

## Consideration of Comments

**Project Name:** 2010-04.1 MOD-031 FERC Order No. 804 Directives | MOD-031-2

**Comment Period Start Date:** 7/31/2015

**Comment Period End Date:** 9/18/2015

**Associated Ballot:** 2010-04.1 MOD-031 FERC Order No. 804 Directives MOD-031-2 IN 1 ST

There were 28 responses, including comments from approximately 93 different people from approximately 64 different companies representing 9 of the 10 Industry Segments as shown on the following pages.

All comments submitted can be reviewed in their original format on the [project page](#).

If you feel that your comment has been overlooked, please let us know immediately. Our goal is to give every comment serious consideration in this process. If you feel there has been an error or omission, you can contact the Director of Standards, [Howard Gugel](#) (via email) or at (404) 446-9693.

## Questions

1. **The SDT has modified MOD-031-1 Requirements R3 and R4 to provide clarity regarding certain obligations to provide data to the Regional Entity and the obligations of an applicable entity upon receipt of a data request seeking confidential information. Do you agree that the proposed modifications provide sufficient clarity? If not, please explain below and provide a proposed solution.**

### The Industry Segments are:

- 1 — Transmission Owners
- 2 — RTOs, ISOs
- 3 — Load-serving Entities
- 4 — Transmission-dependent Utilities
- 5 — Electric Generators
- 6 — Electricity Brokers, Aggregators, and Marketers
- 7 — Large Electricity End Users
- 8 — Small Electricity End Users
- 9 — Federal, State, Provincial Regulatory or other Government Entities
- 10 — Regional Reliability Organizations, Regional Entities

**1. The SDT has modified MOD-031-1 Requirements R3 and R4 to provide clarity regarding certain obligations to provide data to the Regional Entity and the obligations of an applicable entity upon receipt of a data request seeking confidential information. Do you agree that the proposed modifications provide sufficient clarity? If not, please explain below and provide a proposed solution.**

<p><b>John Fontenot - Bryan Texas Utilities - 1 -</b></p> <p><b>Selected Answer:</b> Yes</p>																																
<p><b>Thomas Foltz - AEP - 5 -</b></p> <p><b>Selected Answer:</b> Yes</p>																																
<p><b>Albert DiCaprio - PJM Interconnection, L.L.C. - 2 - RFC</b></p> <p><b>Group Name:</b> ISO Standards Review Committee</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="text-align: left;">Group Member Name</th> <th style="text-align: left;">Entity</th> <th style="text-align: left;">Region</th> <th style="text-align: left;">Segments</th> </tr> </thead> <tbody> <tr> <td>Charles Yeung</td> <td>SPP</td> <td>SPP</td> <td>2</td> </tr> <tr> <td>Ben Li</td> <td>IESO</td> <td>NPCC</td> <td>2</td> </tr> <tr> <td>Mark Holman</td> <td>PJM</td> <td>RFC</td> <td>2</td> </tr> <tr> <td>Kathleen Goodman</td> <td>ISONE</td> <td>NPCC</td> <td>2</td> </tr> <tr> <td>Greg Campoli</td> <td>NYISO</td> <td>NPCC</td> <td>2</td> </tr> <tr> <td>Ali Miremadi</td> <td>CAISO</td> <td>WECC</td> <td>2</td> </tr> <tr> <td>Terry Bilke</td> <td>MISO</td> <td>RFC</td> <td>2</td> </tr> </tbody> </table>	Group Member Name	Entity	Region	Segments	Charles Yeung	SPP	SPP	2	Ben Li	IESO	NPCC	2	Mark Holman	PJM	RFC	2	Kathleen Goodman	ISONE	NPCC	2	Greg Campoli	NYISO	NPCC	2	Ali Miremadi	CAISO	WECC	2	Terry Bilke	MISO	RFC	2
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Terry Bilke	MISO	RFC	2																													

**Selected Answer:** Yes

**Answer Comment:** The ISO/RTO Standards Review Committee (ERCOT obtaining) agrees with the proposed revisions.  
**Thank you for your affirmative response.**

**christina bigelow - Electric Reliability Council of Texas, Inc. - 2 -**

**Selected Answer:** No

**Answer Comment:** While the revisions provide clarity about the provision of data, they create ambiguity regarding how a BA or RC as the responsible entity responds to a data request for data that they do not and have not collected under related requirements in MOD-031. More specifically, Requirement R3 requires a BA or PC to provide data listed in Requirements R1.3 through R1.5 in response to a request by a Regional Entity; however, it does not consider that such entity might not collect all listed data. Accordingly, Requirement R3 could be read to require an entity to collect such data (whether they need to do so or not) solely for the purposes of responding to a Regional Entity request, which activity would be administratively burdensome and would provide no benefit to reliability - especially considering that the Regional Entity could directly request data not collected by a BA or PC from those entities from whom the BA or PC would be required to collect the data.

