



## **DECISION**

**IN THE MATTER OF** an Application by New Brunswick Power Corporation pursuant to the *Electricity Act* and with respect to Reliability Standards NUC-001-2, NUC-001-2.1 and NUC-001-3  
(Matter No. 277)

**September 10, 2015**

NEW BRUNSWICK ENERGY AND UTILITIES BOARD

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(Matter No. 277)

**NEW BRUNSWICK ENERGY AND UTILITIES BOARD:**

Vice-Chairperson:	François Beaulieu
Board Counsel:	Ellen Desmond
Chief Clerk:	Kathleen Mitchell

**APPLICANT:**

New Brunswick Power Corporation:	Randy MacDonald
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**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 277 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 277 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 reviewed this Application on April 13, 2015 and found the Application was not complete.
- [5] Pursuant to paragraph 119(1)(d) of the Act, the Board remanded the Application to NB Power for further consideration. A letter of direction was sent to NB Power on April 27, 2015 identifying the outstanding issues. The registered entities, NERC and NPCC were provided with a copy of the letter of direction and no comments were received by them. NB Power filed a revised Application on July 8, 2015 (revised Application) and has applied to the Board for the following:
- (a) an Order;
    - (1) approving modifications of Board approved reliability standard NUC-001-2 and NB Appendix-NUC-001-2-NB-0 by approving version NUC-001-2.1 and NB Appendix NUC-001-2.1-NB-0.
    - (2) approving the retirement of existing Board approved reliability standard NUC-001-2 and NB Appendix NUC-001-2-NB-0,

- (3) approving modifications of Board approved reliability standard NUC-001-2.1 and NB Appendix NUC-001-2.1-NB-0 by approving new version NUC-001-3 and NB Appendix NUC-001-3-NB-0, and
- (4) approving the retirement of existing Board approved reliability standard NUC-001-2.1 and NB Appendix NUC-001-2.1-NB-0; and

(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.

## **B. Modifications to Approved Reliability Standards**

[7] 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.

[8] 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.

[9] 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 revised Application, are therefore approved.

[10] Board staff are directed to prepare a version history section to be annexed to the Board approved NB Appendix that will contain a summary of the modifications to the NERC standard and specify implementation dates. This version history section may be modified by staff from time to time, as may be required.

### **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

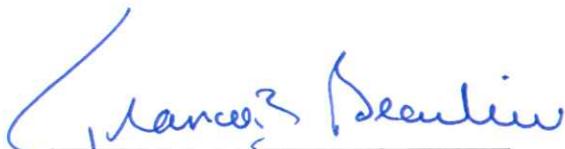
(b) if, during the comment period under subsection (2), there were no substantive comments submitted to the Board by a registered entity, the standards body or the compliance body.

[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 revised Application, are therefore approved.

## **D. Conclusion**

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

Dated in Saint John, New Brunswick, this 10<sup>th</sup> day of September, 2015.

A handwritten signature in blue ink that reads "François Beaulieu". The signature is written in a cursive style with a large initial "F" and a stylized "B".

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François Beaulieu  
Vice-Chairperson