service Offerings and Prices** (§ 37.6(d))

^{100/} See ERCOT, MidAmerican, NUCOR, and Public Generating Pool comments.

^{101/} See CCEM, OK Com, and Tallahassee comments.

^{102/} See generally Open Access Final Rule at sections IV.D and IV.G.

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Transmission Providers are required to post on the OASIS information about all ancillary services required by the Open Access Final Rule to be provided or offered to customers. ^{103/} A Transmission Provider may, at its discretion, post information on the OASIS about other interconnected operation services, offered by itself or third parties, that are not services required by the Open Access Final Rule to be offered to customers. However, if a Transmission Provider elects to post these optional services for any party, including itself, then it must post on its OASIS, for a reasonable cost based fee, the same type of information about comparable optional ancillary services offered by third parties.

In the RIN NOPR, we proposed the posting of price and other information about ancillary services. ^{104/} We requested comment on: (1) the information needed about ancillary services (Question 12); (2) how often the information should be updated (Question 13); and (3) where on the information network offers of ancillary services by entities other than the Transmission Provider should be placed (Question 9).

While there is near consensus among commenters on the need to update ancillary services information as it changes, there is widespread disagreement on what information about ancillary services should be posted and where on the OASIS offers by other entities to provide ancillary services should be placed. Some commenters request that the Commission allow flexibility because the information requirement may depend upon the industry structure that develops in response to the Open Access Final Rule. NERC asserted that it is impractical to expect the initial OASIS to be the vehicle for posting information on the availability and price of all ancillary services.

Ancillary service providers are required to post all pertinent information about their ancillary service offerings (e.g., a description of the service being offered, its availability, and its price) so that Transmission Customers may compare offers and decide which offer best suits their needs. Information about ancillary services should be updated as it changes. Postings by customers and third parties should be on the same page, and in the same format, as postings of the Transmission Provider.

^{103/} See generally Open Access Final Rule at section IV.D.

^{104/} See RIN NOPR text at section III.C (60 FR at 66190).

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5. **Posting Transmission Service Requests and Responses** (§
37.6(e))

Section 37.6(e) requires that all requests by customers for transmission service that the Transmission Provider offers under the pro forma tariff must be made on the OASIS. The Responsible Party is required to provide to others on the OASIS the essential information relating to such requests, with the identity of the parties masked, if requested. Additionally, the section sets out the steps that must be followed in processing such requests, including the posting of curtailments, interruptions, or denials of service. ^{105/} The final OASIS regulations require that a record of transactions not resulting in agreements also be kept for audit purposes. We now discuss some special issues arising under this provision and the comments relating to those provisions.

a. **Posting Curtailments and Interruptions**
(§ 37.6(e)(3))

We proposed requiring that, when a transaction is curtailed, a Transmission Provider must post the reason that the transaction was curtailed and the available options, if any, for adjusting the operation of the Transmission Provider's system to increase transfer capability in order to accommodate the transaction. ^{106/} Since scheduling and the curtailment of schedules would not be done through the information network initially, this curtailment data would be for information purposes only.

The Commission requested comments on what information about curtailments should be communicated on an OASIS (Question 7). Only Union Electric, among the commenters who answered this question, argued against posting information about curtailments or recording this information in an audit file. Among those who supported

^{105/} The Open Access Final Rule discusses curtailments at section IV.G and provides that a company's curtailment policy is to be described in its tariff.

^{106/} "Curtailments" are service cutbacks made for system reliability reasons and are distinguishable from "interruptions", which are made pursuant to tariff conditions.

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posting or recording, the differences were in how much information should be provided, where the information should be placed, and who should have access to the information.

The comments expressed support for a Transmission Provider setting out in its tariff, or elsewhere, curtailment or interruption rules or constraint relief protocols. 107/ This would let a customer know what to expect when there is a constraint and would allow the Transmission Provider to be held to a formal set of procedures. Then, when a curtailment occurs, postings on the OASIS can refer to steps and reasons defined in the curtailment procedures.

Many commenters agreed that at least some basic information about curtailments needs to be posted or documented in the audit file. Several commenters pointed out that there may be some lag before these postings are placed on the OASIS because control room personnel may need time to determine and resolve the problem. 108/ Some commenters believed that these postings should be made available only to those curtailed. 109/

The proposed regulations addressed curtailments and denials of service together. In this final rule, denials are distinguished from curtailments of service. Transmission Providers are not required to offer options for making capacity available to those curtailed, but if options are offered, they must be offered to curtailed and interrupted customers at the same time.

As discussed in the Open Access Final Rule, transmission tariffs must include rules for curtailment and interruption of service, including clear steps or stages in the process for relieving constraints, and transmission service agreements must clearly identify the service's priority relative to concurrent services. Consistent with these requirements, the final rule here provides that, when curtailments or interruptions take place, they must be posted as soon as possible and must include identification of the service (with the identity of the customer masked), the reason

107/ See APS, NERC, and NIEP comments.

108/ See Allegheny, Com Ed, CSW, NERC, NRECA, and SCE&G comments.

109/ See, e.g., Allegheny and Central Illinois Public Service comments.

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for the curtailment or interruption, and the tariff-defined step in the curtailment and interruption process. In the event that an emergency situation affecting system reliability delays this posting, the posting must be made as soon as practicable thereafter along with an explanation for the delayed posting.

Curtailments and interruptions will be recorded for audit purposes. This audit data should contain enough information about the timing of superseding requests and changes in ATC to document the reason for a curtailment or interruption. The final rule also provides that customers have the right to request an explanation of the reason for a curtailment or interruption.

b. Posting Denials of Requests for Service (§ 37.6(e)(2))

In the RIN NOPR, we proposed requiring that, when requests for service are denied, Transmission Providers must communicate to Transmission Customers through the OASIS: the reason(s) that the transaction(s) could not be accommodated; and the available options, if any, for adjusting the operation of the Transmission Provider's system to increase transfer capability to accommodate the transaction(s). The Commission requested comments on what information about denials of requests for service should be communicated on an OASIS (Question 7).

As with curtailments, only Union Electric out of the commenters who answered this question opposed posting information about denials of service on the OASIS or recording this information in an audit file. Many commenters agreed that at least some basic information about denials should be posted. Some commenters believed that these postings should be available only to those denied service. 110/

Service can be denied for two basic reasons: either (1) the customer requested more than the posted ATC or (2) after the request for service was made, conditions changed due to preexisting requests or unforeseen events reducing capacity. Denials should be handled as part of the request and response process. A requester should receive a standardized reason for denial as part of the response. Denials would not be posted. Instead, denials must be recorded for audit purposes and maintained as provided in section 37.7(b). This data should contain the

110/ See Allegheny and Central Illinois Public Service comments.

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information about a denial needed to explain the reason for a denial. Under the final rules, customers have the right to request an explanation of the standardized reason for a denial.

c. Transaction Anonymity
(§ 37.6(e)(3)(i))

In the RIN NOPR, we proposed that, generally, information concerning negotiations on transmission requests need not be posted unless an agreement to provide the transmission is reached. ^{111/} This information would be available only after-the-fact in the audit file. In addition, if an agreement is reached, the identity of parties to transmission transactions would be masked until 30 days after the date when the Transmission Provider's ATC was adjusted in response to the transaction. (This might be after the date when service begins). After that date, all transaction data would be made available. In addition, we proposed that transmission transaction prices be included in the information in the audit file. Price information concerning cost-based transmission services would not be considered commercially sensitive.

The Commission requested comment on what information should be considered commercially sensitive, the 30-day release period proposal, and on how and when commercially sensitive information should be released to concerned parties before the standard release period and whether affiliated transactions should be treated differently (Question 24).

Several commenters agreed that information about negotiations that do not reach agreement should not be reported. ^{112/} No commenter argued for making this information public.

A number of commenters supported the 30-day delay on providing commercially sensitive information. ^{113/} Several, however, thought the information should be provided as soon as possible. ^{114/} Others thought it

^{111/} See RIN NOPR text at section III.C (60 FR at 66191) and the proposed regulation at 18 CFR 37.14(d) (60 FR 66201).

^{112/} See, e.g., Allegheny, Detroit Edison, El Paso, NorAm, and OK Com comments.

^{113/} See Allegheny, CCEM, El Paso, Oklahoma G&E, PJM, PSNM, and Western Group comments.

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should be provided quarterly. 115/ WP&L proposed a 60-day delay. Dayton P&L said that the delay should depend on contract length. Union Electric suggested a delay of 30 days after the transaction begins and not after the ATC is adjusted.

Commenters split on the question of whether price data are commercially sensitive. 116/ Commenters listed several items as commercially sensitive that were proposed to be posted. These are ATC supporting information, 117/ transmission schedule information, 118/ generation run status, 119/ amount provided, 120/ terms and conditions, 121/ and duration. 122/

NE Public Power District argued for full disclosure of all but generator information because, as a public entity, it must disclose such information. NIEP stated that comparability should be the ruling principle in information disclosure.

114/ See APPA, Continental Power Exchange, MidAmerican Energy, and NIEP comments.

115/ See Arizona, ConEd, and NorAm comments.

116/ EGA, NUCOR, NRECA, Omaha PPD, and PJM supported the proposition that the data are not commercially sensitive. Arizona, Central Illinois Public Service, Detroit Edison, OK Com, PSNM, Seattle, and Western Group argued that the data are commercially sensitive.

117/ See Carolina P&L and El Paso comments.

118/ See Central Illinois Public Service and OK Com comments.

119/ See Allegheny, Carolina P&L, CSW, Detroit Edison, EGA, NE Public Power District, and PJM comments.

120/ See, e.g., Allegheny and WP&L comments.

121/ See Central Illinois Public Service comments.

122/ See Allegheny comments.

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The final rule adopts the NOPR proposal and provides that the identity of parties to an agreement are confidential during ongoing negotiations and for 30 days from the time ATC is adjusted. Although not explicitly required in the new Part 37, the price of services offered on and agreed to through the OASIS are not considered commercially sensitive. 123/

6. **Posting Facility Status Information**

The RIN NOPR discussed the fact that the ATC of some transmission paths depends on generator run status or megawatt output, or both, as well as on other system elements. 124/ We proposed requiring Transmission Providers to post information about those system elements that have a direct and significant impact on ATC. Such elements could include generators, transmission lines, phase shifters, series and shunt capacitors, static VAR compensators, special protection systems or remedial action schemes. We, therefore, requested comment on whether it is sufficient to provide information only about planned outages and (for both planned and forced outages) return dates for system elements deemed to have a direct and significant impact on ATC and whether posting this information would cause any confidentiality concerns (Question 18). We also requested comment on how "significant and direct impact" should be defined (Question 19).

Additionally, we requested comment on whether it would be sufficient to post the changes to ATC corresponding to the planned outage or return dates of generators (Question 21); and whether, if operating guides, nomograms, operating studies, and similar information were posted, the run status of those generators with a significant and direct impact on ATC could be deduced (Question 22).

Comments

123/ We note, in this regard, that § 205(c) of the FPA requires public utilities to have their prices on file with the Commission and available for public inspection.

124/ See RIN NOPR text at section III.C (60 FR at 66191).

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A number of commenters stated that the posting of facility status information should not be a requirement.

125/ These commenters reasoned that the posted ATC and TTC values would reflect facility status impacts and that posting status information therefore would be unnecessary and burdensome, and would render the information network unmanageable. With regard to generator status and outage information, a number of respondents argued that generator status and outage-related information is commercially sensitive and confidential. 126/ They stated that posting generator-related information would give an unfair advantage to competitors. Some opposing the posting of generation-related information also added that the Commission's proposed standards of conduct would make it unnecessary to post this information because the Transmission Customer's and the Transmission Provider's wholesale marketing functions would rely on the same information. 127/ A number of Transmission Providers believed that facility status data can be archived and made available for after-the-fact audits. 128/

A second group of commenters believed that facility status information should be posted on the OASIS.

129/ With regard to generator status and outage data, Seattle responded that planned generator outage data should be updated as it changes and that an explanation of the impact of typical outage configurations should be made

125/ See Allegheny, Central Illinois Public Service, Com Ed, CSW, Dayton P&L, Detroit Edison, Duke, Montana Power, NERC, NYPP, Ohio Edison, PJM, PSNM, Texas Utilities, VEPCO, and WP&L comments.

126/ See Allegheny, Arizona, Central Illinois Public Service, ConEd, Carolina P&L, CSW, Dayton P&L, Detroit Edison, Florida Power Corp, NEPOOL, NE Public Power District, NERC, NYPP, Oklahoma G&E, Omaha PPD, PJM, Texas Utilities, Union Electric, VEPCO, and WP&L comments.

127/ See Central Illinois Public Service, Carolina P&L, and Ohio Edison comments.

128/ See ConEd, CSW, Florida Power Corp, NYPP, Ohio Edison, and PSNM comments.

129/ See APPA, CCEM, EGA, NCEMC, NIEP, OK Com, Seattle, Tallahassee, and United Illuminating comments.

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available to all transmission users in advance. APPA stated that the run status (on-line or off-line) of any generating unit should not be kept confidential. APPA argued that keeping such information confidential, under the guise of competitive necessity, is an excuse to protect opportunities to game the market. NCEMC stated that, because the transmission user needs to be able to do a reliability and risk assessment of various available power supply sources and transmission paths, it probably is not sufficient to post ATC changes corresponding to generation outages.

A third group of commenters suggested that, while generator status-related information should not be posted, information about transmission facilities with direct and significant impact on ATC and TTC could be posted. ^{130/} There were diverging views among the commenters as to whether posted ATC or TTC values would reveal the run status of generators if operating guides, nomograms, operating studies, and similar information were posted. A number of commenters responded that ATC and TTC are affected by many variables and, even though in some cases it may be possible to deduce the run status of certain generators from the posted ATC or TTC, these deductions would be uncertain. ^{131/}

NERC responded that it may be possible, over time, to recognize patterns and supporting data that would indicate which generator went off-line, but not whether the reason is a planned outage, forced outage, reserve shutdown, or other reasons. NERC explained that a run status so deduced would itself be an estimate and not as commercially sensitive as knowing the reason for that status. Florida Power Corp and Montana Power responded that customers will be able to deduce generation-related information from changes in ATC if guides, nomograms, or studies are posted and, therefore, such information should not be posted. By contrast, a number of commenters stated that nomograms, derating tables, and operating studies can be used to identify equipment that has

^{130/} See Arizona, Dayton P&L, MidAmerican, NEPOOL, PJM, and Western Group comments.

^{131/} See Arizona, CCEM, Central Illinois Public Service, Com Ed, ConEd, CSW, Detroit Edison, NEPOOL, NE Public Power District, VEPCO, and WP&L comments.

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a direct and significant impact on ATC and TTC. ^{132/} The Western Group responded that, where study results have been summarized in nomograms, derating tables, and operating guidelines and procedures, these summary forms should be made available as information on the OASIS.

A number of respondents answered that it is not necessary to define "significant and direct impact" because ATC and TTC are the only quantities that need to be posted. ^{133/} ConEd stated that the definition of "significant" should be consistent with local and regional procedures. Duke and Florida Power Corp commented that the Commission should work through NERC in developing appropriate definitions. NYPP, on the other hand, stated that "significant and direct impact" can be determined only on a case-by-case basis. Montana Power defined the term as a reduction of ATC that results in the denial of service. Continental Power Exchange proposed that any system element affecting ATC more than 10 percent should be considered significant. CSW proposed a 50 percent threshold. CSW further proposed to include those elements that can cause a reduction of more than 25 percent of the normal flows across an interface.

Discussion

Additional information about the state of the transmission system will enable Transmission Customers to make better decisions about the quality of the transmission service they intend to purchase. However, the development and implementation of Phase I OASIS, in what is a relatively short period of time, requires that we limit the posting requirements of the OASIS to the essentials. We believe that audit data and information required to be provided about the reasons for curtailments and interruptions will make it possible to document unduly discriminatory practices concerning facilities critical to transmission capability. Also, as pointed out by APPA, the standards of

^{132/} See APPA, Arizona, CCEM, Idaho, NEPOOL, Oklahoma Com, Seattle, and SoCal Edison comments.

^{133/} See Allegheny, Com Ed, Detroit Edison, NERC, NE Public Power District, Ohio Edison, SCE&G, Texas Utilities, Union Electric, and VEPCO comments.

