

NRG Power Marketing LLC
Comments to NAESB
2008 WEQ Annual Plan Items 2.c
List of ATC Related Information

In Order 890, the Commission directed the North American Electric Reliability Corporation (“NERC”) and the North American Energy Standards Board (“NAESB”) to increase transparency by developing standard methods of calculating Available Transfer Capability (“ATC”), along with supporting business practices. The Commission cited the need for increased transparency in administering transmission service under the pro forma open access transmission tariff (“OATT”) in order to prevent undue discrimination:

The Commission concludes that inadequate transparency requirements, combined with inadequate compliance with existing OASIS regulations, increases the opportunities for undue discrimination under the pro forma OATT and makes instances of undue discrimination more difficult to detect. We find that the reforms we adopt in this Final Rule will improve transparency in the OATT, reduce opportunities for undue discrimination, and increase our ability to detect undue discrimination.^[1]

NRG files these comments in response to NAESB’s proposed business practice entitled “List of ATC Related Information” (the “Business Practice”). The Business Practice would support the standards developed by NERC in its MOD-001, MOD-004, MOD-008, MOD-028, MOD-029, and MOD-030 standards. The business practice is essentially a table that identifies the elements of the ATC/AFC calculations as defined within the MOD standards and would require Transmission Providers to indicate whether a given data element is available (yes/no response required) to the Transmission Customer. A comment column is provided within the table in which the Transmission Provider is required to provide a rationale for the response provided. The business practice offers six standard responses for a “No” response and three standard responses for a “Yes” response. However, it appears that the Transmission Provider is not limited to utilizing these options and may insert a customized response if desired.

NRG appreciates the Task Force’s effort in proposing a Business Practice that represents a step in the direction of greater transparency of ATC calculations, which is consistent with the Commission’s goals. With the proposed business practice in place, Transmission Customers will be able to quickly determine what data the Transmission Provider is relying upon when it calculates ATC and whether it has access to said data, thereby increasing the ability to detect undue discrimination. As such, NRG Power Marketing LLC is supportive of the proposed Business Practice.

¹ FERC Order 890, Preventing Undue Discrimination and Preference in Transmission Service at 51. February 16, 2007.

However, the proposed Business Practice does not go far enough in increasing transparency or establishing binding methodologies that a Transmission Provider would have to follow in calculating ATC [can we give a general description of what we would be looking for?] Additionally, NRG has specific concerns with the Comments column of the Business Practice as currently written:

1. **A response in the Comment column should be required for a “Yes” response in the Available column.**

Currently, the proposed Business Practice would not require any comment if the answer is “Yes”. The proposal should be modified to require the Transmission Provider to provide a justification for its finding that ATC is available in the same way as it requires an explanation when ATC is not available. The additional transparency will give the Transmission Customer additional insight into why the Transmission Provider reached its decision.

2. **Responses in the Comments column should be limited to selections from a standard list.**

The proposed business practice offers a list of six *potential* “No” comments and three *potential* “Yes” comments. This language implies that the Transmission Provider is free to insert a response other than the suggested responses. If true, this serves to weaken the benefit of the business practice as the use of a non-standard response could make it difficult for the transmission customer to understand the Transmission Providers’ rationale for not making the data element available, thus making it difficult to detect undue discrimination.

3. **The list of possible comments in response to a “No” response in the Availability column should be limited.**

The list of “No” responses should be limited to one of three options: i) CEII Information; ii) Data not created by the Transmission Provider but provided to the Transmission Provider from xxx (include entity identity of information provider); and iii) Data not utilized by the Transmission Provider. The other proposed responses (market sensitive, reliability sensitive, security sensitive) do not represent acceptable rationale for a “No” response, as the Commission has indicated in Order Nos. 890 and 890-A that: “[o]n request, the Responsible Party must make all data used to calculate ATC, TTC, CBM, and TRM for any constrained posted paths publicly available. . . .” So long as the requester is willing to sign a confidentiality agreement, the Business Practice should require that the information be made available.

Respectfully Submitted,



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