The data specific to this standard is for the collection and reporting of data necessary for reliability analysis. The scope of the data is consistent with the current MOD standards that will be replaced by this standard. The SDT believes that if the entity does not have the data requested the entity would be required to collect the data and provide such data to the Regional Entity under this requirement.

**Gul Khan - Gul Khan On Behalf of: Rod Kinard, Oncor Electric Delivery, 1**

**Selected Answer:** Yes

**Nick Vtyurin - Manitoba Hydro - 1,3,5,6 - MRO**

**Selected Answer:** Yes

**Leonard Kula - Independent Electricity System Operator - 2 -**

**Selected Answer:** Yes

**Amy Casuscelli - Xcel Energy, Inc. - 1,3,5,6 - MRO,WECC,SPP**

**Selected Answer:** Yes

**christina bigelow - Electric Reliability Council of Texas, Inc. - 2 -**

<p><b>Selected Answer:</b></p> <p><b>Answer Comment:</b></p>	<p>No</p> <p>Please refer to ERCOT's responses provided in response to the MOD-031-1 survey.  Please see our response to ERCOT's comments.</p>
<p><b>Bob Thomas - Illinois Municipal Electric Agency - 4 -</b></p> <p><b>Selected Answer:</b></p> <p><b>Answer Comment:</b></p>	
<p><b>Selected Answer:</b></p>	<p>No</p> <p>Given the stongly supported rationale for deactivating the LSE registration function under the Risk-Based Registration initiative, Requirement 2 and Requirement 4 should be revised to remove the reference to LSE.  The deactivation of the LSE registration is not final at this point in time. When and if the deactivation occurs all standards that are applicable to an LSE will be re-evaluated.</p>
<p><b>Teresa Czyz - Teresa Czyz - -</b></p> <p><b>Selected Answer:</b></p> <p><b>Emily Rousseau - MRO - 1,2,3,4,5,6 - MRO</b></p>	

**Group Name:**

MRO-NERC Standards Review Forum (NSRF)

<b>Group Member Name</b>	<b>Entity</b>	<b>Region</b>	<b>Segments</b>
Joe Depoorter	Madison Gas & Electric	MRO	3,4,5,6
Amy Casucelli	Xcel Energy	MRO	1,3,5,6
Chuck Lawrence	American Transmission Company	MRO	1
Chuck Wicklund	Otter Tail Power Company	MRO	1,3,5
Theresa Allard	Minnkota Power Cooperative, Inc	MRO	1,3,5,6
Dave Rudolph	Basin Electric Power Cooperative	MRO	1,3,5,6
Kayleigh Wilkerson	Lincoln Electric System	MRO	1,3,5,6
Jodi Jenson	Western Area Power Administration	MRO	1,6
Larry Heckert	Alliant Energy	MRO	4
Mahmood Safi	Omaha Public Utility District	MRO	1,3,5,6
Shannon Weaver	Midwest ISO Inc.	MRO	2

Mike Brytowski	Great River Energy	MRO	1,3 ,5, 6
Brad Perrett	Minnesota Power	MRO	1,5
Scott Nickels	Rochester Public Utilities	MRO	4
Terry Harbour	MidAmerican Energy Company	MRO	1,3 ,5, 6
Tom Breene	Wisconsin Public Service Corporation	MRO	3,4 ,5, 6
Tony Eddleman	Nebraska Public Power District	MRO	1,3 ,5

**Selected Answer:**

Yes

**Answer Comment:**

The NSRF recommends that R4 bulleted items be updated to reflect the below changes. Our biggest concern is that all three bulleted items must be accomplished since there is an “and” at the end of the first and second bullet. The new wording allows entities the flexibility, which the NSRF believes is the intent of the bulleted items. The NSRF recommends:

- Shall provide the requested data within 45 calendar days of the written request, subject to part 4.1 of this requirement, unless,
  - The requested data, if provided, would conflict with Applicable Entity’s confidentiality, regulatory, or security requirements
  - Shall not be required to alter the format in which it maintains or uses the data.