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conduct that we put in place with this rule lessen the urgency of posting additional information concerning generating unit status and transmission component status. Consequently, the Commission will not require the posting of information about the run status of generation and transmission facilities for a Phase I OASIS. We may reconsider this subject for Phase II OASIS depending on the Phase I experience.

7. **Posting Transmission Service Schedules Information** (§ 37.6(f))

The final rule consolidates and renumbers §§37.14(b) and (c) of the RIN NOPR as § 37.6(f). This provision requires information on scheduled transmission service to be recorded by the entity scheduling the transmission service and requires that the information be made available for download on the OASIS by interested parties. It also provides that postings must be made within one week of the start of the transmission service schedule agreed upon by the parties. The comments in response to the RIN NOPR did not take issue with the proposal. Thus, the provision is adopted without substantial revision.

8. **Posting Other Transmission-Related Communications** (§ 37.6(g))

Section 37.6(g) basically adopts what we proposed for the posting of "want ads" and "other communications" in § 37.9(f) of the RIN NOPR. Postings made in this section carry no obligation to respond on the part of any market participant.

This section provides that "other communications related to transmission services" (such as using the OASIS as a transmission-related conference space or to provide transmission-related messaging services between OASIS users) and "want ads" must be posted by the Responsible Party.

We received comments that urged the Commission to issue a disclaimer to the effect that, although Transmission Providers are responsible for posting other transmission-related communications at the request of third parties, it is the responsibility of the third parties requesting such postings to ensure the accuracy of the information to be posted. We agree that such a disclaimer is appropriate. We provide it in § 37.6(g)(2).

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In addition, the final rule requires that transfers of personnel between the transmission and marketing functions are to be posted on the OASIS (§ 37.6(g)(3)). This incorporates the requirements of the standards of conduct at § 37.4(b)(2).

I. SECTION 37.7 -- AUDITING TRANSMISSION SERVICE INFORMATION

In the RIN NOPR, we proposed procedures that would govern the availability of records about auditing transmission service transactions. ^{134/} The Commission proposed requiring that historical data on postings, updates, and request/response communications be recorded for audit purposes, be downloadable from the OASIS in an appropriate format for 60 days, and be available for download on a rolling basis for three years from entry on the OASIS. These provisions are now contained in § 37.7 of the final rule. However, we have increased the time during which audit data must be available for download from 60 days to 90 days because this provides greater protection to customers.

ConEd suggested that the Commission should provide assurance to Transmission Providers that they will not be liable if they post data under the proposed audit provisions that is considered confidential by their customers. We do not believe that it would be appropriate for the Commission to issue this sort of blanket disclaimer in the absence of any particular facts or controversy. However, to the extent that a Transmission Provider posts data because this is required by the Commission's regulations, the Transmission Provider may, of course, assert this as a defense against any legal action brought against it based on the disclosure.

J. STANDARDS AND COMMUNICATION PROTOCOLS

In this section, we discuss the major issues raised in response to our proposed standards and protocols. As proposed, these are being issued in the separate Standards and Protocols document that we are issuing together with this final rule. As already described, the final rule states explicitly that information is to be posted on the OASIS in conformance with the specifications of the Standards and Protocols.

^{134/} See RIN NOPR text at section III.C (60 FR at 66191) and the proposed regulation at 18 CFR 37.14 (60 FR 66201).

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The most recent How Report (filed on April 15, 1996) shows great strides toward reaching consensus on a set of implementable standards. However, it needs to be augmented in two ways.

First, there are some internal inconsistencies. For example, there are data elements that appear in the data dictionary that do not appear in the templates and vice versa. The data elements for DUNS numbers that appear in the data dictionary need to be added to the appropriate templates. Data elements for DUNS numbers for resellers need to be added to both the data dictionary and the appropriate templates. The October 16, 1995 How Report contained standards for Transmission Services Information Timing Requirements. The most recent report substantially changed these requirements. We request that the report we are asking the How Group to submit by May 28, 1996 reinstate these requirements or explain why they should be changed.

Second, and not surprisingly, the standards and protocols must now be conformed to the requirements of the final rule. For example, necessary changes include developing file and display templates for curtailments and interruptions, developing file and display templates to place primary and resale capacity on the same displays and in the same downloadable files, and developing file and display templates to place ancillary services provided by the primary provider and others on the same display page and in the same downloadable files.

Under procedures we are instituting today, we expect the recommendations for standards and protocols to be conformed to the requirements of the final rule and for inconsistencies to be corrected in the next few months. We are issuing portions of the standards and protocols now to provide as much information as possible to allow the industry to begin the work of building necessary systems to make their OASIS nodes operational. This information, coupled with the requirements of the Open Access Final Rule and our additional procedures to complete the Standards and Protocols, should result in the OASIS nodes being operational within six months of the publication of this final rule in the Federal Register.

The April 15, 1996 How Report contains references to a yet to be established industry group, the [OASIS] Management Organization, that will maintain a registry of [OASIS] node names and perhaps perform other functions associated with maintaining a functioning [OASIS]. We agree that there is a need for an industry group to maintain a registry of OASIS node names and perform similar functions and expect that such a group will be

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established by the industry prior to the implementation of the OASIS requirements. The Standards and Protocols, therefore, contains a reference to this function. We expect that such a group would be composed of representatives of all segments of the electric industry and we expect to be apprised of the group's activities.

1. Summary of Standards and Communication Protocol Requirements

The Standards and Protocols, which we are adopting together with this final rule, require Transmission Providers to make their OASIS nodes accessible through the Internet. Each Responsible Party's OASIS is considered to be a separate node. An OASIS operated jointly by several utilities would be considered one node. By connecting each node through the Internet, transmission service information provided by each utility becomes part of a network.

We are requiring that nodes must support the use of Internet tools. The specific tools are described in the Standards and Protocols. OASIS users will access nodes using World Wide Web (WWW) browsers. ^{135/} Each node will display information using the Hypertext Mark-up Language (HTML) protocol required by World Wide Web browsers. Screen displays will consist of a series of pages that may be viewed by customers without requiring the page to be downloaded and viewed by separate software. The information on each page, but not the actual displays, will be standardized. Information must also be made available for downloading, in a standardized ASCII ^{136/} format.

^{135/} The World Wide Web is a system of computer resources that are accessed through the Internet.

A Browser is a computer program for retrieving and reading hypermedia documents from the WWW. A hypermedia document can contain text, graphics, video, sound or data. These documents are often linked to other documents.

^{136/} ASCII refers to the American Standard Code for Information Interchange, a code for character representation.

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In Phase I, customers will have access to the information required to be posted by this rule and will be able to use the OASIS to reserve transmission capacity. They will be able to request capacity either by completing a standardized form contained in an on-line HTML page or by uploading a filled-out form using HTTP. Customers who want to resell transmission capacity will upload (post) the relevant information to the same OASIS node used by the primary provider from whom they purchased the ATC. Customers will also be able to upload other communications (e.g., Want Ads) containing such information as requests to purchase transmission capacity.

OASIS nodes must provide direct connections to private networks if requested to do so. The cost of the connections will be paid for by the requestor and the networks are required to use Internet tools.

The Standards and Protocols contain a model of the information requirements that must be provided at each OASIS node. Customers are limited to obtaining information from HTML text displays and selecting from menus of downloadable files. Customers will receive the information either as HTML pages or as ASCII files in a predetermined form and layout.

For security purposes, and as an aid in auditing performance and transactions, all customers are required to register with the Responsible Party before they are permitted access to the utility's transmission service information on the OASIS. As registered subscribers, they will be allowed to read and download information, make requests for transmission service, place "Want Ads" and offer transmission service for resale. Commission staff and staff of state regulatory authorities are to obtain free "read only" access to the OASIS and members of the general public will also be provided "read only" access to the OASIS for the same usage fee paid by customers, once they have complied with the requisite registration procedures.

Responsible Parties are required to meet a number of performance standards and security precautions. Performance requirements include sizing OASIS nodes to handle the loading of registered subscribers, responding to subscriber requests, backing up the system, and other areas that are necessary for the system to function as desired.

2. Number of OASIS Nodes (Question 35)

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The Commission proposed that Transmission Providers be permitted to combine their separate OASIS nodes into a single node. Thus, while there could be as many nodes as there are transmission-owning utilities, if utilities choose to combine together to create joint nodes, we could end up with a small number of nodes.

A small number of nodes would minimize the networking management requirements for the OASIS and would help ensure access to the information systems. On the other hand, the advantages of a small number of separate nodes must be weighed against the greater complexity and size of a joint node that would handle transactions for several large transmission-owning utilities at one node. The Commission requested comments on whether a small or large number of OASIS nodes should be encouraged.

The majority of commenters preferred a small number of nodes, but would not necessarily have the Commission require a small number of nodes. ^{137/} Some commenters advocated regional nodes. ^{138/} PJM speculated that, even if the Commission does not encourage a small number of nodes, economies of scale and market efficiencies will lead to smaller numbers in the normal course of events. The How Group reported that significant consolidation is already occurring:

it appears there may be 1 node in ERCOT, 13-14 nodes in the Eastern Interconnection, and 6-20 nodes in the Western Interconnection. The resulting 20-35 nodes [nationwide] is a manageable number for Customers maneuvering through the system and at the same time minimizes the impact of possible security breaches or system failures by being sufficiently distributed. [^{139/}]

Given these comments, we believe that the question of whether there should be a small number of nodes is one best left to the industry. At this stage, flexibility in such matters is important.

3. **Direct Connections to OASIS Nodes**

^{137/} See, e.g., Allegheny, Central Hudson, Central Illinois Public Service, Com Ed, Continental Power Exchange, How Group, Florida Power Corp, Montana Power, NERC, NYPP, Ohio Edison, OK Com, PJM, PSNM, Seattle, Texas Utilities, and VEPCO comments.

^{138/} See APPA, CCEM, ConEd, CSW, and MAPP comments.

^{139/} How Group comments at 19.

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(Question 36)

The Commission explained in the RIN NOPR that private networks and third party services can provide valuable contributions to the successful operation of an OASIS. ^{140/} The Commission, therefore, proposed to require utilities to provide direct connections to the OASIS without the need to obtain access through the Internet. We also proposed that the cost of these connections be paid for by the customers making the requests and that the networks be required to use the same Internet tools as the Internet connections.

Most commenters preferred that the Commission not require third-party connections to the OASIS in Phase I. ^{141/} Com Ed asserted that direct connections would provide only marginal benefits to the development of an OASIS, and that adding such non-essential goals to OASIS requirements would jeopardize utilities' ability to implement an OASIS on time. Montana Power argued that direct connections would provide affluent large marketers with information ahead of smaller users, and thus would give them market power.

On the other hand, other commenters argued that such connections are important. ConEd argued that direct connections would help minimize the number of different connections customers must have. Continental Power Exchange sees direct connections as allowing third parties to provide services that will add valuable contributions to the successful operation of an OASIS. The How Group reported that discussions among the parties in the group indicated that direct connections would not be a problem as long as the Responsible Party is compensated for the additional service and given a reasonable time to make the connection.

^{140/} For example, a private network could connect to one or more OASIS nodes and offer users off-the-Internet connections at faster speeds. Third parties could gather OASIS information and repackage it into customized displays favored by individual users.

^{141/} See, e.g., Allegheny, Com Ed, Montana, NERC, Ohio Edison, OK Com, PJM, PSNM, and VEPCO comments.

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All commenters addressing the subject of who should pay for direct connections agreed that the cost should be paid by the requesting party. ^{142/}

CCEM and OK Com agreed that the direct connections should be required to use the Internet tools required for the Internet connection.

Finally, APPA asserted that, if private networks are created to provide direct connections that are operated by partners or affiliates of utilities, these networks could provide significant performance advantages for the Transmission Provider's merchant affiliates. APPA would require full public disclosure of such partnership or affiliate relationships by the service provider. We find that the How Group's position is reasonable. Direct connections are feasible if the provider is compensated for the additional service and is given a reasonable time to make the connection. We will, therefore, require direct connections in Phase I, upon request.

Moreover, such connections must be made available on an equal basis to all requesting customers. We note, however, that to the extent that the Transmission Provider is not the Responsible Party, a direct connection is available only from the Responsible Party. This being the case, APPA's concern that the Transmission Provider's merchant services may gain an advantage from an affiliate with a direct connection or private network does not appear to be warranted, as anyone can obtain a direct connection or the services of a private network.

4. **Value-Added OASIS Services Provided by Transmission Providers or Responsible Parties**

The Commission proposed in the RIN NOPR to permit Transmission Providers or Responsible Parties to provide value-added OASIS services, such as higher speed connections and automatic notification of changed data.

NTEC argued that, unless these services are offered on a non-discriminatory basis, public utilities could gain a competitive advantage by offering these services solely to affiliates. NTEC also requested the Commission to monitor the "basic" and "premium" service packages to ensure that customers need not pay a "premium" price to obtain basic services.

^{142/} See APPA, CCEM, ConEd, Continental Power Exchange, How Group, and PJM comments.

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TAPS argued against any offering of value-added services. They argued that smaller customers may not be able to afford such services and that price could be used to discriminate against them. TAPS proposed that instead of permitting value-added services, the Commission should include all OASIS costs in transmission rates.

We agree with NTEC that value-added OASIS services should be offered on a non-discriminatory basis. If a value-added service is offered to anyone, it should be offered to everyone on the same terms and conditions. Regarding NTEC's concern over basic and premium services, we believe that the standards setting process will ensure that the basic package of OASIS services will provide all pertinent information and the means to retrieve it that are necessary for the functioning of the Open Access program.

The Commission will allow these services on a non-discriminatory basis. Such services will remain cost-based until the Commission is satisfied that market-based (value added) rates should be allowed for such services. Requests for market-based rates for such services will be addressed on a case-by-case basis.

5. Transmission Services Information Timing Requirements (Question 37)

In the NOPR, the Commission requested comments on several timing requirements for posting transmission service information. These are:

- (1) **Transmission Service Information Availability:** The most recent Provider transmission service information, including updates reflecting power system changes, shall be available to all Customers within 5 minutes of its scheduled posting time at least 98 percent of the time. The remaining 2 percent of the time the transmission service information shall be available within 10 minutes of its scheduled posting time;
- (2) **Notification of Posted or Changed Transmission Service Information:** Notification of transmission service information posted or changed by a Provider shall be made available within 60 seconds to all subscribed Customers who are currently connected; and
- (3) **Acknowledgment by the Transmission Service Information Provider:** Acknowledgment by the transmission service information provider of the receipt of Customer purchase request/response requests shall occur within 1 minute for Phase I. The actual negotiations and agreements on purchase request/response requests do not have time constraints. For Phase II, acknowledgment shall occur within 30 seconds.

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Most commenters supported the Commission's proposals as proposed ^{143/} or with some modification. ^{144/} CCEM asserted that the proposed requirements for updating transmission service information contained in Item (1) would lead to stale information, and would result in customers using the telephone and not the OASIS. CCEM asserted that the Phase I tolerances should be reduced to 30 seconds and one minute respectively.

Continental Power Exchange asserted that items (1) and (2) are good starting points. The Western Group suggested that Item (1) would be adequate if it can be accomplished automatically. Otherwise, it would recommend reducing the 98 percent compliance requirement to 85 percent.

Some commenters agreed with the need for such standards, but opposed incorporating timing performance standards in Phase I standards. VEPCO asserted that these standards are too ambitious for Phase I. Tallahassee argued that these timing requirements may be too restrictive for small utilities whose staff and technology capabilities will be strained by this rule. Central Hudson proposed that response times be determined after OASIS is implemented and users are comfortable with what they would expect as adequate performance.

Most commenters agreed on the need for standards for how quickly providers should post transmission service information. Commenters argued that the requirements should be stricter, that they are too strict, or that they are just right.

The Commission stated that information posting performance requirements are needed to ensure that information is disseminated in a timely manner by Transmission Providers. The comments do not persuade us to change the proposed requirements. We note that the April 15, 1996 How Report drops these requirements. We request the How Group to reinstate these requirements in the report we are inviting them to file on or before May 28, 1996, or to explain why these requirements should be dropped.

^{143/} See, e.g., APPA, Duke, How Group, Florida Power Corp, NYPP, and OK Com comments.

