

# WIRAB Staff Comments on WECC Information Sharing Policy

October 27, 2016

The Western Interconnection Regional Advisory Body Staff (WIRAB Staff) appreciates the opportunity to provide comments on the proposed changes to Western Electricity Coordinating Council's (WECC) Information Sharing Policy. Western States and Provinces rely on WECC's data sets and analysis when making public policy and regulatory decisions that affect the Western Interconnection. WIRAB has also provided advice to Peak Reliability<sup>1</sup> and the Federal Energy Regulatory Commission (FERC)<sup>2</sup> on information sharing policy.

WIRAB Staff used the following high-level principles when considering WECC's Information Sharing Policy:

- 1. Information sharing policies should encourage the broadest sharing possible.** The industry and stakeholders should have access to high quality and useful data sets for the Western Interconnection. If possible, WECC should make these data sets publicly available for the industry, policymakers, academics, etc. Part of WECC's Mission is to be *a centralized repository of reliable information relating to the planning and operation of the Bulk Electric System (BES) in the Western Interconnection, promote the secure sharing of critical reliability data, and provide robust stakeholder forums*. WECC's default stance on Information Sharing should continue to support the broadest sharing of information to encourage the broadest participation possible among its stakeholders.

**WECC Mission:** *"WECC is a social welfare organization whose mission is to foster and promote reliability and efficient coordination in the Western Interconnection. WECC will lead the stakeholders in the Western Interconnection to achieve appropriate system reliability, be the premier source of unbiased information, and serve as the trusted thought leader for the Western Interconnection by providing: 1) impartial independent review and analysis of reliability issues impacting the Western Interconnection 2) development of electric reliability standards incorporating Western Interconnection experience and knowledge; 3) consistent and fair monitoring and enforcement activities for compliance with reliability standards; 4) event analysis and lessons-learned from system events; and 5) value for its membership through cost effective and efficient services and practices through: a) being a centralized repository of reliable information relating to the planning and operation of the Bulk Electric System in the Western Interconnection, b) coordinating system planning and modeling, c) sharing of, and*

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<sup>1</sup> The Alternative Data Sharing Review Process And Evaluation Criteria Of WIRAB Staff, Western Resource Advocates, Natural Resources Defense Council, And Western Grid Group, September 21, 2015, [http://westernenergyboard.org/wp-content/uploads/2015/09/09-21-15WIRAB\\_WRA\\_NRDC\\_WGG\\_ALTERNATIVE\\_Exhibit\\_A.pdf](http://westernenergyboard.org/wp-content/uploads/2015/09/09-21-15WIRAB_WRA_NRDC_WGG_ALTERNATIVE_Exhibit_A.pdf)

<sup>2</sup> Advice of the Western Interconnection Regional Advisory Body – Regulations Implementing FAST ACT Section 61003 – Critical Electric Infrastructure Security and Amending Critical Energy Infrastructure Information, Federal Energy Regulatory Commission, Docket No. RM16-15, August 19, 2016, <http://westernenergyboard.org/wp-content/uploads/2016/08/08-19-16-WIRAB-Comments-FAST-Act-NOPR.pdf>

*providing comment on adherence to, recognized industry best practices, d) facilitating resolution of market seams and coordination issues, e) secure sharing of critical reliability data, and f) providing a robust stakeholder forum.”*

2. **Clear criteria should be established to categorize information as restricted, sensitive, or non-sensitive.** WIRAB, and other stakeholders, have argued that clear criteria need to be used when categorizing data elements. WIRAB recommends the following criteria be used to categorize data:<sup>3</sup>
  - *Restricted Data: Restricted Data are data that: (1) are not available from public sources; (2) could be directly used to impact the operation of the BES; and (3) if inadvertently released pose a significant threat to the reliability of the BES.*
  - *Sensitive Data: Sensitive Data are data that: (1) are not available from public sources; (2) are Confidential Data as defined in the NERC Rules of Procedure; or (3) are Transmission Function Information as defined by the FERC Standards of Conduct.*
  - *Non-Sensitive Data: Non-sensitive Data is data that: (1) are available from public sources; (2) are not Restricted Data; and (3) are not Sensitive Data.*
3. **The validity of an information request and viability of a requestor should be the only criteria used to determine if an individual should be granted access to sensitive or restricted information.** All industry stakeholders should be able to participate in WECC forums and have access to sensitive and restricted information, provided they demonstrate a legitimate need to participate and are willing to signing a Non-Disclosure Agreement. WECC should encourage diverse participation from all industry stakeholders to continue to operate reliably, but information must still be protected.
4. **A fair and balanced review process should be used to settle disputes.** WIRAB supports a robust appeal process where affected parties can appeal adverse decisions to a balanced group of industry representatives, non-industry representatives and WECC representatives. The basis for overturning a prior decision to grant or deny access to restricted or sensitive information is whether the criteria set forth for making these determinations was appropriately applied.

These concepts were used when reviewing WECC’s Information Sharing Policy.