**The SDT modified the requirement to address your concerns.**



**Tom Reedy - Florida Municipal Power Pool - 6 -****Selected Answer:** No

**Answer Comment:** While the revisions provide clarity about the provision of data, they create ambiguity regarding how a BA or RC as the responsible entity responds to a data request for data that they do not and have not collected under related requirements in MOD-031. More specifically, Requirement R3 requires a BA or PC to provide data listed in Requirements R1.3 through R1.5 in response to a request by a Regional Entity; however, it does not consider that such entity might not collect all listed data. Accordingly, Requirement R3 could be read to require an entity to collect such data (whether they need to do so or not) solely for the purposes of responding to a Regional Entity request, which activity would be administratively burdensome and would provide no benefit to reliability - especially considering that the Regional Entity could directly request data not collected by a BA or PC from those entities from whom the BA or PC would be required to collect the data.

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**Elizabeth Axson - Elizabeth Axson On Behalf of: christina bigelow, Electric Reliability Council of Texas, Inc., 2**

**Selected Answer:**

**Answer Comment:**

While the revisions provide clarity about the provision of data, they create ambiguity regarding how a BA or RC as the responsible entity responds to a data request for data that they do not and have not collected under related requirements in MOD-031. More specifically, Requirement R3 requires a BA or PC to provide data listed in Requirements R1.3 through R1.5 in response to a request by a Regional Entity; however, it does not consider that such entity might not collect all listed data. Accordingly, Requirement R3 could be read to require an entity to collect such data (whether they need to do so or not) solely for the purposes of responding to a Regional Entity request, which activity would be administratively burdensome and would provide no benefit to reliability - especially considering that the Regional Entity could directly request data not collected by a BA or PC from those entities from whom the BA or PC would be required to collect the data.

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Regional Entity under this requirement.

Christina Bigelow, Electric Reliability Council of Texas, Inc., 2, 8/31/2015

**Molly Devine - IDACORP - Idaho Power Company - 1 -**

**Selected Answer:** Yes

**Connie Lowe - Dominion - Dominion Resources, Inc. - 3 -**

**Group Name:** NCP and Nash

Group Member Name	Entity	Region	Segments
Louis Slade	Dominion - NERC Compliance Policy	NA - Not Applicable	1,3,5,6
Randi Heise	Dominion - NERC Compliance Policy	NA - Not Applicable	1,3,5,6
Larry Nash	Dominion - Electric Transmission Compliance	SERC	1,3,5,6

**Selected Answer:**

Yes

**Answer Comment:**

Given that NERC has requested removal of LSE (docket # RR15-4-000) from NERC Registry Criteria, Dominion suggests removal in this standard.

The deactivation of the LSE registration is not final at this point in time. When and if the deactivation occurs all standards that are applicable to an LSE will be re-evaluated.

**Chantal Mazza - Hydro-Québec TransÉnergie - 2 - NA - Not Applicable****Selected Answer:**

Yes

**Answer Comment:**

Additional comments :

- Hydro-Québec TransÉnergie's Compliance staff recently questioned a TP, BA, LSE and an entity from a neighbouring Interconnection on how to calculate Integrated demands (see 1.3.1 and 1.3.2 of MOD-031) and received 4 different answers. We recommend adding these terms to the NERC glossary with a mathematical formula or adding the formulae to an Appendix of MOD-031.

The SDT believes that your suggested modification is outside the scope of the SAR created for development of this draft of the standard. The SDT encourages you to develop a SAR to address your issue and submit it to NERC.

- Requested change to Implementation Plan:

Considering the nature of proposed changes to MOD-031 e.g. ensuring that the obligation to share data under Requirement R4 does not supersede or otherwise modify any of the Applicable Entity's existing confidentiality obligations, we believe that version 2 does not require any delay for implementation and is easier to implement than version 1. Therefore, we suggest that the implementation calendar be modified to read:

“MOD-031-2 shall become effective as follows:

The later of the effective date of MOD-031-1 or the first day of the first calendar quarter after the date that this standard is approved by applicable regulatory authorities or as otherwise provided for in a jurisdiction where approval by an applicable governmental authority is required for a standard to go into effect. Where approval by an applicable governmental authority is not required, the standard shall become effective on the later of the effective date of MOD-031-1 or the first day of the first calendar quarter after the date the standard is adopted by the NERC Board of Trustees or as otherwise provided for in that jurisdiction.”

The SDT thanks you for your suggested modification to the effective date. However, the SDT does not believe that it has industry consensus to support modifying the effective date.