^{144/} See CCEM, Com Ed, Continental Power Exchange, PSNM, and Western Group comments.

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Commenters raise several additional points that need to be addressed. First, Com Ed and others argued that these requirements should not be in force during emergencies. The Commission agrees.

Second, several commenters pointed out that the phrase "available to all Customers" contained in Item (1) is ambiguous and request that it should be replaced by "available on the [OASIS]." We agree.

Third, some commenters suggested that transmission service requests and schedules be approved automatically, on a first come, first served basis. The industry does not generally do business in this manner today, and the Commission will not require it in Phase I. We request the industry to address this issue when developing requirements for Phase II.

6. Common Codes

a. Company Codes

The Commission's experience with implementing standards for file transfers and electronic bulletin boards in the natural gas industry shows that the use of a common system of identifying companies enhances the efficiency of data transfers. The Commission is satisfied with the results of using DUNS numbers ^{145/} as the standard to uniquely identify pipelines and shippers in the natural gas transactions. ^{146/} The Commission proposed to require the use of DUNS numbers to identify transmission-owning utilities and customers on OASIS nodes.

Most commenters believed that DUNS numbers alone or DUNS numbers in combination with names should be used. ^{147/} The How Group asserted that using DUNS numbers will enhance the management of data from a computer perspective and allow flexibility of business applications of OASIS in the future. The How Group

^{145/} DUNS numbers refer to the Data Universal Numbering System, maintained by Dun and Bradstreet.

^{146/} See Standards for Electronic Bulletin Boards Required Under Part 284 of the Commission's Regulations, Docket No. RM93-4-001, Order 563-A, FERC Stats. & Regs., Regulations Preambles, ¶ 30,994 at 31,034 (1994).

^{147/} See, e.g., Allegheny, CCEM, Com Ed, Continental Power Exchange, How Group, OK Com, and PJM comments.

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also asserted that having commonly used names is more user friendly and proposed that the list of names and DUNs numbers be maintained on a centralized registry.

Others believed that names alone would be sufficient. ^{148/} NERC and Ohio Edison believed that such standardization should be left to the industry.

APPA asserted that DUNS numbers are primarily for private companies and do not include many public power systems. Instead of using DUNS numbers, APPA recommended using a numbering system derived from Energy Information Administration forms: EIA-861 (“Annual Electric Utility Report”) and EIA-867 (“Annual Nonutility Power Producer Report”) as these forms appear to be the most all-encompassing existing numbering system that could be used for OASIS identification. Dun and Bradstreet have informed staff that they will assign DUNS numbers, free of charge, to any entity requesting a number.

The Commission will require the DUNS numbers as the unique numerical identification of OASIS participants. The industry can proceed to develop a naming convention as suggested in the comments.

b. Common Location Codes

The Commission's experience in the natural gas industry demonstrates that a common method of uniquely identifying location points will be needed to facilitate movement of power across the grid. The Commission proposed to use a system to identify locations and paths on the electric transmission grid.

Nearly all commenters who discussed the issue argued that the Commission should not require common location codes. ^{149/} Several commenters argued that providing longitude and latitude information for power plants and substations raises serious national security issues. ^{150/}

^{148/} See Seattle, VEPCO, and Western Group comments.

^{149/} See Allegheny, APPA, CCEM, Continental Power Exchange, Duke, How Group, ERCOT, Florida Power Corp, NERC, PJM, VEPCO, and Western Group comments.

^{150/} See How Group, FPC, and NERC comments.

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Many commenters see the need for a common naming convention for paths and other facilities, such as that currently under development by the How Working Group. 151/

The Commission is persuaded to drop the requirement for a system for location codes and requests the industry to continue development of a common naming convention to be implemented as soon as practicable.

7. **Data Definitions and File Formats Not Covered by the
Revised How Report**

a. Offers to Provide Ancillary Services Provided by an
Entity Other Than the Transmission Provider
(Question 11)

In the RIN NOPR, the Commission requested the specifications needed to post this information in HTML displays and the formats needed to standardize uploadable and downloadable files containing this information. This final rule requires that information about ancillary services provided by an entity other than the Transmission Provider be posted on the OASIS by Responsible Parties and be displayed on the same page and in the same file format as that of the Transmission Provider.

Although we did receive comments on this issue from various parties, this was not an issue resolved by the revised How Report. We would prefer that the How Group attempt to reach consensus on this issue before we impose our own solution. Therefore, we will include this issue among those that we are requesting further input on before we address this issue in the Standards and Protocols.

b. Offering of Primary and Secondary Capacity

The Commission requested comments on how to redesign the download templates in Appendix C of the NOPR so that primary and secondary capacity can be offered through downloadable files that have the same format. The Commission also requested comments on how primary and secondary capacity can be displayed in the same tables on an OASIS node. Posting secondary capacity requires more information than for primary capacity and, thus, using the same formats would require many more fields. We need information on the design of those fields before we can set standards for the display of this information.

151/ See How Group, PSNM, and Western Group comments.

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Although we did receive comments on this issue from various parties, this was not an issue resolved by the revised How Report. We would prefer that the How Group attempt to reach consensus on this issue before we impose our own solution. Therefore, we will include this issue among those that we are requesting further comment on before we address this issue in the Standards and Protocols.

8. **Formats for Downloadable Files Not Covered in the How Report**

a. Standard Format for Data Used in Calculating ATC (Question 16)

The Commission requested comments on how the data used in calculating ATC should be formatted and asked whether the information should be in free form text, predefined tables, or comma delimited ASCII files. We also asked whether, if the information is in free form text, it should be in plain ASCII text or in a word processor format, such as WordPerfect or Word. We deal with both of these issues in section H(2)(f) of this final rule and in the regulations at § 37.6(b)(2)(ii).

b. Standard Formats for Transmission Studies (Question 23)

The Commission requested comments on how transmission studies should be formatted for download from the OASIS. We deal with this issue in section H(2)(g) of this final rule and in the regulations at § 37.6(b)(2)(iii).

c. Standard Format for Electronic Submission to the Commission of Transmission Tariffs (Question 6)

In the RIN NOPR, the Commission proposed requiring that Transmission Providers provide downloadable files of their complete tariffs on the OASIS. ^{152/} The Commission requested that commenters propose a standard format for electronic submission of transmission tariffs to the Commission.

New formats continually are being developed by the computer industry and it would be worthwhile to address this issue again when the Commission addresses Phase II or remaining OASIS issues.

^{152/} See RIN NOPR text at section III.C (60 FR at 66186) and the proposed regulation at 18 CFR 37.9(c)(1) (60 FR 66200).

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We will require utilities to provide tariff downloads from their OASIS in the same format that they use to file with the Commission.

9. Communication Protocol Issues

a. Internet Browsers

There are a large number of Internet browsers available commercially and in the public domain. The How Report proposed that browsers support "at least" HTML version 3 and "optionally" support Secure Sockets Layer. The HTML standards used by browsers change from time to time, and, in addition, various browsers can support different extensions to the standards. The Commission does not want to stifle innovation, but at the same time it does want uniformity on the OASIS. The Commission does not want customers to be forced to use different browsers for different OASIS nodes. The Commission wants to ensure that a customer will be able to choose a browser and use it to access all OASIS nodes.

To this end, the Commission requested comments on how to ensure that a customer will be able to choose a browser and use it to access all OASIS nodes.

Most commenters agreed that requiring browsers to support HTML 3 would be sufficient to meet the needs of OASIS nodes and customers at this time. 153/

CSW reported that while the specifications for HTML 3 are still in draft mode, it is the first version of HTML to support the table feature for browsing that the How Working Group wants to use. NYPP would add encryption capabilities to the list of standards. Ohio Edison would require JAVA-enabled browsers. 154/

OK Com recommended that the Commission adopt a primary browser and two alternative browsers for use on OASIS nodes. PJM asserted that, by requiring OASIS nodes to accommodate browsers in common use, OASIS nodes would be able to become more sophisticated as the Internet itself becomes more sophisticated.

153/ See, e.g., Allegheny, APPA, CCEM, and How Group comments.

154/ JAVA is a language that enables a browser to run programs embedded in a WWW page.

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Com Ed, ConEd and PSNM would leave the standard to the How Group or an industry-wide OASIS Management Organization.

Most commenters agreed with the How Report that, requiring OASIS nodes to support HTML 3 will allow browsers supporting this standard to view documents on the OASIS. The Commission will adopt the recommendation for HTML 3 contained in the How Report.

b. Bandwidth of Node Connections
to the Internet

At issue is the speed at which OASIS users will receive information from OASIS nodes. A major determinant of the speed are the bandwidth connections between the OASIS node and the Internet. The How Report proposed a formula to compute the required minimum bandwidth based on the number of registered users of the node and the number of bits per second to be received by users during HTML displays and downloads of files. ^{155/} These information transfers would include both the receipt of HTML displays and downloads of files. The How Report proposed to use a rate of 8,000 bits per second to determine bandwidth. In the RIN NOPR, the Commission noted that an 8,000 bit per second transfer rate is much slower rate than the 28,800 bit per second transfer rate for telephone connections that many private individuals and customers use to connect to the Internet. The Commission expressed concern that using 8,000 bit per second as the basis for the bandwidth calculation will lead to connections that are too slow and proposed to use 28,800 bits per second.

Many commenters agreed with the Commission. ^{156/} Com Ed reported that a T1 communications line (1.54 million bits per second) could support 500 simultaneous customers using the Commission's proposal of using 28,800 bits per second in the bandwidth formula. Com Ed concluded that it is unlikely that an OASIS node will experience 500 simultaneous users and that a T1 line is a reasonable upper limit, at this time. The How Group reported that its members are currently paying between \$1,500 and \$3,000 per month for T1 connections and

^{155/} How Report at § 3.4.3.

^{156/} See, e.g., Allegheny, APPA, CSW, OK Com, PJM, and Seattle comments.

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concludes that it may be cost effective to oversize the bandwidth even though a high bandwidth does not automatically translate into higher access speeds or download rates.

Several commenters preferred the 8,000 bits per second originally proposed by the How Group. ^{157/} Ohio Edison suggested that using a speed of 28,800 will dramatically increase costs and may make joint OASIS nodes less attractive. The How Group asserted that experience has shown that 8,000 bits per second is a reasonable average rate for users of the Internet. VEPCO stated that, while many customers will initially use modems rated at 28,800 bits per second, their average data transfer rate will be lower due to a number of factors. Nevertheless, VEPCO asserted that an average of 8,000 bits per second is on the low end of acceptability, especially if large files are to be downloaded or if graphics files are to be viewed. Continental Power Exchange proposed that the 19,200 bits per second be used in the formula. It asserted that this is the fastest modem speed achievable with Microsoft's Windows 3.1.

APPA speculated that there may some areas in remote locations that cannot secure a connection to the Internet with adequate bandwidth to support the 28,800 bit per second standard.

After considering the comments, the Commission continues to believe that 8,000 bits per second is too slow, especially when large files must be transferred and when information is needed promptly for business decisions. The Commission, therefore, will require that a rate of 28,800 bits per second be used in the minimum bandwidth calculation.

c. Data Compression Standards

In the RIN NOPR, the Commission expressed agreement with the How Report that data compression will speed up the transmission of files. ^{158/} We also expressed the belief that communication of OASIS information would be enhanced if every OASIS node used the same compression techniques. The Commission requested comments on what data compression technique or techniques should be made standard for all OASIS nodes.

^{157/} See ConEd, How Group, and Ohio Edison comments.

^{158/} How Report § 3.3.8(c).

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Most commenters recommended that the "ZIP" file compression standard be adopted as the common OASIS standard. ^{159/} The How Group pointed out that the ZIP format is available for most computer platforms. Some commenters, however, suggested that setting a common compression technique is too detailed for a Commission rulemaking. ^{160/}

Most commenters supported using the "ZIP" file compression standard on OASIS. This format is widely used for data communication and the necessary software is available for most computer platforms. The Commission will, therefore, require that the ZIP standard be the data compression standard on OASIS nodes. The Commission agrees that requiring compression for files created for each HTTP request may be too complex for Phase I. However, utilities may want to compress large files that would be infrequently updated, such as tariffs. These files will benefit from file compression and will not be subject to the complexities of compressing the dynamically created HTTP files. The Commission will require that static files residing on OASIS nodes be compressed.

d. Other Communication Protocol Issues
Raised by Commenters

i. **The Requirement to use FTP
for File Transfers**

The October 16, 1995 How Report recommended requiring OASIS nodes to use the Internet File Transfer Protocol (FTP) for file uploads and downloads. In its comments, the How Group recommended changing the file transfer method originally proposed in the How Report from the FTP to the HTTP for data access, including files upload and download to and from OASIS nodes. We will accept this recommendation.

ii. **Field Size for Path Names**

The How Report proposed that path names be a 12-character alphanumeric string. The March 7, 1996 filing by its How Group recommends that the 12 characters be changed to 50 alphanumeric characters. Subsequent

^{159/} See APPA, CCEM, ConEd, and PSNM comments.

^{160/} See NERC and Ohio Edison comments.

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to the How Report, the How Group found that 12 characters were insufficient to accommodate path names and the associated regional identifiers.

We will await final recommendations concerning file formats before ruling on this issue.

iii. Files Containing More Than 100,000 Bytes

The How Report recommended that customers not be required to download any single file that is larger than 100,000 bytes in order to access transmission information in electronic form. The implication is that all files larger than 100,000 bytes must be broken into sub-files.

Detroit Edison argued that there is no easy way to download only a section of a file and that customers may prefer to download one large file rather than 20 small ones.

We agree and will not require files to be broken into 100,000 byte segments at this time. In the event that a restriction on file size becomes needed, it can be addressed in Phase II.

K. COST RECOVERY ISSUES

1. Costs of Developing and Running an OASIS (Question 34)

Transmission-owning public utilities are entitled to recover the costs of developing and running an OASIS. Generally, these costs will be fixed costs not attributable to individual users. In the NOPR, the Commission proposed to include these costs in wholesale transmission rates. The Commission also proposed to allow costs that can be identified as varying with usage to be charged as usage fees to individual customers.

The commenters were nearly evenly split between those favoring and opposing the Commission's proposals. NIEP argued that rolling-in OASIS costs would distribute costs among all transmission users equally and would be the only fair method of allocating the cost of an OASIS. NIEP concludes that, if costs were directly assigned to individual transmission users, these users would be penalized by forcing them to pay the cost of providing information which is available to, and used by, all transmission users.

Many commenters objected to including OASIS costs in wholesale transmission rates. They argued that it is inappropriate to require network service customers (who may not participate in wholesale sales transactions) to

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absorb the cost of the OASIS. Indianapolis P&L claimed that it has no significant, unique transmission paths and uses its transmission assets to serve its native load customers. Consequently, most of its OASIS costs would be borne by its native load customers.

Many commenters suggested alternatives to rolling in OASIS costs. ConEd argued that, if all OASIS costs were included in wholesale transmission rates, OASIS costs might not be fully recovered since transmission use varies. To remedy this, ConEd proposed rolling in part of the costs with the remainder to be recovered through a monthly access fee. MAPP suggested usage fees based on cost causation, such as time access charges, fixed fees for transmission requests and fees based on energy scheduled over transmission secured on the OASIS. NSP suggested a fee structure like other on-line information services, such as America On Line, CompuServe, and Prodigy.

Several commenters saw other problems associated with utility recovery of OASIS costs. Some called attention to potential problems in recovering the costs of a joint OASIS. MAPP pointed out that a jointly operated OASIS will not have composite transmission tariffs from which to recover costs and that a method was needed for utilities to recover joint expenses. Detroit Edison speculated that a large number of the general public could be connected to an OASIS at one time and thus limit OASIS access to transmission users. To prevent this problem, Detroit Edison proposed that fees be established to prevent misuse or overuse of an OASIS.

It is appropriate that all wholesale transmission customers and all unbundled retail transmission customers should pay a share of OASIS development costs in their rates. Therefore, the Commission concludes that the cost of developing an OASIS should be included in unbundled transmission rates with variable costs of operating an OASIS to be recovered, to the extent possible, in usage fees. Individual rate proceedings will determine which OASIS costs can be identified as varying with usage and how to set the fees.

