

CHARTER OF THE MARKETS+ STATE COMMITTEE

April 28, 2023

Establishment and Authority.

The Markets+ State Committee (MSC) is a standing committee of Markets+, a Western day-ahead market operated by the Southwest Power Pool (SPP), formed to provide state perspectives on pertinent matters related to the market. This charter shall govern the duties and responsibilities of the MSC, and its interactions with Markets+ participants and stakeholders and other established SPP committees.

Purpose and Responsibilities.

The purpose of the MSC is to effectively engage state members in the development and operation of Markets+ and to provide direction and input to the Markets+ Independent Panel (MIP), Markets+ Participant Executive Committee (MPEC), and any working group or task force on all matters deemed pertinent by the MSC and its members, including but not limited to initiative prioritization, market operations, and policy issues. To achieve this purpose, the MSC will:

- a. Provide a forum for Markets+-related education, discussion, and sharing of information between states.
- b. Participate in public meetings and provide input and advice to the MIP on agenda items and other pertinent matters.
- c. Participate in public meetings and provide input and advice to the MPEC on agenda items and other pertinent matters.
- d. Provide input and advice to the SPP Board of Directors on appeals of MIP decisions and other Markets+ matters.
- e. Intervene in proceedings before federal regulatory agencies and in related judicial proceedings to express the MSC's positions.
- f. Assign an MSC member or independent support staff member to attend closed meetings of the MPEC in accordance with reasonable non-disclosure protections.
- g. Select members to participate in and provide advice to ad hoc Markets+ task forces and working groups.
- h. Develop, seek MPEC comment on, and submit MSC annual budgets to the MIP for approval.
- i. Participate as a voting member of the MIP Nominating Committee.

Composition and Governance.

1. Membership.

- a. The MSC will be composed of one member from each state in which a Markets+ market participant has generation or load participating in the market, although initial

- membership may be broader given the uncertainty about which states will ultimately participate. As such, initial membership may include representatives from any of the states or provinces with entities that may plausibly choose to participate in the ultimate Markets+ day-ahead market structure, to the extent the states or provinces wish to participate.
- b. State members will be appointed to the MSC by the Chair or President of each respective state public utility commission and may include a member from other state agencies such as state energy offices, state environmental offices, or state consumer advocates, if so appointed by the Chair or President of the state public utility commission.
 - c. Each member of the MSC shall serve until a successor is identified.
 - d. MSC members may designate an alternate state member to attend meetings if they are unavailable.
 - e. If a vacancy occurs at any time, a state member designated by the Chair or President of the state's public utility commission may participate in meetings and other activities of the MSC.

2. Leadership.

- a. The members of the MSC shall select one member to serve as the Chair and one member to serve as the Vice Chair for a term of one year, or a longer term if needed as agreed to by a vote of the MSC.
 - a. The Vice Chair shall assist the Chair as needed and assume the Chair's duties if or when the Chair is unavailable, or if the Chair position becomes vacant.
- b. The MSC Chair, with the assistance of the Vice Chair and independent staff, will coordinate, prepare for, and manage MSC meetings and agendas.
- c. The MSC Chair or Vice Chair will represent the MSC as a voting member of the MIP Nominating Committee and exercise the MSC's vote in matters before the MIP Nominating Committee.

3. Decision Making.

- a. Each member state has one vote.
- b. Action taken by the MSC shall require the affirmative vote of a majority of its members.
- c. The MSC aims to represent the collective interests of its member states and strives for consensus positions when speaking to the MIP, MPEC, any Markets+ committee, working group, or task force, and the Federal Energy Regulatory Commission (FERC), if necessary.
- d. Positions taken by MSC members or the MSC are not binding on state proceedings, before FERC, or in any other forum. Any regulatory agency having rate, siting, or other service jurisdiction over a utility participating in Markets+ reserves the right to exercise all lawful means available to protect its existing state jurisdiction and authority.

4. Meetings.

- a. The MSC shall determine the time and place of its meetings.
- b. The MSC shall determine the procedures for its meetings, except:

1. A quorum for meetings shall be a majority of its members and maintained throughout the meeting in order for the MSC to take any binding action.
 2. Meetings of the MSC may be in person, by telephone, or by web conference, as determined by the MSC Chair.
 3. The MSC may hold meetings or portions of meetings in executive sessions—in which only MSC members, independent staff, and invited guests may attend—to develop policy positions and/or to discuss personnel or other sensitive matters.
 4. Before entering into an executive session, the MSC Chair will publicly announce the purpose of the closed session, identifying the general subject matter to be discussed.
- c. The Chair, with the assistance of the Vice Chair and independent staff, shall provide each member of the MSC with at least seven (7) days advance notice of the time and place of all meetings and provide an agenda that identifies the items on which a vote will be taken at the meeting.
 - d. The Chair, with the assistance of the Vice Chair and independent staff, shall strive to work in concert with the Western Energy Imbalance Market (WEIM) Board of State Regulators (BOSR) Chair, the Western Resource Adequacy Program (WRAP) Committee of State Representatives (COSR) Chair, and the CREPC Co-Chairs to make efficient use of member time and resources.
 - e. Unless a meeting will be held in executive session, the Chair, with the assistance of the independent staff, shall also provide at least seven days (7) advance notice to interested persons by posting the meeting information on the MSC website.

Support and Funding.

The MSC will obtain independent staffing from the Western Interstate Energy Board (WIEB) to support its ability to develop analytical and legal analyses in order to present independent input and advice related to Markets+ to the MIP, MPEC and, if needed, to FERC. WIEB will work with MSC Leadership to develop an annual budget and will solicit input and advice from the MPEC on the MSC budget. The MSC will submit its annual budget to the MIP for approval and SPP will allocate costs and obtain MSC funding from the Markets+ market participants.