**Bob Solomon - Hoosier Energy Rural Electric Cooperative, Inc. - 1 -**

**Selected Answer:** Yes

**Lee Pedowicz - Northeast Power Coordinating Council - 10 - NPCC**

**Group Name:** NPCC--Project 2010-04.1 MOD-031 FERC Order No. 804 Directives - MOD-031-2

<b>Group Member Name</b>	<b>Entity</b>	<b>Region</b>	<b>Segments</b>
Alan Adamson	New York State Reliability Council, LLC	NPCC	10
David Burke	Orange and Rockland Utilities Inc.	NPCC	3
Greg Campoli	New York Independent System Operator	NPCC	2
Gerry Dunbar	Northeast Power Coordinating Council	NPCC	10
Mark Kenny	Northeast Utilities	NPCC	1
Helen Lainis	Independent Electricity System Operator	NPCC	2
Rob Vance	New Brunswick Power Corporation	NPCC	9
Paul Malozewski	Hydro One Networks Inc.	NPCC	1
Bruce Metruck	New York Power Authority	NPCC	6
Lee Pedowicz	Northeast Power Coordinating Council	NPCC	10
David Ramkalawan	Ontario Power Generation, Inc.	NPCC	5
Brian Robinson	Utility Services	NPCC	8

Wayne Sipperly	New York Power Authority	NPCC	5
Edward Bedder	Orange and Rockland Utilities Inc.	NPCC	1
Michael Jones	National Grid	NPCC	1
Brian Shanahan	National Grid	NPCC	1
Glen Smith	Entergy Services, Inc.	NPCC	5
RuiDa Shu	Northeast Power Coordinating Council	NPCC	10
Connie Lowe	Dominion Resources Services, Inc.	NPCC	5
Guy Zito	Northeast Power Coordinating Council	NPCC	10
Silvia Parada Mitchell	NextEra Energy, LLC	NPCC	5
Robert Pellegrini	The United Illuminating Company	NPCC	1
Kathleen Goodman	ISO - New England	NPCC	2
Kelly Dash	Consolidated Edison Co. of New York, Inc.	NPCC	1
Michael Forte	Consolidated Edison Co. of New York, Inc.	NPCC	1
Brian O'Boyle	Consolidated Edison Co. of New York, Inc.	NPCC	8
Peter Yost	Consolidated Edison Co. of New York, Inc.	NPCC	3
Sylvain Clermont	Hydro-Quebec TransEnergie	NPCC	1
Si Truc Phan	Hydro-Quebec TransEnergie	NPCC	1

**Selected Answer:**

Yes

**Answer Comment:**

Requirement is spelled incorrectly in the opening sentence of the second paragraph in the Rationale for R4.

The SDT thanks you for your affirmative response and suggested correction. The SDT has made the necessary change to the rationale box for Requirement R4.

**Jason Smith - SPP - 2 - SPP**

**Group Name:** SPP Standards Review Group

Group Member Name	Entity	Region	Segments
Shannon Mickens	Southwest Power Pool	SPP	2
Jason Smith	Southwest Power Pool	SPP	2
Timothy Owens	Nebraska Public Power District	MRO	1,3,5
Ellen Watkins	Sunflower Electric Power Corporation	SPP	1
Mahmood Safi	Omaha Public Power District	MRO	1,3,5
Jonathan Hayes	Southwest Power Pool	SPP	2
Mike Kidwell	Empire District Electric Company	SPP	1,3,5
James Nail	City of Independence, Missouri	SPP	3,5

**Selected Answer:**

Yes



**Answer Comment:**

We disagree with the proposed change to strike the word “collected” and change it to “listed” in R3. The data in R1.3 – R1.5 is allowed to be determined to be collected by Planning Coordinator and Balancing Authority “as necessary” per R1. By changing the word in Requirement R3 to “listed”, the data is inferred to be ‘forced to be collected’ since it is in the R1.3-1.5 list rather than determined to be ‘necessary to be collected’.

The early part of the requirement referencing Part 1.3 through Part 1.5 is the possible scope of the request. The request, later in the requirement, provides the actual scope of what an entity must provide.

We would also suggest removing the term ‘Load-Serving Entity’ from the applicability section of the requirement.

The deactivation of the LSE registration is not final at this point in time. When and if the deactivation occurs all standards that are applicable to an LSE will be re-evaluated.