2. Costs of Posting Resales of Capacity on the OASIS (Question 40)

The Commission proposed that resales of capacity be posted on the same page, and using the same display and downloadable tables, as capacity being sold by the Transmission Provider. This posting incurs an expense on

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the part of the Responsible Party. The Commission proposed that each reseller must, therefore, pay the costs of posting its own offering.

Most commenters believed that those posting secondary services should pay the cost of posting. APPA proposed that the incremental cost of posting should be recovered as a special fee in the primary contract of transmission service. Ohio Edison proposed a fee for each posting with a "true up" mechanism to ensure that over time actual costs are recovered. Com Ed and WP&L suggested a fee that is a percentage of revenue received from the secondary postings.

NEPOOL suggested that this expense is unlikely to be significant and, therefore, could be included in rates. NRECA and NCEMC warned that posting fees not be set so high as to discourage resale of capacity. OK Com argued that it would be inappropriate to charge resellers of transmission capacity for posting if the Transmission Provider is not also required to pay a fee for posting.

After considering the comments, we have decided that there should be no added fee for posting capacity resales. All OASIS users, including the Transmission Provider, who post capacity pay all the fixed costs of OASIS in wholesale rates and pay usage-related variable costs in access fees. Thus, the costs of posting resale capacity are already recovered. To require resellers to pay additional fees for posting their products would provide OASIS operators with a cost advantage.

3. Costs of Posting Ancillary Services on the OASIS

The Commission proposed that entities posting offers to provide ancillary services on the OASIS should pay the costs associated with posting this information and requested comments on how to determine these costs.

Commenters proposed various fee schemes to recover these costs. Some were based on the cost of developing and maintaining posting services, others were based solely on the incremental cost of posting a notice. Some proposed to roll the costs into wholesale transmission rates. Others proposed that utilities be allowed make a profit from this service.

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Arizona proposed an incentive scheme to keep costs down, while Continental Power Exchange suggested that the method of calculating these costs be left to the industry. PJM proposed a fee based on the amount of person-hours and computer usage required by such posting. ConEd argued that utilities should be allowed to earn a profit on this service.

CSW submitted that posting costs cannot be broken out individually and proposed that the costs for an OASIS should be borne by all market participants on a fair basis. Florida Power Corp argued that an OASIS is not a newspaper, and that Transmission Providers are not in the publishing business; therefore, OASIS services, including the posting of ancillary services, should not be sold like classified ads. It proposed that the cost of operating an OASIS should be rolled into wholesale transmission rates. VEPCO also suggested that the cost of posting ancillary services should be included in the cost of the OASIS, with costs of specific evaluations of ancillary service offers to be determined and posted on the OASIS.

After assessing the comments, we find that the cost of developing the facilities needed to post ancillary services required to be provided by the Open Access Final Rule should be recovered through unbundled transmission rates. Any variable costs of posting these services will be included in the general OASIS usage fees. As for those ancillary services not required to be provided, 161/ OASIS operators may charge a cost based fee to those offering these services for the cost of posting.

L. SECTION 37.8 -- IMPLEMENTATION IN PHASES

1. Phase I Implementation

Implementation of this rule and the initial standards and protocols will ensure that sufficient information is available to transmission customers to achieve comparable access to transmission information. They do not, however, provide all the desired performance requirements.

Because of the complexity of developing an OASIS, and the need to begin the transmission open access program promptly, the Commission proposed a phased approach to OASIS implementation. We proposed to require

161/ See Open Access Final Rule generally at section IV.D.

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implementation of a Phase I OASIS as of the effective date of the final rule on non-discriminatory open access transmission and stranded costs (i.e., 60 days from publication of this order in the Federal Register).

Comments

Many commenters argued that the proposed 60-day implementation period is unrealistic in light of the amount of work that must be done. ERCOT suggested that only portions of the Phase I implementation could be accomplished within the 60-day period. A vast majority of commenters suggested that an implementation period of six months would be required.

Arizona and ConEd pointed out that, while plans for implementation can begin in advance of the final rule, final specifications and designs depend on the resolution of several major Open Access Final Rule issues. ConEd also argued that all new systems require a "Beta" test stage in which the system can be tested before it is used in a production environment, and that a 60-day implementation period will not permit such testing. Similarly, NERC argued that more time is needed to make sure workable administrative procedures are in place for consistency in calculating, posting, and coordinating ATC. NEPOOL echoed these comments, reporting that an implementation period of less than six months would result in the development of OASIS nodes across the nation that lack uniformity as each region complies within a short deadline without time to coordinate with other areas.

Duke argued that a full six months will be needed because, in addition to the difficult task of implementing OASIS, the Open Access Final Rule will change the way the industry does business. Duke argued that the coordination of resources necessary to accommodate all of the discussions and decisions in developing joint OASIS nodes is a more lengthy process than development of an OASIS by each individual company. Duke asserted that a six-month implementation period is needed to permit joint OASIS projects to develop. 162/

SoCal Edison requested that the Commission delay implementation until the requirements of the CA Com's California Restructuring Order have been fully identified. Public Generating Pool argued that the Northwest governors have organized a review of the Northwest Power Act, the Bonneville Power Act, and the northwest

162/ NERC made this same point in its comments.

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electric system in general, to be completed by November 1996. Public Generating Pool argued that the Commission should consider possible contributions to be made by this forthcoming report and urged that the Commission not ignore this work based on a need to meet self-imposed unreasonable and unrealistic OASIS implementation dates.

The How Group, the Western Group and VEPCO suggested that, if the Commission cannot extend the implementation period to six months, then Phase I should itself be implemented in stages. The How Group suggested a three-stage process that would begin with a requirement for primary providers, within 120 days after issuance of the final rule, to post estimates of ATC and secondary capacity for resale that might not be accurate. This would be followed, within 180 days after issuance of the final rule, by the posting of fully accurate secondary capacity information and ATC information, and with Transmission Providers certifying, within 210 days of the final rule, that all functionality and performance requirements for OASIS have been met.

ConEd and Carolina P&L noted that OASIS implementation will cause changes to utility operations, and requested that the Commission schedule implementation during off-peak seasons, such as the spring or fall, when they claim transmission systems are under less stress.

Public Generating Pool and Tallahassee speculated that, if publicly-owned utilities are considered to be under the Commission's jurisdiction for OASIS purposes, they will need more than a six-month implementation period because they may be required to obtain funding approval from state or local oversight commissions.

Discussion

Commenters make persuasive arguments for permitting a six-month implementation period. They raise concerns that a shorter period will not permit adequate time to design, build and thoroughly test an OASIS. They also raise concerns that a shorter period will inhibit the development of joint OASIS and OASIS with a common look and feel. The Commission shares these concerns. We also want to take into account commenters' requests that implementation not be required during the peak winter or summer months. For this reason, we are requiring compliance by November 1, 1996, a specific date about six months from when we expect this final rule to become effective, chosen to avoid the winter and summer peak months. This date is provided in § 37.8 of the final rule, which modifies the provision originally set out in § 37.15 of the RIN NOPR.

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In addition, we will provide additional procedures to allow the development of the remaining initial standards and protocols. As described above, we invite the How Group to report to us on or before May 28, 1996 on these issues (and to attach any comments it has received from any interested person with opposing views).

For these reasons, the Commission will require implementation of Phase I of OASIS to be operational by November 1, 1996..

2. Phase II Implementation

Once Phase I becomes operational, and the industry and public gain experience with it, the full information and functional requirements needed to support open access transmission service will become clearer. In the RIN NOPR, the Commission stated that it envisioned that Phase II would build on Phase I and requested that the industry continue the process of developing standards, and provide a consensus report to the Commission on Phase II recommendations by January 1, 1997.

Most commenters argued that the proposed January 1997 date is too ambitious. Southern argued that this date does not provide enough time for the industry to gain experience with Phase I. Tallahassee and others suggested that Phase II should not be implemented until at least one year after Phase I is implemented. Continental Power Exchange asserted that Phase II will be a continuum of development from the first day of Phase I implementation. NRECA suggested that, if Phase I turns out to be inadequate, then Phase II should be accelerated.

We are sensitive to commenters' concerns about the time between the implementation of Phase I and Phase II. At the same time, the need for the additional functions and performance requirements proposed for Phase II will, we believe, need to be implemented quickly. Accordingly, the industry should continue the process of developing standards, and attempt to develop a consensus report on Phase II recommendations by no later than seven months after implementation of Phase I [insert date of first business day on or after 390 days after publication of the final rule in the Federal Register]. We anticipate that this report would be the basis for supplemental OASIS proceedings to Phase II OASIS requirements. The additional time should permit the industry to obtain sufficient experience with Phase I before it recommends specifications for Phase II.

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We believe that it may be appropriate to require the scheduling of energy transfers on the OASIS in Phase II. Electronic scheduling of energy transfers over the OASIS would increase efficiency. We, therefore, request that the industry incorporate standards for the scheduling of energy transfers on OASIS into the Phase II report.

IV. REGULATORY FLEXIBILITY ACT

The Regulatory Flexibility Act (RFA) 163/ requires the Commission to describe the impact that any proposed or final rule would have on small entities or to certify that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The entities that would have to comply with the final rule are public utilities and transmitting utilities that do not fall within the RFA's definition of small entities. 164/ Therefore, under section 605(b) of the RFA, the Commission hereby certifies that this final rule will not have a significant economic impact on small entities within the meaning of the RFA. Accordingly, no regulatory flexibility analysis is required pursuant to section 603 of the RFA.

In its comments, NRECA questioned the Commission's conclusion that the RIN NOPR did not need to be accompanied by an RFA analysis. NRECA's argument was based on its concern that the Commission might extend

163/ 5 U.S.C. §§ 601-612.

164/ See 5 U.S.C. §§ 601(3) and 601(6) and 15 U.S.C. § 632(a). The RFA defines a small entity as one that is independently owned and not dominant in its field of operation. See 15 U.S.C. § 632(a). In addition, the Small Business Administration defines a small electric utility as one that disposes of 4 million MWh or less of electric energy in a given year. See 13 CFR 121.601 (Major Group 49-Electric, Gas and Sanitary Services) (1995).

In the Open Access Final Rule, issued contemporaneously with this final rule, we conclude that, under these definitions, the Open Access Final Rule would not have a significant economic impact on a significant number of small entities. As this final rule only implements the OASIS requirements of the Open Access Final Rule, the same conclusion is warranted here, for the same reasons.

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OASIS requirements to non-public, not-for-profit cooperative utilities. NRECA argued that, if this were to happen, the Commission would then have to analyze the effect of the OASIS requirements on these utilities and show that the requirements would not have a substantial economic impact upon them. However, as proposed in the RIN NOPR, the Commission's OASIS regulations will apply only to public utilities that own, operate, or control transmission facilities subject to the Commission's jurisdiction. As noted immediately above, public utilities do not fall within the RFA's definition of a "small entity." In addition, as discussed earlier, and as discussed in the Open Access Final Rule, there will be a provision for a waiver for small entities. This responds to NRECA's concerns.

V. ENVIRONMENTAL STATEMENT

Commission regulations require that an environmental assessment or an environmental impact statement be prepared for a Commission action that may have a significant effect on the human environment. ^{165/} Although this final rule does not directly affect any physical transmission facilities, but merely requires the electronic posting by computers of certain information about transmission availability and prices, it nevertheless is covered by the Final Environmental Impact Statement issued in the Open Access NOPR proceeding in Docket Nos. RM95-8-000 and RM94-7-001 on April 12, 1996. Thus, no separate environmental assessment or environmental impact statement has been prepared in this proceeding.

VI. INFORMATION COLLECTION STATEMENT

There are now approximately 328 public utilities, including marketers and wholesale generation entities. The Commission estimates that approximately 166 of these utilities own, operate, or control facilities used for the transmission of electric energy in interstate commerce and thus are subject to this rule. However, since the operation of an OASIS will be closely associated with control areas, we assume that an OASIS will be developed at the control area level and not by each public utility that owns, operates, or controls interstate transmission facilities.

^{165/} Regulations Implementing National Environmental Policy Act, Order No. 486, 52 FR 47897 (Dec. 17, 1987); 1986-90 Regulations Preambles, FERC Stats. & Regs. ¶ 30,783 (Dec. 10, 1987) (codified at 18 CFR Part 380).

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We also expect that some additional OASIS nodes will be created voluntarily by non-public utilities subject to these regulations under the reciprocity condition of the pro forma tariffs. We estimate, therefore, that 140 respondents will be required to collect information. We believe that this estimate is conservative (on the high side) because some regions are likely to develop a region-wide OASIS that will cover more than one control area. 166/

This estimate is higher than the one we included in the RIN NOPR, where we estimated that there would be 84 respondents. We have adjusted our estimate in response to the arguments advanced by NRECA and NE Public Power District, in separate letters to OMB, that the Commission's Information Collection Statement contained in the RIN NOPR failed to account for the proposal in the Open Access NOPR that, because of the reciprocity requirement, non-public utilities and cooperatives entering contracts for open access transmission services would be required to establish their own OASIS nodes or participate in a regional OASIS node.

NRECA also argued that the Commission's analysis must include not only those entities that are developing their own OASIS node, but also those entities who, while they are not developing and operating their own OASIS node, nevertheless will contribute data to their control area operators or regional OASIS operators. NRECA argued, therefore, that the Commission's estimate of the number of respondents should have taken this into account. It did.

Although not explicitly stated in the RIN NOPR, the Commission's Information Collection Statement, both in this final rule and in the RIN NOPR, has been based not only on the efforts by the respondents who will directly operate OASIS nodes but also reflects the collection of information from all significant participants in the transmission market.

Information Collection Statement:

Title: FERC-717, Real-Time Information Network Standards

Action: Final Rule

OMB Control No: 1902-0173

166/ See supra (discussion quoted from How Report at 80).

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Respondents: Public Utilities that own and/or control facilities used for the transmission of electric energy in interstate commerce.

Frequency of Responses: On Occasion

Necessity of the information: The final rule requires affected public utilities to comply with requirements for an Open Access Same-time Information System (OASIS) established by the Commission to give potential customers access to information, by electronic means, that would ensure the availability of open access wholesale transmission service on a non-discriminatory basis. These requirements would support arrangements made for wholesale sales and purchases for third parties. Public utilities or their agents will be required to give competitors and other users of the transmission system access to the same information available to public utility personnel who initiate the acquisition or disposition of power in the wholesale market and at the same time. The Commission will use the information to monitor the networks to ensure that potential purchasers of transmission services obtain the services on a non-discriminatory basis. This final rule was developed after a review of comments filed in response to issuance of a notice of public rulemaking.

The Office of Management and Budget's (OMB) regulations, 167/ require OMB to approve certain information collection requirements imposed by agency rule. The information collection requirements in the final rule will be reported directly to transmission users and will be subject to subsequent audit by the Commission. The distribution of these data will help the Commission carry out its responsibilities under Part II of the FPA.

The Commission is submitting notification of this final rule to OMB. Interested persons may obtain information on the reporting requirements by contacting the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426 [Attention Michael Miller, Information Services Division, (202) 208-1415], and to the Office of Management and Budget [Attention: Desk Officer for the Federal Energy Regulatory Commission (202) 395-3087].

VII. **EFFECTIVE DATE**

167/ 5 CFR 1320.11.

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The regulations of new Part 37 will become effective on [insert date 60 days after the date of publication of this final rule in the Federal Register]. The Commission has determined, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of OMB, that the Open Access Final Rule and the OASIS final rule together constitute a "major rule" as defined in section 351 of the Small Business Regulatory Enforcement Act of 1996. 168/ The rule will be submitted to both Houses of Congress and the Comptroller General prior to its publication in the Federal Register. All of the requirements prescribed in the standards of conduct must be complied with and Phase I OASIS sites that meet the requirements prescribed in this final rule must be in operation by November 1, 1996.

List of Subjects in 18 CFR Part 37

Open Access Same-Time Information System

By the Commission.

(S E A L)

Lois D. Cashell,
Secretary.

168/ 5 U.S.C. § 804(2).

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In consideration of the foregoing, the Commission amends Title 18, Code of Federal Regulations, to add a new Part 37, as set forth below.

PART 37 -- OPEN ACCESS SAME-TIME INFORMATION SYSTEMS AND STANDARDS OF CONDUCT FOR PUBLIC UTILITIES

Sec.