WIRAB Staff offers the following specific comments on WECC’s Information Sharing Policy:

- a) **WECC should establish clear criteria for designating information as Public, Confidential, Market Sensitive Information or Information Not Shared Externally.** WECC’s Information Sharing Policy lacks clarity regarding why certain information was placed into different Information Access Categories. WECC’s Information Sharing Policy should clearly articulate the criteria to be applied when assigning information to the various Information Access

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<sup>3</sup>ALTERNATIVE Data Sharing Initial Review Criteria, September 21, 2015, [http://westernenergyboard.org/wp-content/uploads/2015/09/09-21-15WIRAB\\_WRA\\_NRDC\\_WGG\\_ALTERNATIVE\\_Data\\_Sharing\\_Initial\\_Review\\_Criteria.pdf](http://westernenergyboard.org/wp-content/uploads/2015/09/09-21-15WIRAB_WRA_NRDC_WGG_ALTERNATIVE_Data_Sharing_Initial_Review_Criteria.pdf)

Categories. There is no definition of “Market Sensitive”, “Confidential”, “Public” or “Information Not Shared Externally” and therefore, from the perspective of an outside observer, the information categorization has no clear rationale. It will be difficult to categorize new information and to conduct a fair appeal process with clear rationale. To make this point, WIRAB staff question the specific information categorizations below:

- i. **Make actual wind, solar, and hydro generation data publicly available at a generator level.** Generation should not be aggregated at the Balancing Authority (BA) level because it may not be “reliable information” for planning/operating the BES. Modeling multiple resources as a single resource to “protect information” is not reasonable and may be an over simplification of the system. All historical generation data should be made available at the plant level. Information on thermal generation can be found from other public sources. For example, on April 1, 2016 during hour ending 8, Unit 1 of the Hunter Coal Plant in Castle Dale, UT produced 346 MWhs of electricity by burning coal with a heat content of 4,089.7 MMBtu. A heat rate of 9380 Btu/kWh. This information is publicly available for every thermal generating unit in the United States via the US EPA’s Air Markets Program Database.<sup>4</sup> If this plant-level information is public, why is wind, solar, and hydroelectric generation aggregated?
- ii. **Categorize the WECC Path Rating Catalog as Public Information.** How can WECC’s Transmission Expansion Planning Policy Committee (TEPPC) model the transmission with accurate path ratings and still make information like the Common Case public information?
- iii. **Categorize projected or forecasted data for years 1-3 as Public Information.** This data should be made publicly available considering similar data is publicly available in different regions, specifically PJM which makes data publicly available even within the operating horizon of its jurisdiction. (<http://www.pjm.com/markets-and-operations/ops-analysis.aspx>)? Additionally, the Federal Energy Regulatory Commission (FERC) defines Transmission Function, which serves as the basis in FERC’s definition of Transmission Function Information in the FERC Standards of Conduct, as: “the planning, directing, organizing or carrying out of day-to-day transmission operations, including the granting and denying of transmission services request”. This definition is directed at short-term real time operations, including those made in advance of real time but directed at real time operations. The information described here (1-3 years) is not near-term enough to have this type of protection. WECC’s standard for market sensitive information should not be more stringent than the standard used by FERC.
- iv. **Categorize historical operational data sets as Public Information.** Quality historical data about the Western Interconnection is difficult to obtain. WECC should make available its historical operational data sets (i.e. historical loads, historical generation, frequency, etc.). If WECC does not have this data available, it should encourage other entities (i.e. Peak Reliability) to make this type of information

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<sup>4</sup> Air Markets Program Data, US EPA, <https://ampd.epa.gov/ampd/>

publicly available. Even if some information may be available from other public sources, WECC should do a better job at being a *repository of reliable information relating to the planning and operation of the Bulk Power System in the Western Interconnection*.

- b) WECC should clearly state that all WECC members (regardless of whether they are in the Electric Line of Business) can participate in stakeholder processes with Confidential Information.** WECC's Information Sharing Policy states that Confidential Information is only made available to people who (1) demonstrated a legitimate need, and (2) signed a non-disclosure agreement. WECC's Presumption of Legitimate Need is defined as: Persons in the Electric Line of Business (The generation, transmission, distribution or trading of electricity or the provision of related energy services in the Western Interconnection) or persons doing work set forth in writing for such persons. Many WECC Class 4 and Class 5 members are not in the Electric Line of Business as defined by the WECC Bylaws and therefore these Class Members may not understand that they are allowed and encouraged to participate in WECC's stakeholder processes, even when "Confidential Information" is being discussed. These members may believe that because they are not in the Electric Line of Business that they may not be allowed to participate, even if they can demonstrate a legitimate need and are willing to sign a Non-Disclosure Agreement. What criteria will be used to determine whether a WECC Member, who is not in the Electric Line of Business, has sufficiently demonstrated a legitimate need for Confidential Information?
- c) The WECC CEO, as ultimate arbiter of data disputes, should utilize a fair and balanced process when handling disputes.** As currently outlined, there is no process defined for how the WECC Chief Executive Officer (CEO) will examine and settle disputes regarding the sharing of information. What criteria or standard will the CEO apply to resolve a dispute regarding information sharing? The factors that go into the CEO's decision on whether an individual has demonstrated a legitimate need to have access to Confidential Information should be known before an entity pursues such a request. The WECC CEO should independently evaluate any disputed information request and should convene a group of balanced subject matter experts to aid in the resolution process. The WECC CEO should determine: 1) whether the information was properly categorized; 2) whether the requestor has demonstrated a legitimate need; and 3) whether the requestor is a viable requestor and is willing to sign the non-disclosure agreement. WECC should then make public the findings, conclusions, and recommendations from the CEO regarding his or her resolution of the dispute.
- d) WECC should make sure that all acronyms in the document are defined.** For example, the following acronyms are undefined in the document: ATC, CEII, CEO, GIS, PRC, etc. Please ensure that all terms are defined and/or make sure that this document references all documents where such terms are defined.