**Colby Bellville - Duke Energy - 1,3,5,6 - FRCC,SERC,RFC**

**Group Name:** Duke Energy

Group Member Name	Entity	Region	Segments
Doug Hils	Duke Energy	RFC	1

Lee Schuster	Duke Energy	FRCC	3
Dale Goodwine	Duke Energy	SERC	5
Greg Cecil	Duke Energy	RFC	6

**Selected Answer:** Yes

**Answer Comment:** **Duke Energy agrees with the proposed changes, and thanks the drafting team for their efforts.**  
**The SDT thanks you for your affirmative response.**

**Rachel Coyne - Texas Reliability Entity, Inc. - 10 -**

**Selected Answer:** Yes

**Answer Comment:** Texas RE noticed the VSLs for R3 references R2, rather than the requirement language which references “R1 Parts 1.3 through 1.5”.  
**The SDT has made the correction.**

Texas RE is concerned the terms listed under R4, “confidentiality, regulatory, or security requirements”, are vague.  
**Given the myriad of confidentiality, regulatory and security requirements, the standard drafting team determined that it was not appropriate to detail the exact nature of those requirements in the standard. However, under Part 4.1, the entity must provide a written response justifying the refusal to provide requested data. If, in the judgment of an auditor, the**

justification was not legitimate, the entity may have violated the standard.

This language allows a registered entity to fail to respond to a data request by citing any source of confidentiality, regulatory, or security requirements, regardless of its legitimacy or importance. Texas RE request that the SDT provide examples of confidentiality provisions of an Open Access Transmission Tariff or a contractual arrangement that would prevent an Applicable Entity from providing data included in parts 1.3-1.5 of Requirement R1.

As an example of confidentiality provisions, the SDT points to the EEI response to the FERC NOPR for MOD-031-1.

**Michiko Sell - Public Utility District No. 2 of Grant County, Washington - 1 -**

**Selected Answer:** Yes

**Answer Comment:** However, the use of "Applicable Entity" throughout the Standard is problematic as it is not a NERC defined term. The SDT thanks you for your affirmative response. You are correct that the term Applicable Entity is not defined in the NERC Glossary of Terms but it is defined within this standard in Requirement R1 Part 1.1.

**Oshani Pathirane - Oshani Pathirane On Behalf of: Paul Malozewski, Hydro One Networks, Inc., 1, 3**

**Selected Answer:**

No

**Answer Comment:**

Hydro One Networks Inc. suggests that the wording “applicable entity in its area” (R1), and “applicable Regional Entity” (R3) be revised to add more clarity.

With regards to use of the term “applicable entity”, the term is further defined in Requirement R1 Part 1.1.

The term “applicable Regional Entity” is referencing the requesting Regional Entity.

The current wording is also ambiguous in specifying what data is required, and the requirement may be left open to any requests for data collection. For clarity, the standard should also specify minimum requirements.

The data that may be requested under this standard is defined and bounded in Requirement R1. “Any or all” of the data in Requirement R1 Part 1.3 through Part 1.5 may be requested. Relating to the minimum requirement, there is no requirement to collect data if it is not determined to be necessary by the requesting entity.

Further, the standard’s applicability to Load Serving Entities should be removed, given NERC’s intention to remove this functional entity from its list of available functional registrations.

The deactivation of the LSE registration is not final at this point in time. When and if the deactivation occurs all standards that are applicable to an LSE will be re-evaluated.

**Brian Van Gheem - ACES Power Marketing - 6 - NA - Not Applicable****Group Name:** ACES Standards Collaborators

<b>Group Member Name</b>	<b>Entity</b>	<b>Region</b>	<b>Segments</b>
Bob Solomon	Hoosier Energy Rural Electric Cooperative, Inc.	RFC	1
Ginger Mercier	Prairie Power, Inc.	SERC	1,3
Bill Hutchison	Southern Illinois Power Cooperative	SERC	1
Michael Brytowski	Great River Energy	MRO	1,3,5,6
John Shaver	Arizona Electric Power Cooperative, Inc.	WECC	4,5
John Shaver	Southwest Transmission Cooperative, Inc.	WECC	1
Bill Watson	Old Dominion Electric Cooperative	SERC	3,4
Shari Heino	Brazos Electric Power Cooperative, Inc.	TRE	1,5
Chip Koloini	Golden Spread Electric Cooperative, Inc.	SPP	5

**Selected Answer:** Yes

**Answer Comment:**

We appreciate the SDT's efforts on clarifying the obligations to provide data to Regional Entities and the obligations of an applicable entity upon receipt of a data request seeking confidential information. We agree the proposed modifications provide sufficient clarity.

The SDT thanks you for your affirmative response.

**Andrea Jessup - Bonneville Power Administration - 1,3,5,6 - WECC**

**Selected Answer:**

Yes

**End of Report**