37.1 Applicability.

37.2 Purpose.

37.3 Definitions.

37.4 Standards of conduct.

37.5 Obligations of Transmission Providers
and Responsible Parties.

37.6 Information to be posted on an OASIS.

37.7 Auditing Transmission Service Information.

37.8 Implementation schedule for OASIS requirements; phases.

AUTHORITY: 16 U.S.C. 791-825r, 2601-2645; 31 U.S.C. 9701; 42 U.S.C. 7101-7352.

§ 37.1 Applicability.

This part applies to any public utility that owns, operates, or controls facilities used for the transmission of electric energy in interstate commerce and to transactions performed under the pro forma tariff required in Part 35 of this Chapter.

§ 37.2 Purpose.

(a) The purpose of this part is to ensure that potential customers of open access transmission service receive access to information that will enable them to obtain transmission service on a non-discriminatory basis from any Transmission Provider. These rules provide standards of conduct and require the Transmission Provider (or its agent) to create and operate an Open Access Same-time Information System (OASIS) that gives all users of the open access transmission system access to the same information.

(b) The OASIS will provide information by electronic means about available transmission capability for point-to-point service and will provide a process for requesting transmission service. OASIS will enable Transmission Providers and Transmission Customers to communicate promptly requests and responses to buy and sell available transmission capacity offered under the Transmission Provider's tariff.

§ 37.3 Definitions.

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(a) **Transmission Provider** means any public utility that owns, operates, or controls facilities used for the transmission of electric energy in interstate commerce.

(b) **Transmission Customer** means any eligible customer (or its designated agent) that can or does execute a transmission service agreement or can or does receive transmission service.

(c) **Responsible Party** means the Transmission Provider or an agent to whom the Transmission Provider has delegated the responsibility of meeting any of the requirements of this Part.

(d) **Reseller** means any Transmission Customer who offers to sell transmission capacity it has purchased.

(e) **Wholesale Merchant Function** means the sale for resale, or purchase for resale, of electric energy in interstate commerce.

(f) **Affiliate** means: (1) for any exempt wholesale generator, as defined under section 32(a) of the Public Utility Holding Company Act of 1935, as amended, the same as provided in section 214 of the Federal Power Act; and

(2) for any other entity, the term affiliate has the same meaning as given in § 161.2(a) of this Chapter.

§ 37.4 **Standards of conduct.**

A Transmission Provider must conduct its business to conform with the following standards:

(a) **General Rules** (1) Except as provided in paragraph (a)(2) of this section, the employees of the Transmission Provider engaged in transmission system operations must function independently of its employees, or the employees of any of its affiliates, who engage in Wholesale Merchant Functions.

(2) Notwithstanding any other provisions in this section, in emergency circumstances affecting system reliability, Transmission Providers may take whatever steps are necessary to keep the system in operation. Transmission Providers must report to the Commission and on the OASIS each emergency that resulted in any deviation from the standards of conduct, within 24 hours of such deviation.

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(b) Rules governing employee conduct (1) Prohibitions. Any employee of the Transmission Provider, or any employee of an affiliate, engaged in wholesale merchant functions is prohibited from: (i) conducting transmission system operations or reliability functions; and

(ii) having access to the system control center or similar facilities used for transmission operations or reliability functions that differs in any way from the access available to other open access Transmission Customers.

(2) Transfers. Employees engaged in either (i) wholesale merchant functions or (ii) transmission system operations or reliability functions are not precluded from transferring between such functions as long as such transfer is not used as a means to circumvent the standards of conduct of this section. Notices of any employee transfer to or from transmission system operations or reliability functions must be posted on the OASIS as provided in § 37.6 (g)(3). The information to be posted must include: the name of the transferring employee, the respective titles held while performing each function (i.e., on behalf of the Transmission Provider and wholesale merchant or affiliate), and the effective date of the transfer. The information posted under this section must remain on the OASIS for 90 days.

(3) Information Access. Any employee of the Transmission Provider, or of any of its affiliates, engaged in wholesale merchant functions: (i) shall have access to only that information available to the Transmission Provider's open access transmission customers (i.e., the information posted on an OASIS), and must not have preferential access to any information about the Transmission Provider's transmission system that is not available to all users of an OASIS; and

(ii) is prohibited from obtaining information about the Transmission Provider's transmission system (including information about available transmission capability, price, curtailments, ancillary services, and the like) through access to information not posted on the OASIS that is not otherwise also available to the general public without restriction, or through information through the OASIS that is not also publicly available to all OASIS users.

(4) Disclosure. A Transmission Provider is responsible for ensuring compliance with the following provisions: (i) Any employee of the Transmission Provider, or any employee of an affiliate, engaged in transmission system operations or reliability functions may not disclose to employees of the Transmission Provider,

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or any of its affiliates, engaged in wholesale merchant functions any information concerning the transmission system of the Transmission Provider or the transmission system of another (including information received from non-affiliates or information about available transmission capability, price, curtailments, ancillary services, etc.) through non-public communications conducted off the OASIS, through access to information not posted on the OASIS that is not at the same time available to the general public without restriction, or through information on the OASIS that is not at the same time publicly available to all OASIS users (such as E-mail).

(ii) If an employee of the Transmission Provider engaged in transmission system operations or reliability functions discloses information not posted on the OASIS in a manner contrary to the requirements of the standards of conduct, the Transmission Provider must immediately post such information on the OASIS.

(iii) A Transmission Provider may not share any market information, acquired from nonaffiliated Transmission Customers or potential nonaffiliated Transmission Customers, or developed in the course of responding to requests for transmission or ancillary service on the OASIS, with its own employees (or those of an affiliate) engaged in merchant functions, except to the limited extent information is required to be posted on the OASIS in response to a request for transmission service or ancillary services.

(5) Implementing Tariffs. (i) Employees of the Transmission Provider engaged in transmission system operations or reliability functions must strictly enforce all tariff provisions relating to the sale or purchase of open access transmission service, if these provisions do not provide for the use of discretion.

(ii) Employees of the Transmission Provider engaged in transmission system operations must apply all tariff provisions relating to the sale or purchase of open access transmission service in a fair and impartial manner that treats all customers (including the public utility and any affiliate) in a non-discriminatory manner, if these provisions involve discretion.

(iii) The Transmission Provider must keep a log, available for Commission audit, detailing the circumstances and manner in which it exercised its discretion under any terms of the tariff.

(iv) The Transmission Provider may not, through its tariffs or otherwise, give preference to wholesale purchases or sales made on behalf of its own power customers, or those of an affiliate, over the interests of any other

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wholesale customer in matters relating to the sale or purchase of transmission service (including issues of price, curtailments, scheduling, priority, ancillary services, etc.).

(v) If the Transmission Provider offers a discount on purchases of transmission service made on behalf of its own power customers or those of any affiliate, then, at the same time, it must post on the OASIS an offer to provide the same discount to all Transmission Customers on the same path and on all unconstrained transmission paths.

(vi) If the Transmission Provider offers a rate discount on ancillary services to an affiliate, or attributes a discounted ancillary service rate to its own transactions, the Transmission Provider must, at the same time, post on the OASIS an offer to provide the same discount to all eligible customers.

(6) Books and Records. A Transmission Provider must maintain its books of account and records (as prescribed under Parts 101 and 125 of this Chapter) separately from those of its affiliates and these must be available for Commission inspection.

(c) Maintenance of written procedures. The Transmission Provider must maintain in a public place, and file with the Commission, current written procedures implementing the standards of conduct in such detail as will enable customers and the Commission to determine that the Transmission Provider is in compliance with the requirements of this section.

§ 37.5 Obligations of Transmission Providers and Responsible Parties.

(a) Each Transmission Provider is required to provide for the operation of an OASIS, either individually or jointly with other Transmission Providers, in accordance with the requirements of this Part. The Transmission Provider may delegate this responsibility to a Responsible Party such as another Transmission Provider, an Independent System Operator, a Regional Transmission Group, or a Regional Reliability Council.

(b) A Responsible Party must: (1) provide access to an OASIS providing standardized information relevant to the availability of transmission capacity, prices, and other information (as described in this Part) pertaining to the transmission system for which it is responsible; and

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(2) shall operate the OASIS in compliance with the standardized procedures and protocols found in OASIS Standards and Communication Protocols, which can be obtained from the Public Reference and Files Maintenance Branch, Room 2A, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

(c) Transmission Providers must provide "read only" access to the OASIS to Commission staff and the staffs of State regulatory authorities, at no cost, after such staff members have complied with the requisite registration procedures.

§ 37.6 Information to be posted on an OASIS.

(a) The information posted on the OASIS must be in such detail as to allow Transmission Customers to: (1) make requests for transmission services offered by Transmission Providers, Resellers and other providers of ancillary services;

(2) view and download in standard formats, using standard protocols, information regarding the transmission system necessary to enable prudent business decision making;

(3) post, view, upload and download information regarding available products and desired services;

(4) clearly identify the degree to which their transmission service requests or schedules were denied or interrupted; and

(5) obtain access, in electronic format, to information to support available transmission capability calculations and historical transmission service requests and schedules for various audit purposes.

(b) Posting transmission capability. The transmission capability that is expected to be available on the Transmission Provider's system (ATC) and the total transmission capability (TTC) of that system shall be calculated and posted for each Posted Path as set out in this section.

(1) Definitions. For purposes of this section,

(i) **Posted Path** means any control area to control area interconnection; any path for which service is denied, curtailed or interrupted for more than 24 hours in the past 12 months; and any path for which a customer requests to have ATC or TTC posted. For this last category, the posting must continue for 180 days and thereafter

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until 180 days have elapsed from the most recent request for service over the requested path. For purposes of this definition, an hour includes any part of an hour during which service was denied, curtailed or interrupted.

(ii) **Constrained Posted Path** means any posted path having an ATC less than or equal to 25 percent of TTC at any time during the preceding 168 hours or for which ATC has been calculated to be less than or equal to 25 percent of TTC for any period during the current hour or the next 168 hours.

(iii) **Unconstrained Posted Path** means any posted path not determined to be a constrained posted path.

(2) **Calculation methods, availability of information, and requests.** (i) Information used to calculate any posting of ATC and TTC must be dated and time-stamped and all calculations shall be performed according to consistently applied methodologies referenced in the Transmission Provider's transmission tariff and shall be based on current industry practices, standards and criteria.

(ii) On request, the Responsible Party must make all data used to calculate ATC and TTC for any constrained posted paths publicly available (including the limiting element(s) and the cause of the limit (e.g., thermal, voltage, stability)) in electronic form within one week of the posting. The information is required to be provided only in the electronic format in which it was created, along with any necessary decoding instructions, at a cost limited to the cost of reproducing the material. This information is to be retained for six months after the applicable posting period.

(iii) System planning studies or specific network impact studies performed for customers to determine network impacts are to be made publicly available in electronic form on request and a list of such studies shall be posted on the OASIS. A study is required to be provided only in the electronic format in which it was created, along with any necessary decoding instructions, at a cost limited to the cost of reproducing the material. These studies are to be retained for two years.

(3) **Posting.** The ATC and TTC for all Posted Paths must be posted in megawatts by specific direction and in the manner prescribed in this subsection.

(i) **Constrained Posted Paths.**

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(A) For Firm ATC and TTC: (1) The posting shall show ATC and TTC for a 30-day period. For this period postings shall be: by the hour, for the current hour and the 168 hours next following; and thereafter, by the day. If the Transmission Provider charges separately for on-peak and off-peak periods in its tariff, ATC and TTC will be posted daily for each period.

(2) Postings shall also be made by the month, showing for the current month and the 12 months next following.

(3) If planning and specific requested transmission studies have been done, seasonal capability shall be posted for the year following the current year and for each year following to the end of the planning horizon but not to exceed 10 years.

(B) For Non-Firm ATC and TTC. The posting shall show ATC and TTC for a 30-day period by the hour and days prescribed under paragraph (b)(3)(i)(A)(1) of this section and, if so requested, by the month and year as prescribed under paragraph (b)(3)(i)(A)(2) and (3) of this section.

(C) Updating Posted Information for Constrained Paths. (1) The capability posted under paragraphs (b)(3)(i)(A) and (B) of this section must be updated when transactions are reserved or service ends or whenever the TTC estimate for the Path changes by more than 10 percent.

(2) All updating of hourly information shall be made on the hour.

(ii) Unconstrained Posted Paths. (A) Postings of ATC and TTC shall be by the day, showing for the current day and the next six days following and thereafter, by the month for the 12 months next following. If the Transmission Provider charges separately for on-peak and off-peak periods in its tariff, ATC and TTC will be posted for the current day and the next six days following for each period. These postings are to be updated whenever the ATC changes by more than 20 percent of the Path's TTC.

(B) If planning and specific requested transmission studies have been done, seasonal capability shall be posted for the year following the current year and for each year following until the end of the planning horizon but not to exceed 10 years.

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(c) Posting Transmission Service Products and Prices. (1) Transmission Providers must post prices and a summary of the terms and conditions associated with all transmission products offered to Transmission Customers.

(2) Transmission Providers must provide a downloadable file of their complete tariffs in the same electronic format as the tariff is filed with the Commission.

(3) A Transmission Provider, within 24 hours of agreeing to sell transmission service to a non-affiliate at a discount (as measured from when ATC must be adjusted in response to the transaction), must post on the OASIS (and make available for download) information describing the transaction (including price, quantity, and any other relevant terms and conditions) and shall keep such information posted on the OASIS for at least 30 days. A record of the transaction must be retained and kept available as part of the audit log required in section 37.7. With respect to any discount offered to its own power customers or its affiliates, the Transmission Provider must, at the same time, post on the OASIS an offer to provide the same discount to all Transmission Customers on the same path and on all unconstrained transmission paths.

(4) Customers choosing to use the OASIS to offer for resale transmission capacity they have purchased must post relevant information to the same OASIS as used by the one from whom the Reseller purchased the transmission capacity. This information must be posted on the same display page, using the same tables, as similar capability being sold by the Transmission Provider, and the information must be contained in the same downloadable files as the Transmission Provider's own available capability. A customer reselling transmission capacity without the use of an OASIS must, nevertheless, inform the original Transmission Provider of the transaction within the time limits prescribed by the "Sale or Assignment of Transmission Service" section of the pro forma tariff.

(d) Posting Ancillary Service Offerings and Prices. (1) Any ancillary service required to be provided or offered under the pro forma tariff prescribed by Part 35 of this Chapter must be posted with the price of that service.

(2) A Transmission Provider, within 24 hours of agreeing to sell an ancillary service to a non-affiliate at a discount, must post on the OASIS (and make available for download) information describing the transaction (including price, quantity, and any other relevant terms and conditions) and shall keep such information posted on

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the OASIS for at least 30 days. A record of the transaction must be retained and kept available as part of the audit log required in § 37.7. As to discounts for ancillary services, if a Transmission Provider offers a rate discount to an affiliate, or attributes a discounted ancillary service rate to its own transactions, the Transmission Provider must, at the same time, post on the OASIS an offer to provide the same discount to all eligible customers.

(3) Any other interconnected operations service offered by the Transmission Provider may be posted, with the price for that service.

(4) Any entity offering an ancillary service shall have the right to post the offering of that service on the OASIS if the service is one required to be offered by the Transmission Provider under the pro forma tariff prescribed by Part 35 of this Chapter. Any entity may also post any other interconnected operations service voluntarily offered by the Transmission Provider. Postings by customers and third parties must be on the same page, and in the same format, as postings of the Transmission Provider.

(e) Posting Specific Transmission Service Requests and Responses.

(1) General Rules. (i) All requests for transmission service offered by Transmission Providers under the pro forma tariff must be made on the OASIS. Requests for transmission service, and the responses to such requests, must be conducted in accordance with the Transmission Provider's tariff, the Federal Power Act, and Commission regulations.

(ii) In processing a request for transmission or ancillary service, the Responsible Party shall post the following information: the date and time when the request is made, its place in any queue, the status of that request, and the result (accepted, denied, withdrawn).

(iii) The identity of the parties will be masked -- if requested -- during the negotiating period and for 30 days from the date when the request was accepted, denied or withdrawn.

(2) Posting when a request for transmission service is denied. (i) When a request for service is denied, the Responsible Party must provide the reason for that denial as part of any response to the request.

(ii) Information to support the reason for the denial, including the operating status of relevant facilities, must be maintained for 60 days and provided, upon request, to the potential Transmission Customer.

