

June 4, 2010

Request for Comments on proposed changes to
NERC Rules of Procedure - Section 300

We provide these comments on NERC's proposed changes to the Rules of Procedure (RoP) sections related to the principle change for the addition of Rule 321, Special Rule to Address Certain Regulatory Directives. We are concerned that the proposed rule addition will invalidate the existing process instead of incorporating a solution within the current process to address the regulatory directive.

Rule 321, Section 2

Special provisions for adoption of a proposed standard addressing specific FERC directives or concerns by the NERC BOT that has failed to reach established criteria for approval does not seem appropriate. The proposed addition of rule 321 will undermine the existing process. Currently, Standards that do not achieve the current two-thirds majority by segment do not reach approval for many reasons and are an indication that a standard needs additional work to ensure the desired affect to reliability is achieved. The standards process serves as an additional quality check for the standard to be applied in a way that achieves the positive outcome for the regulators as well as the industry. Changing the process solely because of FERC reliability concerns suggests that FERC reliability concerns and expertise exceed those of the Industry and NERC, undermining the expertise of NERC and the Industry as well as the process established by those two entities.

We recognize that a procedure to ensure FERC directives are responded to in a timely manner is required. However, this process should become part of and work collaboratively with the existing process developed between NERC and Industry participants, not work outside of it or invalidate it.

Rule 321, Section 2.2

The proposal to differentiate negative votes between those with substantive comments and those without substantive comments in the standards development process is subjective and does not follow due process. Guidelines for what is deemed a substantive comment are not transparent and subjective consideration of comments should not be a criterion for a vote that is counted or thrown out. If the vote is thrown out for lack of substantive comment, it cannot and should not be counted to establish quorum as that entities considerations for reasons the proposed standard should not pass have clearly been devalued. Further, the proposed process does not promote a transparent and open process and threatens to invalidate the entire approval process.

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