



NORTH AMERICAN ENERGY STANDARDS BOARD

801 Travis, Suite 1675 • Houston, Texas 77002 • Phone: (713) 356-0060 • Fax: (713) 356-0067
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April 18, 2013
Filed Electronically

The Honorable Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street N.E., Room 1A
Washington, D.C. 20426

RE: NAESB Copyright Procedure Regarding Member and Purchaser Self-Executing Waiver

Dear Ms. Bose:

The North American Energy Standards Board ("NAESB") herewith submits this report to the Federal Energy Regulatory Commission ("FERC" or "Commission") in response to the March 1, 2013 FERC Order on Spectra Pipelines' Tariff Amendments in Docket Nos. RP13-502-000, et al. This report describes the NAESB Copyright Procedure Regarding Member and Purchaser Self-Executing Waiver adopted by the NAESB Board of Directors on April 4, 2013 as part of the NAESB Copyright Policy.

The cover letter, report and enclosures are being filed electronically in Adobe Acrobat® Print Document Format (.pdf). The filing is also available on the NAESB web site (www.naesb.org). Please feel free to call me at (713) 356-0060 or refer to the NAESB website (www.naesb.org) should you have any questions or need additional information regarding the NAESB standards or the NAESB copyright policy.

Respectfully submitted,

Ms. Rae McQuade
President & COO, North American Energy Standards Board

cc without enclosures: Chairman Jon Wellinghoff, Federal Energy Regulatory Commission
Commissioner Tony Clark, Federal Energy Regulatory Commission
Commissioner Cheryl LaFleur, Federal Energy Regulatory Commission
Commissioner Philip D. Moeller, Federal Energy Regulatory Commission
Commissioner John Norris, Federal Energy Regulatory Commission

Mr. Joseph McClelland, Director, Office of Energy Infrastructure Security, Federal Energy Regulatory Commission
Mr. Michael Bardee, Director, Office of Electric Reliability, Federal Energy Regulatory Commission
Mr. David Morenoff, Acting General Counsel, Federal Energy Regulatory Commission
Mr. Michael Goldenberg, Senior Attorney, Office of General Counsel, Federal Energy Regulatory Commission
Ms. Jamie L. Simler, Director, Office of Energy Policy and Innovation, Federal Energy Regulatory Commission



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Mr. Mason Emmett, Associate Director, Office of Energy Policy and Innovation, Federal Energy Regulatory Commission

Mr. Michael Desselle, Chairman and CEO, North American Energy Standards Board

Mr. William P. Boswell, General Counsel, North American Energy Standards Board

Mr. Charles Berardesco, General Counsel, North American Electric Reliability Corporation

Mr. Mark Lauby, Vice President and Director of Standards, North American Electric Reliability Corporation



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UNITED STATES OF AMERICA FEDERAL ENERGY REGULATORY COMMISSION

**Standards for Business Practices and
Communication Protocols for
Public Utilities**) **Docket No. RM 05-5-000**
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)

**Standards for Business Practices of
Interstate Natural Gas Pipelines**) **Docket No. RM 96-1-000**
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REPORT OF THE NORTH AMERICAN ENERGY STANDARDS BOARD

On November 20, 2012, the North American Energy Standards Board ("NAESB") submitted a report to the Federal Energy Regulatory Commission ("FERC" or "Commission") in the above referenced dockets to clarify the NAESB Copyright Policy and the use of NAESB copyrighted standards in FERC compliance filings and tariffs.¹ This action was taken after NAESB was informed that NAESB's Copyright Policy may not have been fully understood by entities making filings with the Commission. In response to the November 20, 2012 report, several entities contacted NAESB seeking a limited copyright waiver for the use of copyright protected standards language that had been included in FERC Gas Tariffs filed with the Commission in compliance with FERC Order No. 587-V issued on July 19, 2012 in Docket No. RM96-1-037. Consistent with past practice, NAESB provided the requesting entities with a limited copyright waiver and asked that the entities give notice that the copyright protected language had been reproduced through the grant of a waiver by NAESB and that a citation to NAESB's copyright be provided in future regulatory filings. On January 31, 2013, in an effort to comply with the conditions of the copyright waiver, Spectra Energy pipelines filed a motion to amend Appendix A of their FERC Gas Tariffs to include the notice and citation required by NAESB.² On March 1, 2013 the Commission issued an order accepting the amendments of the Spectra Energy pipelines' FERC Gas Tariffs and "urge[d] NAESB to post on its website specific procedures for obtaining such waivers or licenses quickly, and we would further encourage it to develop a safe harbor covering "fair use" of its standards language to limit the burden of obtaining a waiver or license for each legitimate use."

¹ North American Energy Standards Board Report to the Federal Energy Regulatory Commission Regarding the NAESB Copyright Policy (Docket Nos. RM05-5-000 and RM96-1-000), available at: http://www.naesb.org/pdf4/ferc112012_naesb_copyright.pdf (submitted November 20, 2012).

² Spectra Energy Pipelines FERC Gas Tariff (Docket Nos. [RP13-502-000](#), [RP13-503-000](#), [RP13-504-000](#), [RP13-505-000](#), [RP13-506-000](#), [RP13-507-000](#), [RP13-508-000](#), [RP13-510-000](#), [RP13-512-000](#), [RP13-515-000](#), [RP13-513-000](#) and [RP13-514-000](#)) (submitted January 31, 2013).

In response to the March 1, 2013 Commission Order, the NAESB Board of Directors on April 4, 2013 adopted a procedure by which all members and non-member purchasers of NAESB standards³ are granted an irrevocable, self-executed, limited copyright waiver to reproduce copyright protected language under certain conditions. The purpose of the self-executing waiver is to allow members and non-members with valid access to publish copyright protected NAESB standards language in tariffs, compliance filings, other communications with regulatory agencies, and communications with customers or stakeholders in conducting day to day business when referencing a standard is insufficient for the needs of the member or non-member purchaser of the standard. The procedure and the accompanying waiver were developed and unanimously adopted by the NAESB Revenue Committee through two meetings held on March 21, 2013 and March 27, 2013 before unanimous approval at the April 4, 2013 Board of Directors meeting. Both the procedure and self-executing waiver can be found on the NAESB website through the following hyperlinks.

- NAESB Copyright Procedure Regarding Member and Purchaser Self-Executing Waiver: http://www.naesb.org/pdf4/self-executing_waiver_procedure.pdf
- Irrevocable, Self-Executing, Limited Waiver of NAESB Copyright for NAESB Members and Non-Member Purchasers of NAESB Standards: http://www.naesb.org/pdf4/self-executing_waiver.pdf

The action of the Board of Directors on April 4, 2013 to create the unilateral grant of the waiver did not alter NAESB's current practice of providing access to copyright protected material to non-members who have not purchased the material, nor does it limit any fair use of the material. Non-member entities that have not purchased copyright protected material may continue to request access for evaluative purposes through the use of the LockLizard software product. As previously addressed, requests for copyright waivers by non-member entities who have not purchased copyright protected material will be reviewed and approved on a case by case basis.

³ The list of the NAESB members and non-member purchasers of the NAESB standards can be found in the report "NAESB Copyright Policy and Companies with Access to NAESB Standards Under the Copyright Policy", posted on the NAESB web site at <http://www.naesb.org/copyright.asp>, and can be accessed from the following link: <http://www.naesb.org/pdf2/copyright.pdf>. The report is updated monthly.