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(iii) Any offer to adjust operation of the Transmission Provider's System to accommodate the denied request must be posted and made available to all Transmission Customers at the same time.

(3) Posting when a transaction is curtailed or interrupted. (i) When any transaction is curtailed or interrupted, the curtailment or interruption must be posted (with the identities of the parties masked as required in § 37.6(e)(1)(iii)) and must state the reason why the transaction could not be continued or completed.

(ii) Information to support any such curtailment or interruption, including the operating status of the facilities involved in the constraint or interruption, must be maintained for 60 days and provided, upon request, to the curtailed or interrupted customer.

(iii) Any offer to adjust the operation of the Transmission Provider's system to restore a curtailed or interrupted transaction must be posted and made available to all curtailed and interrupted Transmission Customers at the same time.

(f) Posting Transmission Service Schedules Information. Information on transmission service schedules must be recorded by the entity scheduling the transmission service and must be available on the OASIS for download. Transmission service schedules must be posted no later than seven calendar days from the start of the transmission service.

(g) Posting Other Transmission-Related Communications. (1) The posting of other communications related to transmission services must be provided for by the Responsible Party. These communications may include "want ads" and "other communications" (such as using the OASIS as a Transmission-related conference space or to provide transmission-related messaging services between OASIS users). Such postings carry no obligation to respond on the part of any market participant.

(2) The Responsible Party is responsible for posting other transmission-related communications in conformance with the instructions provided by the third party on whose behalf the communication is posted. It is the responsibility of the third party requesting such a posting to ensure the accuracy of the information to be posted.

(3) Posting Transfers. Notices of transfers of personnel as described in § 37.4(b)(2) shall be posted.

§ 37.7 Auditing Transmission Service Information.

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(a) All OASIS database transactions, except other transmission-related communications provided for under § 37.6(g)(2), must be stored, dated, and time stamped.

(b) Audit data must remain available for download on the OASIS for 90 days. The audit data are to be retained and made available upon request for three years from the date when they are first posted.

§ 37.8 Implementation schedule for OASIS requirements; phases.

Each Transmission Provider must develop or participate in an OASIS that meets the requirements of this Part and that is in operation by November 1, 1996. Each Transmission Provider must be in compliance with the standards of conduct prescribed in § 37.4 by November 1, 1996.

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[NOTE: This attachment will not appear in the Code of Federal Regulations.]

ATTACHMENT 1

List of Commenters to RIN NOPR

<u>Number</u>	<u>Commenter Name</u>	<u>Abbreviation</u>
1	ABB Systems Control	(ABB)
2	Allegheny Power Service Corporation	(Allegheny)
3	American Electric Power	(AEP)
4	American Public Power Association	(APPA)
5	City of Anaheim, CA	(Anaheim)
6	Arizona Public Service Company	(Arizona)
7	Bangor Hydro-Electric Company	(Bangor)
8	Basin Electric Power Cooperative	(Basin EC)
9	Bonneville Power Administration	(BPA)
10	California PUC	(CA Com)
11	Carolina Power & Light Company	(Carolina P&L)
12	Central Hudson Gas & Electric Corp.	(Central Hudson)
13	Central Illinois Public Service Company	(Central Illinois Public Service)
14	CINergy Corporation	(CINergy)
15	Coalition for a Competitive Electric Market	(CCEM)
16	Colorado Springs Utilities	(CSU)
17	Commonwealth Edison Company	(Com Ed)
18	Consolidated Edison Company	(ConEd)
19	Consumers Power Company	(Consumers Power)
20	Continental Power Exchange	(Continental Power Exchange)
21	CSW Companies	(CSW)
22	Dayton Power and Light Company	(Dayton P&L)
23	Detroit Edison Company	(Detroit Edison)
24	Duke Power Company	(Duke)
25	Edison Electric Institute	(EEI)
26	El Paso Electric Company	(El Paso)
27	Electric Generation Association	(EGA)
28	Electric Reliability Council of Texas	(ERCOT)
29	Entergy Services, Inc.	(Entergy)
30	Florida Electric Power Coordinating Group	(Florida CG)
31	Florida Power Corporation	(Florida Power Corp)
32	Florida PSC	(FL Com)
33	Fuel Managers Association	(Fuel Managers)
34	"How" Industry Working Group	(How Group)
35	Idaho Power Company	(Idaho)

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36	Indiana Utility Regulatory Commission	(IN Com)	
37	Indianapolis Power & Light Company		(Indianapolis P&L)
38	Klein, Stanley A.	(Klein)	
39	Long Island Lighting Company	(LILCO)	
40	Madison Gas and Electric Company	(Madison G&E)	

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41	Maine Public Service Company		(Maine Public Service)
42	MidAmerican Energy Company	(MidAmerican)	
43	Mid-Continent Area Power Pool	(MAPP)	
44	Minnesota Power & Light Company		(Minnesota P&L)
45	Missouri Public Service Commission		(MO & AK Com's)
46	Montana Power Company		(Montana Power)
47	National Association of Regulatory Utility Commissioners	(NARUC)	
48	National Independent Energy Producers	(NIEP)	
49	National Rural Electric Cooperative Association	(NRECA)	
50	Nebraska Public Power District	(NE Public Power District)	
51	New England Power Pool	(NEPOOL)	
52	New York Mercantile Exchange	(NYMEX)	
53	New York Power Pool	(NYPP)	
54	New York State Electric & Gas Corp. (NYSEG)		
55	New York State PSC	(NY Com)	
56	NorAm Energy Services, Inc.	(NorAm)	
57	North American Electric Reliability Council	(NERC)	
58	North Carolina Electric Membership Corp.	(NCEMC)	
59	Northeast Texas Electric Cooperative, Inc.	(NTEC)	
60	Northeast Utilities	(NU)	
61	Northern States Power Companies	(NSP)	
62	Nucor Corporation	(Nucor)	
63	Oak Ridge National Lab, Energy Division	(Oak Ridge)	
64	Ohio Edison Company		(Ohio Edison)
65	Ohio PUC		(Ohio Com)
66	Oklahoma Corporation Commission	(OK Com)	
67	Oklahoma Gas & Electric	(Oklahoma G&E)	
68	Omaha Public Power District	(Omaha PPD)	
69	Ontario Hydro	(Ontario Hydro)	
70	Orange and Rockland Utilities, Inc.		(Orange & Rockland)
71	Oregon Trail Electric Consumers Cooperative	(Oregon EC)	
72	Otter Tail Power Company	(Otter Tail)	
73	Pacific Gas and Electric Company	(PG&E)	

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74	PacifiCorp	(PacifiCorp)
75	Pennsylvania - New Jersey - Maryland Power Pool	(PJM)
76	Pennsylvania Public Utility Commission	(PA Com)
77	Public Generating Pool	(Public Generating Pool)
78	Public Service Company of New Mexico	(PSNM)
79	Sacramento Municipal Utility District	(SMUD)
80	Salt River Project	(Salt River)
81	San Diego Gas & Electric Company	(San Diego G&E)
82	Seattle City Light	(Seattle)
83	Services-Oriented Open Network Technologies, Inc.	(SONETECH)
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84	Sierra Pacific Power Company	(Sierra)
85	South Carolina Electric & Gas Company	(SCE&G)
86	South Carolina Public Service Authority	(SC Public Service Authority)
87	Southern California Edison Company	(SoCal Edison)
88	Southern Company Services, Inc.	(Southern)
89	Southwest Transmission Dependent Utility Group	(Southwest TDU Group)
90	Southwestern Public Service Company	(Southwestern)
91	Sunflower Electric Power Cooperative	(Sunflower)
92	City of Tallahassee, FL	(Tallahassee)
93	Tampa Electric Company	(Tampa)
94	Tennessee Valley Authority	(TVA)
95	Texas Utilities Electric Company	(Texas Utilities)
96	Transmission Access Policy Study Group	(TAPS)
97	Tucson Power Electric Power Company	(Tucson Power)
98	Union Electric Company	(Union Electric)
99	United Illuminating Company	(United Illuminating)
100	U.S. Department of Energy, Office of Energy Research	(DOE)
101	UTC, The Telecommunications Association	(UTC)
102	Virginia Electric and Power Company	(VEPCO)
103	Western Group	(Western Group)
104	Wisconsin Power & Light	(WP&L)

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ATTACHMENT H
FERC ORDER 889
Appendix A
Data Dictionary

[NOTE: This appendix will not appear in the Code of Federal Regulations.]{PRIVATE }

Appendix A

Data Element Dictionary

April 24, 1996

Version 1.0

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{PRIVATE }Data Dictionary Element Name	Description	Field Format : minimum characters {type of ASCII} maximum characters	Units or Type	Restricted Values	Definition of Data Element
ANCILLARY_SERVICES_ CATEGORY (alias ANC_SERV_CAT)	Category of ancillary services (to be defined)	1{ALPHANUMERIC}20	Text	Free-form text	A reference to ancillary service categorized defined by the Provider
ANCILLARY_SERVICES_ PROVIDER (alias ANC_SERV_PROVIDER)	Provider of ancillary services	1{ALPHANUMERIC}25	Name	Unique value	Name of a provider of ancillary services
ANCILLARY_SERVICES_ REQUIREMENTS (alias ANC_SERV_REQ)	Requirements for Ancillary Services	1{ALPHANUMERIC} 50	Text	Free-form text	Requirements for Ancillary Services
ANCILLARY_SERVICES_ TYPE (alias (ANC_SERV_TYPE)	Type of ancillary services (to be defined)	1{ALPHANUMERIC}14	Text	Free-form text	A reference to the ancillary service types defined by the Provider. This provides a sub-category for ANCILLARY_SERVICE_CATEGORY
ASSIGNABILITY	Assignability	2{ALPHA}3	Boolean	YES or NO	Identifies whether service is assignable or not.
ASSIGNMENT_REF (ALIAS ASSIGN_REF)	Reference for Assignment of ATC Rights	1{ALPHANUMERIC}12	Text	Unique value	A unique reference number assigned by a Transmission Information Provider to provide a unique record for each transmission service request.
BEGDATETZ (alias BEGDTZ)	Beginning Date and Time	16 alphanumeric characters: yyyy+mo+dd+hh+mm+ss +tz	Time	Valid date and time	Beginning Date, time, and time zone. Military time is used. Example: 19960212145530PS
CAPACITY (alias CAP,ATC)	Available Transmission Capacity or Available Transfer Capability	1{NUMERIC}12	MW	Positive number	Transfer capability is the measure of the ability of the interconnected electric systems to reliably move or transfer power from one area to another over all transmission lines (or paths) between those areas under specified system conditions. In this context, 'area' may be an individual electric system, power pool, control area, subregion, or NERC region, or portion thereof.
CAPACITY_TYPE (alias CAP_TYPE,ATC_TYPE)	Type of Capacity	1{ALPHANUMERIC}14	Text	The value is selected from the _TYPE element described by the Provider in his Services_ Transmission	The type of capacity being referenced. <i>Examples include Firm, Non-Firm; Firm-On-Peak, Firm-Off-Peak, Non-Firm-On-Peak, Non-Firm-Off-Peak;</i>
COLUMN_HEADERS (alias HEADERS)	Column headers for data	1{ALPHANUMERIC}Unlimited	Text	Headers surrounded with " and seperated by	Example: "PATH_NAME", "POR", "POD", "SOURCE", "SINK"

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{PRIVATE }Data Dictionary Element Name	Description	Field Format : minimum characters {type of ASCII} maximum characters	Units or Type	Restricted Values	Definition of Data Element
				commas	
COMMENTS	Comments	1{ALPHANUMERIC} 50	Text	Free-form text	Informative text.
COMPANY	Company of a Primary Provider, Secondary Provider, or Customer	1{ALPHANUMERIC}25	Name	Valid name of a Company	The name of a Company who has services for resell.
CONTACT	Contact name	1{ALPHANUMERIC}25	Name	Valid name of a person	The name of an individual contact.
CURTAILMENT_RESUMPTION (alias CURT_RESUMP)	Curtailment Resumption	1{NUMERIC}12	Priority number	Positive number	Priority in which service is resumed.
CURTAILMENT_MINIMUM_NOTICE (alias CURT_MIN_NOTICE)	Curtailment Minimum Notice	1{ALPHANUMERIC}16	Time in Hours	Positive number	Minimum time to provide notice of curtailment of service.
CURTAILMENT_PRIORITY (alias CP)	Curtailment Priority	1{NUMERIC}3	Priority number	Positive number	The order in which the schedules will be curtailed.
CURTAILMENT_QUEUE_ORDER (alias CURT_QUE_ORDER)	Curtailment Queue Order	1{NUMERIC}3	Queue number	Positive number	Priority in which curtailment of service occurs.
CURTAILMENT_REASON (alias CURT_REASON)	Curtailment Reasons	1{ALPHANUMERIC}25	Text	Free-form text	Reason for curtailment of service.
CUSTOMER	Name of Requester and Customer Identifier (authorization password or identifier code, which at least is non-displayable and should be encrypted)	1{ALPHANUMERIC}25	Name	Unique value	Any eligible company (or its designated agent) that is authorized to view OASIS information, to execute a service agreement, and/or to receive transmission service.
CUSTOMER_CODE (alias CUST_CODE)	Transmission Customer Code	1{NUMERIC}12	DUNS number	Unique number	Unique DUNS number for each Customer (if available)
CUSTOMER_PAYMENT (alias CUST_PAYMENT)	Customer Payment	1{ALPHANUMERIC}20	Text	Free-form text	Customer payment.
CUSTOMER_REQUIREMENT (alias CUST_REQUIREMENTS)	Customer Requirements	1{ALPHANUMERIC}20	Text	Free-form text	Customer requirements.
DATA_RECORDS	Data included in a file	1{APLPHANUMERIC} unlimited	Text or numbers	Free-form text or numbers	Data included in a file
DATETIMETZ (alias DTZ)	Date and Time Stamp	16 alphanumeric characters: yyyy+mo+dd+hh+mm+ss+tz	Time	Valid date and time	Date and Time Stamp of the information being presented to the Customer
DAY	Day	Query Variable	Numeric	The day is represented as	This specifies the day of the month from which the data is requested. DAY refers to a single day, while

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{PRIVATE }Data Dictionary Element Name	Description	Field Format : minimum characters {type of ASCII} maximum characters	Units or Type	Restricted Values	Definition of Data Element
				an integer from 1 to 31. For some months, the maximum value may be less.	DAY-START and DAY-END refer to a range of days.
DAY-END, (alias EDAY)	Last day to show data	Query Variable	Numeric	The day is represented as an integer from 1 to 31. For some months, the maximum value may be less.	This specifies the day of the month from which the data is requested. DAY refers to a single day, while DAY-START and DAY-END refer to a range of days.
DAY-START, (alias SDAY)	First day to show data	Query Variable	Numeric	The day is represented as an integer from 1 to 31. For some months, the maximum value may be less.	This specifies the day of the month from which the data is requested. DAY refers to a single day, while DAY-START and DAY-END refer to a range of days.
dd	Days in date and time fields	2{NUMERIC}2	Time	Range of 0 to 31, validated against month	A numeric value represent the day in the month
DEAL_REFERENCE (alias DEALREF)	Deal Reference	1{ALPHANUMERIC}12	Text	Unique value	The unique reference assigned by a Customer to two or more SERVICE_PURCHASES to identify each of them as related to others in the same power service deal. These requests may be related to each other in time sequence through a single Provider, or as a series of wheels through multiple Providers, or a combination of both time and wheels. The Customer uses the DEAL_REFERENCE to uniquely identify a combination of requests relating to a particular deal.
DISCOUNT	Discount	0{ALPHANUMERIC}20	Text	Free-form text	A description of any discount that applies.
DISCOUNT_PERCENT	Discount Percentage	0{NUMERIC}6	Percentage	Between 0 and 100	The percentage of any discount that applies.
DTMMTZ	Date and Time to minutes with time zone	14 alphanumeric characters: yyyy+mo+dd+hh+mm+tz	Time	Valid date and time	Date and time to the minute resolution and time zone. This specifies the time when the Capacity is available.

