



## **DECISION**

**IN THE MATTER OF** an Application by New Brunswick Power Corporation pursuant to the *Electricity Act* and with respect to Reliability Standards MOD-031-1, MOD-016-1.1, MOD-017-0.1, MOD-018-0, MOD-019-0.1 and MOD-021-1  
(Matter No. 292)

**October 6, 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 MOD-031-1, MOD-016-1.1, MOD-017-0.1, MOD-018-0, MOD-019-0.1 and MOD-021-1 (Matter No. 292)

**NEW BRUNSWICK ENERGY AND UTILITIES BOARD:**

Member:	Patrick Ervin
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 292 pursuant to section 5 of the *General Regulation - Energy and Utilities Board Act*, N.B. Reg. 2007-4.
- [2] On June 26, 2015, 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 July 10, 2015, the Board posted the Application and Notice of this Matter 292 on the Board's website on July 10, 2015. 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 on July 10, 2015. The parties were invited to submit written comments. The comment period concluded on September 10, 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 reliability standard MOD-031-1 and NB Appendix MOD-031-1-NB-0,
    - (2) approving retirement of existing Board approved reliability standard MOD-016-1.1,
    - (3) approving retirement of existing Board approved reliability standard MOD-017-0.1,
    - (4) approving retirement of existing Board approved reliability standard MOD-018-0,
    - (5) approving retirement of existing Board approved reliability standard MOD-019-0.1,
    - (6) approving retirement of existing Board approved reliability standard MOD-021-1; 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. Approval of Reliability Standards**

[7] The Board is required to approve a reliability standard, together with any non-substantive modifications, in the circumstances described in subsection 8(3) of the Regulation, which provides:

**8(3)** As soon as practicable after the expiry of the comment period under subsection (2), the Board shall approve a reliability standard, together with any non-substantive modifications that it considers appropriate,

(a) if the Corporation made no recommendations in the application under subsection 7(2) for any substantive modifications to the reliability standard as approved by FERC, 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 (a) of subsection 8(6) of the Regulation provides guidance on the meaning of “substantive”, as used in subsection 8(3):

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

(a) any modifications to a reliability standard that are recommended by the Corporation or that are approved by the Board shall not be considered substantive modifications if the modifications 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(3) of the Regulation exist, and that the modifications to the reliability standards are non-substantive and

appropriate. The reliability standard, together with the corresponding NB Appendix, as set out in the Application, is 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, as set out in the Application, is 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 6<sup>th</sup> day of October, 2015.



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Patrick Ervin  
Member