



March 24, 2003

Mr. Michehl R. Gent, President & CEO
North American Electric Reliability Council
116-390 Village Boulevard
Princeton, NJ 08540

Dated Notice of Approval of ANSI Accreditation Application

Dear Mr. Gent:

At their February 3-4, 2003 meeting, the ANSI Executive Standards Council (ExSC) reviewed and considered NERC's application for accreditation as a developer of American National Standards (ANS). The ExSC subsequently requested that NERC revise its procedures in accordance with the meeting discussion, prior to the ExSC granting final approval of NERC's accreditation. On March 14, 2003, NERC forwarded on its final response and revised procedures for the ExSC's review and confirmation that NERC had made the requested changes.

On behalf of the ANSI ExSC, I am now pleased to inform you that the accreditation of the North American Electric Reliability Council (NERC) using its own operating procedures for documenting consensus has been approved effective **March 24, 2003**. Please forward to my attention a final, cleaned up copy of NERC's procedures, for inclusion in NERC's permanent accreditation file at ANSI.

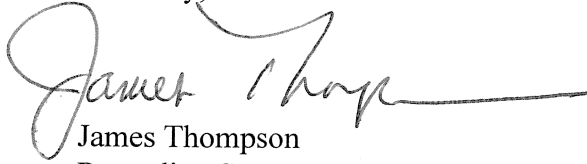
A copy of this notice is provided to those who submitted public review comments relative to NERC's accreditation application. **This transmission via E-mail constitutes their official notification of the decision of the ExSC.** This decision of the ANSI ExSC may be appealed in accordance with clause 17 *ExSC hearing of appeals* of the *Operating Procedures of the ANSI Executive Standards Council*. The text of clause 17 is attached; the full text of the procedures is available at:

<http://public.ansi.org/ansionline/Documents/Standards%20Activities/American%20National%20Standards/Procedures.%20Guides.%20and%20Forms/exsc2003.doc>.

The deadline date for filing an appeal is 15 working days from the date of receipt of this notice. Thus, the deadline date for filing an appeal should be on or around **April 15, 2003**. If an appellant is unable to provide all the appeals materials within the fifteen (15) working days, the appellant shall request an extension from the Secretary of the ExSC, and shall provide a justification therefor, within the fifteen (15) working days, or shall forfeit the right to further appeal. The appeals materials shall be accompanied by a filing fee in the amount of \$500.

Please contact me if you have any questions or if I may be of assistance to you.

Sincerely,

A handwritten signature in black ink that reads "James Thompson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

James Thompson
Recording Secretary
Executive Standards Council
(212) 642-4913
jthomps@ansi.org

cc: ANSI ExSC Members
A. Marasco, ANSI VP & General Counsel
A. Caldas, Secretary, ANSI ExSC
D. Nevius, NERC
R. Niebo, NERC
K. Sappenfield, EnCana
G. Eisenstark, PSE&G
C. Yeung, Reliant Resources

17 ExSC hearing of appeals

All directly and materially affected persons (organizations, companies, government agencies, individuals etc.) have the right to appeal actions or inactions of the ExSC or its designee. The ExSC may also hear appeals remanded or referred to the ExSC by the ANSI Appeals Board. Hearing of appeals by the ExSC shall be handled by a panel of at least five ExSC voting members established for each appeal. If five members of the ExSC are not available to serve on the panel, the Chair or the Vice Chair of the ExSC may appoint one or more additional panel members who shall be persons knowledgeable about the *ANSI Essential Requirements: Due process requirements for American National Standards (ANSI Essential Requirements)* and the standards development process. Such appointment(s) of non-ExSC members shall be with the concurrence of all parties to the appeal. A majority of the members of the panel shall be members of the ExSC.

An appeal shall be initiated by written notice of appeal to the Secretary of the ExSC. All appeals, and all related materials, shall be filed in writing with the secretary of the ExSC within fifteen (15) working days of notification by ANSI of an action by the ExSC or its designee, or at any time with respect to an inaction. If the appellant is unable to provide all the appeals materials within the fifteen (15) working days, the appellant shall request an extension from the Secretary of the ExSC, and shall provide a justification therefor, within the fifteen (15) working days, or shall forfeit the right to further appeal. The appeals materials shall be accompanied by a filing fee. This fee may be waived or reduced upon sufficient evidence of hardship. In addition, this fee shall be reduced if, in accordance with specifications provided by the ANSI Director of Procedures and Standards Administration, either (a) the appeals statement, including all back-up material, is submitted entirely in electronic format or (b) fifteen (15) hard copies of all appeals materials are submitted. The notice of appeal shall specify the decision from which the appeal is taken, a short statement of the matter in controversy, the reason(s) why the appellant believes the decision is in error, and the specific relief sought by the appellant from the ExSC.

The appeal notice and statement shall be distributed by the Secretary of the ExSC to the potential respondent to allow them the opportunity to respond, if they so desire. Thereafter, this party shall have fifteen (15) working days to submit their response to the appeal statement. The response shall include the reasons why the respondent(s) believe(s) the decision under appeal was correct and a reference to the provisions in the *ANSI Essential Requirements* upon which they rely, and all evidence in support of the respondent's position. If the respondent is unable to provide all the appeals materials within fifteen (15) working days, the respondent shall request an extension from the Secretary of the ExSC, and shall provide a justification therefor, within the fifteen (15) working days, or shall forfeit the right to respond.

Extensions of time to submit an appeal statement or response may be granted at the discretion of the Chair of the ExSC, or, if the Chair is unavailable, of the Vice Chair of the ExSC.

Upon receipt of the response, the Secretary of the ExSC shall establish a panel to hear the appeal, and, in consultation with the panel members and the parties involved in the appeal, shall fix a date for the appeal hearing. All parties shall be given at least fifteen (15) working days notice of the date of the hearing. No party to an appeal may discuss the appeal with any member of the ExSC appeals panel while the matter is pending. Panel members shall receive copies of all statements at least fifteen (15) working days prior to the date of the appeal hearing.

At the hearing, the appellant's position shall be presented first, followed by the respondent. A half hour is allotted for each side, with a limit of three speakers per side. Additional time is

allotted for a question and answer session. At the close of the question and answer period, the appeals panel shall go into executive (closed) session for the purpose of arriving at a decision.

Decisions of ExSC appeals panels shall require a majority vote of the panel, shall represent the decision of the ExSC, and shall be provided to the ExSC for their information. Should the appellant or the respondent not be present at the hearing, the decision of the ExSC appeals panel shall be based on the written submissions and the presentations made by the parties that are present at the hearing or who participate via teleconference. Notice of a decision reached by the ExSC appeals panel shall be sent to the parties within fifteen (15) working days unless an extension is authorized by the Chair of the ExSC, or, if the Chair is unavailable, by the Vice Chair of the ExSC. The decision shall specify the outcome of the appeal, and shall be accompanied by an explanation of the reasons for such outcome, and the specific relief granted, if any. The outcome of the appeal shall be announced in *Standards Action*.

The final decision of the ExSC appeals panel may be appealed to the ANSI Appeals Board in accordance with the *Appeals Board Operating Procedures*.