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{PRIVATE }Data Dictionary Element Name	Description	Field Format : minimum characters {type of ASCII} maximum characters	Units or Type	Restricted Values	Definition of Data Element
DTTZTS_EXPIRES	Date and time of expiration	14 alphanumeric characters: yyyy+mo+dd+hh+mm+tz	Time	Valid date and time	Represents when a Want Ad message expires (i.e., is removed from data storage).Date, time, and time zone. Military time is used. Example: 19960212145530PS
DTTZTS_POSTED	Date and time posted, oriented to computers	14 alphanumeric characters: yyyy+mo+dd+hh+mm+tz	Time	Valid date and time	Represents when a Want Ad message was posted. Date, time, and time zone oriented to computer interpretation. Military time is used. Example: 19960212145530PS
DTTZTS_QUEUED	Date and time entered into queue	16 alphanumeric characters: yyyy+mo+dd+hh+mm+ss+tz	Time	Valid date and time	Represents when a Customer Request or a Want Ad message was queued for processing. Date, time, and time zone oriented to computer interpretation. Military time is used. Example: 19960212145530PS
E-MAIL (aliad EMAIL)	E-mail address	5{ALPHANUMERIC}60	E-mail address	Valid network reference	E-MAIL address
ENDDATETZ (alias ENDDTZ)	Ending Date and Time	16 alphanumeric characters: yyyy+mo+dd+hh+mm+ss+tz	Time	Valid date and time	Ending Date, time, and time zone. Military time is used. Example: 19960212145530PS
FAX	Fax number	10{NUMERIC}10	Telephone number	Area code and telephone number	A telephone number for a fax machine.
hh	Hour in date and time fields	2{NUMERIC}2	Time	Range of 0 to 25	A numeric value represent the hour of the day with a range of 0 to 25. The value of 25 is necessary for observance of daylight savings time.
HOURL	Hour	Query Variable	Numeric	An integer value between 1 and 25 representing "hour-ending" time. Hour 1 refers to the time between 00:01 to 01:00. Hour 25 refers to the extra hour added when daylight savings time	This specifies the hour of the day or range of hours in the day for each hour data is requested. HOURL refers to a single hour, while HOURL-START and HOURL-END refer to a range of hours

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{PRIVATE }Data Dictionary Element Name	Description	Field Format : minimum characters {type of ASCII} maximum characters	Units or Type	Restricted Values	Definition of Data Element
				changes in the fall. Default is all hours of the day.	
HOURL-END, (alias EHR)	Hour	Query Variable	Numeric	An integer value between 1 and 25 representing "hour-ending" time.	This specifies the hour of the day or range of hours in the day for each hour data is requested. HOUR refers to a single hour, while HOUR-START and HOUR-END refer to a range of hours
HOURL-START, (alias SHR)	Hour	Query Variable	Numeric	An integer value between 1 and 25 representing "hour-ending" time.	This specifies the hour of the day or range of hours in the day for each hour data is requested. HOUR refers to a single hour, while HOUR-START and HOUR-END refer to a range of hours
INCREASE_OBLIGATION (alias INC_OBLIG)	Increase Obligation	1{ALPHANUMERIC}12	Text	Free-form text	Increase obligation.
INTERFACE_TYPE (alias IT)	Internal or External interface to an area	1{ALPHA}1	Text	E = external I = internal O = other	The value is either the character 'I' for Internal (Intra-control area-to-control area) or the character 'E' for External (Inter-control area-to-control area) or the character 'O' for Other.
KEYWORD	Keyword	0{ALPHANUMERIC}16	Text	Free-form text	A descriptive word for identification. Typically such that it would be specified for search for information.
mm	Minutes in date and time fields	2{NUMERIC}2	Time	Range of 0 to 59	A numeric value represent the minutes of the hour
mo	Month in date and time fields	2{NUMERIC}2	Time	Range of 1 to 12	A numeric value represent the month of the year
MONTH, (alias MON)	Month	Query Variable	Numeric	Month is specified as a numeric value between 1 and 12.	This specifies which month of data is requested. Normally, the date is further qualified by day (except when monthly data is requested. MONTH refers to a single month. MONTH-START and MONTH-END specify a range
MONTH-END, (alias EMON)	Last month to show data	Query Variable	Numeric	Month is specified as a numeric value between 1 and 12.	This specifies which month of data is requested. Normally, the date is further qualified by day (except when monthly data is requested. MONTH refers to a single month. MONTH-START and MONTH-END specify a range
MONTH-START, (alias SMON)	First month to show data	Query Variable	Numeric	Month is specified as a	This specifies which month of data is requested. Normally, the date is further qualified by day

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{PRIVATE }Data Dictionary Element Name	Description	Field Format : minimum characters {type of ASCII} maximum characters	Units or Type	Restricted Values	Definition of Data Element
				numeric value between 1 and 12.	(except when monthly data is requested. MONTH refers to a single month. MONTH-START and MONTH-END specify a range
NO_OF_ROWS	Number of rows of data in a file	1{NUMERIC}4	Number	Range of 1 to 9999	Number of rows of data in a file
NO_PREV_ASSIGN_REF (alias NO_PAREF)	Number of previous assignment references	1{NUMERIC}4	Number	Range of 1 to 9999	The number of previous sales of transmission services that have been aggregated to form a new sale of a portion of those services.
OUTPUT_FORMAT (alias FMT)	Output Format	4{ALPHANUMERIC}4	Text	Values of: HTML, DATA,	Defines the format of the response. The information returned is used for either a Graphical User Interface (GUI) or as a File processed by a computer.
PATH_NAME (alias PATH)	Path name	5{ALPHANUMERIC}50	Name	Unique value	The unique name assigned to a single transmission line or the set of one or more parallel transmission lines whose power transfer capabilities are strongly interrelated and must be determined in aggregate. These lines are typically described as being on a path, corridor or interconnection in some regions, or as crossing an interface or cut-plane in other regions. Multiple lines may be owned by different parties and require prorating of capability shares. The name is constructed from the following fields, with each code separated by a "/": REGION_CODE - 2 chars, unique to OASIS System OWNER_CODE - 4 chars, unique within Region PATH_CODE - 12 chars, unique for Owner OPTIONAL_CODE - 25 chars, unique for Path. If used for directionality, then the first 12 characters shall represent POR, followed by '-', followed by 12 characters which shall represent POD SPARE_CODE - 3 chars
PHONE	Phone number	10{NUMERIC}10	Telephone number	Area code and telephone number	A telephone number.
POINT_OF_DELIVERY (alias POD)	Point of Delivery	1{ALPHANUMERIC}12	Name	Unique value	Point of Delivery is the point of interconnection on the Transmission Provider's transmission system

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{PRIVATE }Data Dictionary Element Name	Description	Field Format : minimum characters {type of ASCII} maximum characters	Units or Type	Restricted Values	Definition of Data Element
					where capacity and/or energy transmitted by the Transmission Provider will be made available to the Receiving Party. This is used along with Point of Receipt to define a Path and direction of flow on that path. For internal paths, this would be a specific location in the area. For an external path, this may be an area-to-area interface.
POINT_OF_RECEIPT (alias POR)	Point of Receipt	1{ALPHANUMERIC}12	Name	Unique value	Point of Receipt is the point of interconnection on the Transmission Provider's transmission system where capacity and/or energy transmitted will be made available to the Transmission Provider by the Delivering Party. This is used along with Point of Delivery to define a Path and direction of flow on that path. For internal paths, this would be a specific location in the area. For an external path, this may be an area-to-area interface.
PREV_ASSIGN_REF	Reference for Previous Assignment of ATC Rights	1{ALPHANUMERIC}12	Text	Unique value	A reference to a previous reassignment of rights, uniquely assigned by a Provider.
PRICE	Price	1{NUMERIC}5 + '.' + 2{NUMERIC}2	Dollars and cents	Positive number with 2 decimals	The offering price of the Transmission Service in dollars
PRICE_UNITS	Units for PRICE	5(ALPHA)6	Name	MW-HR, MW-DAY, KW-WK, KW-MO, KW-YR	The units used for PRICE. MW-Megawatts, KW-Kilowatts, HR-Hour, WK-Week, YR-Year
PRIMARY_PROVIDER (alias PPROVIDER)	Primary Provider	1{ALPHANUMERIC}25	Name	Unique value	Name of an Owner of transmission services
PROVIDER	Primary or Secondary Provider	1{ALPHANUMERIC}25	Name	Unique value	Name of PRIMARY_PROVIDER or SECONDARY_PROVIDER
PROVIDER_CODE	Provider DUNS number	1{NUMERIC}12	DUNS number	Valid DUNS number	Unique code for each Primary and Secondary Provider.
PROVIDER_OPTIONS	Provider Options	1{ALPHANUMERIC}50	Text	Free-form text	Represents options offered by the Provider.
RATE_INFORMATION	Rate information related to transmission services	1{ALPHANUMERIC}50	Text	Free-form text	Rate information related to transmission services
REASSIGNED_BEGDATETZ	Beginning Date and Time	16 alphanumeric characters: yyyy+mo+dd+hh+mm+ss	Time	Valid date and time	Date and time of the beginning of the transmission service that is reassigned to another customer.

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{PRIVATE }Data Dictionary Element Name	Description	Field Format : minimum characters {type of ASCII} maximum characters	Units or Type	Restricted Values	Definition of Data Element
		+tz			
REASSIGNED_CAPACITY (alias REASIGN_CAP)	Transmission Capacity or Transfer Capability that is being reassigned to another customer	1{NUMERIC}12	MW	Positive number, cannot exceed previous purchase	Transfer capability is the measure of the ability of the interconnected electric systems to reliably move or transfer power from one area to another over all transmission lines (or paths) between those areas under specified system conditions. In this context, 'area' may be an individual electric system, power pool, control area, subregion, or NERC region, or portion thereof.
REASSIGNED_ENDDATEZ	End Date and Time	16 alphanumeric characters: yyyy+mo+dd+hh+mm+ss +tz	Time	Valid date and time	Date and time of the end of the transmission service that is reassigned to another customer.
REASSIGNED_STATUS	Status	4{ALPHABETIC}25	Text	Valid field	Valid entries include: Posted, Received, Accepted by Seller, Accepted by Customer, Withdrawn, Rejected
RECALLABLE_MINIMUM_NOTICE (alias REC_MIN_NOTICE)	Recallable Minimum Notice	1{ALPHANUMERIC}16	Text	Free-form text	Description by the Provider regarding time to notify that a service will be recalled.
RECALLABLE_QUEUE_ORDER (alias REC_QUEUE_ORDER)	Recallable Queue Order	1{ALPHANUMERIC}16	Text	Free-form text	Description by the Provider of the relative position of a services request to others of a similar type.
RECALLABLE_REASON (alias REC_REASON)	Recallable Reasons	1{ALPHANUMERIC}16	Text	Free-form text	Description by the Provider regarding conditions for services being recalled.
RECALLABLE_RESUMPTION (alias REC_RESUMP)	Recallable Resumption	1{ALPHANUMERIC}16	Text	Free-form text	Description by the Provider regarding resumption of services.
REGION	Name of Region	1{ALPHANUMERIC}12	Text	Unique within OASIS System	Unique name for each area within the OASIS
REGION_CODE	Code for Region	1{ALPHANUMERIC}2	Code	Unique within OASIS System	Unique Defined for NERC regions, with the following defined: E - ECAR I - MAIN S - SERC T - ERCOT A - MAPP P - SPP M - MAAC N - NPCC W - WSCC
RELATIVE_DAY,	Day relative to today	Query Variable	Numeric	Number	This represents a value for DAY which is relative to

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{PRIVATE }Data Dictionary Element Name	Description	Field Format : minimum characters {type of ASCII} maximum characters	Units or Type	Restricted Values	Definition of Data Element
(alias RDAY)				greater than or equal to zero	TODAY. TODAY is represented as relative day 0. Days in the future are represented as positive values and days in the past are represented as negative values. TOMORROW is always relative day 1, while YESTERDAY is always relative day -1. This variable is used when only a single day needs to be specified. For a range of days, use the REATIVE_DAY_START and RELATIVE_DAY_END. If RELATIVE_DAY is specified, then DAY, DAY_START, and DAY_END, ELATIVE_DAY_START and RELATIVE_DAY_END must not be specified.
RELATIVE_DAY_END, (alias ERDAY)	Day relative to today for end	Query Variable	Numeric	Number greater than or equal to zero	See above
RELATIVE_DAY_START, (alias SRDAY)	Day relative to today for start	Query Variable	Numeric	Number greater than or equal to zero	See above
REQUEST_REF	Customer Request Identifier	1{ALPHANUMERIC}12	Text	Unique value	A reference uniquely assigned by a Customer to a request for service from a Provider.
REQUEST_STATUS	Status of a response to a request	1{NUMERIC}3+ALPHA	Status	Error number+!Successful/Unsuccessful	Example: 200 !Successful
SELLER_COMPANY (alias SECONDARY_PROVIDER_COMPANY, S_COMPANY)	Company of a Secondary Provider	1{ALPHANUMERIC}25	Name	Valid name of a Customer	The name of a Customer who has services for resell.
SELLER_EMAIL (alias (S_EMAIL)	Secondary Provider E-mail address	5{ALPHANUMERIC}60	E-mail address	Valid network reference	E-Mail address
SELLER_FAX (alias SECONDARY_PROVIDER_FAX), S_FAX	Secondary Provider Fax	10{NUMERIC}10	Telephone number	Area code and telephone number	The telephone number for SECONDARY_PROVIDER fax machine.
SELLER_NAME (alias SECONDARY_PROVIDER_NAME, S_NAME)	Secondary Provider Name	1{ALPHANUMERIC}12	Name	Valid name	The name of an individual working for a Secondary Provider Company.
SELLER_PHONE (alias	Secondary Provider Phone	Numeric 10{NUMERIC}10	Telephone	Area code and telephone	The telephone number for SECONDARY_PROVIDER_NAME

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{PRIVATE }Data Dictionary Element Name	Description	Field Format : minimum characters {type of ASCII} maximum characters	Units or Type	Restricted Values	Definition of Data Element
SECONDARY_PROVIDER_PHONE , S_PHONE)				number	
SERVICE_CATEGORY (alias SERVICE_CAT)	Service Category	1{ALPHANUMERIC}20	Text	Free-form text	A reference to the various service categories defined by the Provider.
SERVICE_DESCRIPTION	Description of Services	1{ALPHANUMERIC} Unlimited	Text	Free-form text	Information text.
SERVICE_TIMING_MAXIMUM_D URATION (alias SVC_MAX_DUR)	Service Timing Maximum Duration	1{NUMERIC}10	Hours	Positive number	Maximum amount of time for service.
SERVICE_TIMING_MINIMUM_DU RATION (alias SVC_MIN_DUR)	Service Timing Minimum Duration	1{NUMERIC}10	Hours	Positive number	Minimum amount of time for service.
SERVICE_TYPE	Service Type	1{ALPHANUMERIC}14	Text	Free-form text	A reference to the various service types defined by the Provider. This provides for a sub-category for SERVICE_CATEGORY.
SINK	Sink	0{ALPHANUMERIC}14	Name	Valid area name	The area in which the SINK is located.
SOURCE	Source	0{ALPHANUMERIC}14	Name	Valid area name	The area in which the SOURCE is located.
ss	Seconds in date and time fields	2{NUMERIC}2	Time	Range of 0 to 59	A numeric value represent the seconds in the minute
STATUS	Status = Pending, Posted, Received, Accepted by Customer, Accepted by Seller, Confirmed for Scheduling, None, Withdrawn, or Rejected	4{ALPHABETIC}25	Text	Valid field	Valid entries include: POSTED PENDING RECEIVED ACCEPTED BY CUSTOMER ACCEPTED BY SELLER CONFIRMED WITHDRAWN REJECTED NONE
SUBJECT	Subject	1{ALPANUMERIC}64	Text	Free-form text	A short descriptive phrase for summarizing information text.
TARIFF_REFERENCE	Reference to tariff	1{ALPANUMERIC}20	Text	Valid text	Valid reference to a tariff
TEMPLATE	Name of the Template:	Query Variable	Variable	Name of Template	This specifies which Template from which the data is returned. The following list are the names and valid values of the Templates.
TEMPLATE01		Query Parameter	Name	sumpathhoura tc	Summary Path Hourly ATC

