



DECISION

IN THE MATTER OF an Application by New Brunswick Power Corporation pursuant to the *Electricity Act* and with respect to Reliability Standards FAC-001 and FAC-002

(Matter No. 276)

April 27, 2015

NEW BRUNSWICK ENERGY AND UTILITIES BOARD

IN THE MATTER OF an Application by New Brunswick Power Corporation pursuant to the *Electricity Act* and with respect to Reliability Standards FAC-001 and FAC-002.
(Matter No. 276)

NEW BRUNSWICK ENERGY AND UTILITIES BOARD:

Vice-Chairperson: François M. Beaulieu

Board Counsel: Ellen Desmond

Chief Clerk: Kathleen Mitchell

APPLICANT:

New Brunswick Power Corporation: Randy MacDonald

COMMENTS SUBMITTED BY:

There were no submitted comments.

A. Introduction

- [1] The Chairperson has directed one member of the New Brunswick Energy and Utilities Board (Board) to deal with this Matter 276 pursuant to section 5 of the *General Regulation - Energy and Utilities Board Act*, N.B. Reg. 2007-4.
- [2] On December 31, 2014, the New Brunswick Power Corporation (NB Power) filed an application and supporting evidence (Application) with the Board. The Application is filed pursuant to subsection 119(1) of the *Electricity Act*, S.N.B. 2013, c. 7 (Act) and the *Reliability Standards Regulation - Electricity Act*, N.B. Reg. 2013-66 (Regulation).
- [3] Further to an Order of the Board dated January 5, 2015, the Board posted the Application and Notice of this Matter 276 on the Board's website. The registered entities, the North American Electric Reliability Corporation (NERC) and the Northeast Power Coordinating Council Inc. (NPCC) were notified of the Order and the Notice. The parties were invited to submit written comments. The comment period concluded on March 9, 2015.
- [4] The Board received no comments from any registered entities, NERC, or NPCC.
- [5] NB Power has applied to the Board for the following:
 - (a) An Order:
 - (1) approving modifications of Board approved reliability standard FAC-001-1 and NB Appendix FAC-001-1-NB-0 by approving new version FAC-001-2 and NB Appendix FAC-001-2-NB-0,
 - (2) approving retirement of existing Board approved reliability standard FAC-001-1

and NB Appendix FAC-001-1-NB-0,

- (3) approving modifications of Board approved reliability standard FAC-002-1 and NB Appendix FAC-002-1-NB-0 by approving new version FAC-002-2 and NB Appendix FAC-002-2-NB-0, and
- (4) approving retirement of existing Board approved reliability standard FAC-002-1 and NB Appendix FAC-002-1-NB-0;

(b) orders and/or directions with respect to such other matters as the Board sees fit.

[6] An “approved reliability standard” is comprised of (a) a reliability standard (as established by NERC and approved by the Board) and (b) any corresponding NB Appendix, detailing modifications to the former.

[7] On April 14, 2015, NB Power filed a revision to the Application, which was not substantive in nature. The revision confirmed that for NB Appendix FAC-002-2-NB-0, Section C 1.3, there were no New Brunswick modifications.

B. Modifications to Approved Reliability Standards

[8] The Board is required to approve modifications to an approved reliability standard in the circumstances described in subsection 8(4) of the Regulation, which provides:

8(4) As soon as practicable after the expiry of the comment period under subsection (2), the Board shall approve modifications to an approved reliability standard that are recommended by the Corporation in an application under subsection 7(3) or paragraph 7(5)(a)

(a) if the recommended modifications are not substantively different from revisions approved by FERC to the equivalent reliability standard, and

(b) if, during the comment period under subsection (2), there were no substantive comments submitted to the Board by a registered entity, the standards body or the compliance body.

[9] Paragraph (b) of subsection 8(6) of the Regulation provides guidance on the meaning of “substantive”, as used in subsection 8(4):

8(6) For the purposes of subsections (3) and (4) and without limiting the generality of those subsections,

(b) any modifications to an approved reliability standard that are recommended by the Corporation shall not be considered as substantively different from revisions approved by FERC to the equivalent reliability standard if the differences are necessary to ensure compatibility with or consistency with the laws of the Province or of Canada.

[10] The Board is satisfied that the circumstances set out in subsection 8(4) of the Regulation exist, and that the modifications to the approved reliability standards are warranted. The modifications to the approved reliability standards, including the corresponding NB Appendices, as set out in the Application, are therefore approved.

C. Retirement of Approved Reliability Standards

[11] The Board is required to retire an approved reliability standard in the circumstances described in subsection 8(5) of the Regulation, which provides:

8(5) As soon as practicable after the expiry of the comment period under subsection (2), the Board shall retire an approved reliability standard

(a) if the application under subsection 7(4) or paragraph 7(5)(b) indicates the date on which FERC approved the retirement of the equivalent reliability standard, and

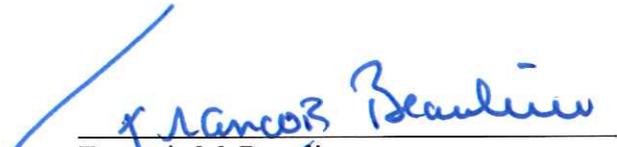
(b) if, during the comment period under subsection (2), there were no substantive comments submitted to the Board by a registered entity, the standards body or the compliance body.

[12] The Board is satisfied that the circumstances set out in subsection 8(5) of the Regulation exist. The retirement of the approved reliability standards, including the corresponding NB Appendices, as set out in the Application, are therefore approved.

D. Conclusion

- [13] The Board has carefully considered the Application and is satisfied that the requirements of the Act and the Regulation have been met.
- [14] The Application is approved as requested.

Dated in Saint John, New Brunswick, this 17th day of April, 2015.



François M. Beaulieu
Vice-Chairperson