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{PRIVATE }Data Dictionary Element Name	Description	Field Format : minimum characters {type of ASCII} maximum characters	Units or Type	Restricted Values	Definition of Data Element
TEMPLATE02		Query Parameter	Name	sumpatdayatc	Summary Path Daily ATC
TEMPLATE03		Query Parameter	Name	sumpathmonth atc	Summary Path Monthly ATC
TEMPLATE04		Query Parameter	Name	sumpathyearat c	Summary Path Yearly ATC (optional)
TEMPLATE05		Query Parameter	Name	houratc	Hourly Capacity Available for Purchase
TEMPLATE06		Query Parameter	Name	dayatc	Daily Capacity Available for Purchase
TEMPLATE07		Query Parameter	Name	monthatc	Monthly Capacity Available for Purchase
TEMPLATE08		Query Parameter	Name	yearatc	Yearly Capacity Available for Purchase (optional)
TEMPLATE09		Query Parameter	Name	scheduledatc	Hourly Schedule
TEMPLATE10		Query Parameter	Name	secondatcpost	Secondary Provider Capacity Posting (Input)
TEMPLATE11		Query Parameter	Name	secondatcremo ve	Secondary Provider (Reseller) Capacity Remove (Input)
TEMPLATE12		Query Parameter	Name	servavail	Ancillary Services Available for Purchase
TEMPLATE13		Query Parameter	Name	servtrans	Services Transmission
TEMPLATE14		Query Parameter	Name	atcrequest	Customer Capacity Purchase Request (Input)
TEMPLATE15		Query Parameter	Name	atcacknowledg e	TSIP Posting of “Acknowledge Receipt” of Request
TEMPLATE16		Query Parameter	Name	atcstatus	Provider Capacity Purchase Status Response to Customer Request
TEMPLATE17		Query Parameter	Name	atcaccept	Customer’s Purchase Acknowledge Acceptance (Input)
TEMPLATE18		Query Parameter	Name	sellerack	Seller Form to Acknowledge Capacity Purchase Status (Input)
TEMPLATE19		Query Parameter	Name	sellerreassign	Seller Form to Reassign Service Rights to Another Customer (Input)
TEMPLATE20		Query Parameter	Name	wantadpost	Provider/Customer Want-Ad Posting Request (Input)
TEMPLATE21		Query Parameter	Name	wantadlisting	TSIP Posting of Want-Ad Response
TERMS_AND_CONDITIONS (alias TERM_COND)	Terms and Conditions	0{ALPHANUMERIC} Unlimited	Text	Free-form text	Short descriptions of terms and conditions.
TIME_OF_LAST_UPDATE	Date and Time	16 alphanumeric characters: yyyy+mo+dd+hh+mm+ss +tz	Time	Valid date and time	Date and time data was last updated on OASIS Node Example: 19960212145530PS
TOTAL_TRANSMISSION_ CAPACITY (alias TTC)	Total Transmission Capacity	1{NUMERIC}12	Megawatt hours	Positive number	Total capacity of a Path
tz	Time zone in date and	2{ALPHA}2	Time	Valid text	An alphanumeric value represent the time zone,

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{PRIVATE }Data Dictionary Element Name	Description	Field Format : minimum characters {type of ASCII} maximum characters	Units or Type	Restricted Values	Definition of Data Element
	time fields				which can take the following values: ES, ED, CS, CD, MS, MD, PS, or PD
UNITS	Units	1{ALPHANUMERIC}12	Units	Valid units	Description of type of entity being referenced
VERSION (alias VER)	Version	1{REAL NUMBER}6	Number	Range of 1.0 to 9999.9	Specifies which version of the OASIS Requirements specification to use when interpreting the request
WANT_AD	Want-Ad message	1{ALPHANUMERIC} Unlimited	Text	Free-form text	Information text.
YEAR	Year	4{NUMERIC}4	Time	Range of 1 to 12	A numeric value represent the year
YEAR-END, (alias EYR)	Last year to show data for	Query Variable	Numeric	Valid year	YEAR-START and YEAR-END specify a range of years.
YEAR-START, (alias SYR)	First year to show data for	Query Variable	Numeric	Valid year	YEAR-START and YEAR-END specify a range of years.
yyyy	Year in date and time fields	4{NUMERIC}4	Time	Range of 1 to 12	A numeric value represent the year

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**ATTACHMENT I
FERC Order 889
Appendix B
Request (Query) Variables**

[NOTE: This appendix will not appear in the Code of Federal Regulations.]{PRIVATE }

**Appendix B
Request (Query) Variables**

**April 24, 1996
Version 1.0**

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PHASE 1 OASIS Requirements, Template-specific Query Variables

Each query of the OASIS node requests data from a specific OASIS Template in the Information Model. The user specifies which OASIS Template from which to obtain data based on a “template” query variable. The query variables allowed in a request depends upon which “template” is being requested.

For each template a description of the data request is documented.
Each query variable allowed for the template is listed afterwards. At the end of each template, there may be “Discussion Issues” related to the template.

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Summary Path Hourly ATC Template

This request returns the ATC and for transmission products (e.g. firm and non-firm transmission) by each provider of a given path for each hour on a given day.

Variables

TEMPLATE=sumpathhouratc

OUTPUT_FORMAT
VERSION

PATH-NAME
POR
POD

YEAR	(or YEAR-START and YEAR-END)
MONTH	(or MONTH-START and MONTH-END)
DAY	(or DAY-START and DAY-END)
RELDAY	(or RELDAY-START and RELDAY-END)
HOURL	(or HOURL-START and HOURL-END)
TZ	

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Summary Path Daily ATC Template

Response contains on and off-peak firm and non-firm ATC and price by each provider of a given path for a given range of days.

Variables

TEMPLATE=sumpathdayatc

OUTPUT_FORMAT

VERSION

PATH-NAME

POR

POD

YEAR (or YEAR-START and YEAR-END)

MONTH (or MONTH-START and MONTH-END)

DAY (or DAY-START and DAY-END)

RELDAY (or RELDAY-START and RELDAY-END)

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Summary Path Monthly ATC

Response contains on and off-peak firm and non-firm ATC and price by each provider for a given path for a given range of months.

Variables

TEMPLATE=sumpathmonthatc

OUTPUT_FORMAT
VERSION

PATH-NAME
POR
POD

YEAR (or YEAR-START and YEAR-END)
MONTH (or MONTH-START and MONTH-END)

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Summary Path Yearly ATC Template

Response contains on and off-peak firm and non-firm ATC and price by each provider for a given path for a given range of years.

Variables

TEMPLATE=sumpathyearatc

OUTPUT_FORMAT

VERSION

PATH-1

POR-1

POD-1

YEAR (or YEAR-START and YEAR-END)

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Hourly Capacity Available for Purchase Template

Response contains firm and non-firm ATC and price for a given provider for one or more paths for each hour on a given day.

Variables

TEMPLATE=houratc

OUTPUT_FORMAT

VERSION

PROVIDER must be specified

PATH-NAME (PATH or PATH1 or PATH2, etc)

POR (or POR1 or POR2, etc)

POD (or POD1 or POD2, etc)

YEAR (or YEAR-START and YEAR-END)

MONTH (or MONTH-START and MONTH-END)

DAY (or DAY-START and DAY-END)

RELDAY (or RELDAY-START and RELDAY-END)

HOUR (or HOUR-START and HOUR-END)

TZ

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Daily Capacity Available for Purchase Template

Response contains on and off-peak firm and non-firm ATC and price for a given provider for one or more paths for a given range of days.

Variables

TEMPLATE=dayatc

OUTPUT_FORMAT
VERSION

PROVIDER must be specified

PATH-NAME (PATH or PATH1 or PATH2, etc)
POR (or POR1 or POR2, etc)
POD (or POD1 or POD2, etc)

YEAR (or YEAR-START and YEAR-END)
MONTH (or MONTH-START and MONTH-END)
DAY (or DAY-START and DAY-END)
RELDAY (or RELDAY-START and RELDAY-END)

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Monthly Capacity Available for Purchase Template

Response contains on and off-peak firm and non-firm ATC and price for a given provider for one or more paths for a given range of months.

Variables

TEMPLATE=monthatc

OUTPUT_FORMAT

VERSION

PROVIDER must be specified

PATH-NAME (PATH or PATH1 or PATH2, etc)

POR (or POR1 or POR2, etc)

POD (or POD1 or POD2, etc)

YEAR (or YEAR-START and YEAR-END)

MONTH (or MONTH-START and MONTH-END)

**Request for Initiation of a NAESB Standard for Electronic Business Transactions or
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Response contains on and off-peak firm and non-firm ATC and price for a given provider for one or more paths for a given range of months.

Variables

TEMPLATE=yearatc

OUTPUT_FORMAT
VERSION

PROVIDER must be specified

PATH-NAME	(PATH or PATH1 or PATH2, etc)
POR	(or POR1 or POR2, etc)
POD	(or POD1 or POD2, etc)

YEAR (or YEAR-START and YEAR-END)

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Response contains firm and non-firm ATC schedule by each customer for one or more paths for each hour in a given day. No price information is given. Customer names "might" not be visible.

Variables

TEMPLATE=scheduledatc

OUTPUT_FORMAT
VERSION

PROVIDER must be specified

PATH-NAME	(PATH or PATH1 or PATH2, etc)
POR	(or POR1 or POR2, etc)
POD	(or POD1 or POD2, etc)

YEAR	(or YEAR-START and YEAR-END)
MONTH	(or MONTH-START and MONTH-END)
DAY	(or DAY-START and DAY-END)
RELDAY	(or RELDAY-START and RELDAY-END)
HOUR	(or HOUR-START and HOUR-END)
TZ	

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Secondary Provider Capacity Posting (Input)

Input contains information to post ATC for sale by a secondary provider.

Variables

TEMPLATE=secondatcpost

VERSION

YEAR (or YEAR-START and YEAR-END)
MONTH (or MONTH-START and MONTH-END)
DAY (or DAY-START and DAY-END)
RELDAY (or RELDAY-START and RELDAY-END)
HOUR (or HOUR-START and HOUR-END)
TZ

POR
POD
PATH
PROVIDER
CAPACITY
CAPACITY_TYPE
INTERFACE_TYPE
REQUEST_REF
PRICE
UNITS
TERMS_AND_CONDITIONS
COMMENTS
SELLER_NAME
SELLER_COMPANY
SELLER_PHONE
SELLER_FAX
SELLER_EMAIL
PREV_ASSIGN_REF
REASSIGNED_CAPACITY
BEGDATETZ
ENDDATETZ
COMMENTS

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Secondary Provider (Reseller) Capacity Remove (Input)

Input contains information about a previously posted ATC for sale by a secondary provider.

Variables

TEMPLATE=secondatcremove

VERSION

YEAR (or YEAR-START and YEAR-END)
MONTH (or MONTH-START and MONTH-END)
DAY (or DAY-START and DAY-END)
RELDAY (or RELDAY-START and RELDAY-END)
HOUR (or HOUR-START and HOUR-END)
TZ

PROVIDER
POR
POD
PATH
CAPACITY
CAPACITY_TYPE
INTERFACE_TYPE
REQUEST_REF
PRICE
UNITS
TERMS_AND_CONDITIONS
COMMENTS
SELLER_NAME
SELLER_COMPANY
SELLER_PHONE
SELLER_FAX
SELLER_EMAIL

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Ancillary Services Available for Purchase

Response contains a list of ancillary services provided by a given Service Provider.

Variables

TEMPLATE=servavail

OUTPUT_FORMAT
VERSION

PROVIDER

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Services Transmission

Response contains Transmission services tariff information about each service by the given provider.

Variables

TEMPLATE=servtrans

OUTPUT_FORMAT
VERSION

PROVIDER

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Customer Capacity Purchase Request (Input)

Input contains information necessary to purchase transmission capacity of a specific type (firm or non-firm) at a specific time.

Variables

TEMPLATE=atcrequest

OUTPUT_FORMAT
VERSION

POR
POD
PATH
CAPACITY
CAPACITY_TYPE
YEAR (or YEAR-START and YEAR-END)
MONTH (or MONTH-START and MONTH-END)
DAY (or DAY-START and DAY-END)
RELDAY (or RELDAY-START and RELDAY-END)
HOUR (or HOUR-START and HOUR-END)
TZ
PRICE
CUSTOMER
DISCOUNT
DEAL_REF
ANCILLARY_SERVICES_REQUIREMENTS
INTERFACE_TYPE
COMMENTS

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TSIP Posting of “Acknowledge Receipt” of Request

Response contains the customer capacity purchase information.

Variables

TEMPLATE=atcacknowledge

OUTPUT_FORMAT

VERSION

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Provider Capacity Purchase Status Response to Customer Request

Response contains the STATUS and QUEUE INFORMATION for a given customer capacity Purchase Request.

Variables

TEMPLATE=atcstatus

OUTPUT_FORMAT
VERSION

POR
POD
PATH
CAPACITY
CAPACITY_TYPE
YEAR (or YEAR-START and YEAR-END)
MONTH (or MONTH-START and MONTH-END)
DAY (or DAY-START and DAY-END)
RELDAY (or RELDAY-START and RELDAY-END)
HOUR (or HOUR-START and HOUR-END)
TZ
PRICE
CUSTOMER
DISCOUNT
DEAL_REF
ANCILLARY_SERVICES_REQUIREMENTS
INTERFACE_TYPE
COMMENTS

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Customer's Purchase Acknowledge Acceptance (Input)

Input contains the Provider Capacity Purchase Status for a given customer Capacity Purchase Request and an indication of acceptance or rejection of the purchase.

Variables

TEMPLATE=atcaccept

OUTPUT_FORMAT
VERSION

STATUS (must be either "Accepted" or "Rejected")

POR
POD
PATH
CAPACITY
CAPACITY_TYPE
YEAR (or YEAR-START and YEAR-END)
MONTH (or MONTH-START and MONTH-END)
DAY (or DAY-START and DAY-END)
RELDAY (or RELDAY-START and RELDAY-END)
HOUR (or HOUR-START and HOUR-END)
TZ
PRICE
CUSTOMER
DISCOUNT
DEAL_REF
ANCILLARY_SERVICES_REQUIREMENTS
INTERFACE_TYPE
COMMENTS

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Seller Form to Acknowledge Capacity Purchase Status (Input)

Input contains the Seller's status, queue, and reference number of a Customer Purchase Request.

Variables

TEMPLATE=sellerack

VERSION

STATUS

DTTZTS_QUEUED

REQUEST_REF

POR

POD

PATH

PROVIDER

SELLER_NAME

CAPACITY

CAPACITY_TYPE

CUSTOMER

DISCOUNT

DEAL_REFERENCE

SERVICE_DESCRIPTION

ASSIGNMENT_REF

INTERFACE_TYPE

COMMENTS

PREV_ASSIGN_REF

PREV_CAPACITY

PREV_STATUS

PREV_BEGDATETZ

PREV_ENDDATETZ

PREV_COMMENTS

The following may contain multiple values

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Seller Form to Reassign Service Rights to Another Customer (Input)

Input contains the Seller's status, queue, and reference number of a Customer Purchase Request.

Variables

TEMPLATE=sellerreassign

VERSION
POR
POD
PATH
PROVIDER
SELLER_NAME
CAPACITY
CAPACITY_TYPE
BEGDATETZ
ENDDATETZ
REQUEST_REF
CUSTOMER
DISCOUNT
DEAL_REFERENCE
SERVICE_DESCRIPTION
ASSIGNMENT_REF
INTERFACE_TYPE
DTZZTS_QUEUED
COMMENTS

PREV_ASSIGN_REF The following may contain multiple values
PREV_CAPACITY
PREV_STATUS
PREV_BEGDATETZ
PREV_ENDDATETZ
PREV_COMMENTS

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Provider/Customer Want-Ad Posting Request (Input)

Input contains the want-ad information to post on the OASIS.

Variables

TEMPLATE=wantadpost

VERSION

YEAR Date when message expires
MONTH
DAY
HOUR

CUSTOMER (or PROVIDER)
CONTACT must be specified
PHONE must be specified (if FAX or E-MAIL is blank)
FAX must be specified (if PHONE or E-MAIL is blank)
E-MAIL must be specified (if PHONE or FAX is blank)
KEYWORD
SUBJECT must be specified
WANT-AD must be specified

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TSIP Posting of Want-Ad Response

Response contains the want-ad information on the OASIS.

Variables

TEMPLATE=wantadlisting

OUTPUT_FORMAT
VERSION

SUBJECT [optional]
WANT-AD [optional]