



DECISION

IN THE MATTER OF an Application by New Brunswick Power Corporation pursuant to the *Electricity Act* and with respect to Reliability Standards COM-001-1.1, COM-001-2, COM-002-2 and COM-002-4.

(Matter No. 298)

December 14, 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 COM-001-1.1, COM-001-2, COM-002-2 and COM-002-4.
(Matter No.298)

NEW BRUNSWICK ENERGY AND UTILITIES BOARD:

Member:	John Patrick Herron
Board Counsel:	Ellen Desmond Q.C.
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 298 pursuant to section 5 of the *General Regulation - Energy and Utilities Board Act*, N.B. Reg. 2007-4.
- [2] On August 21, 2015, the New Brunswick Power Corporation (NB Power) filed an application and supporting evidence (the August Application) with the Board. The August 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). The August Application was then revised on December 7, 2015 and again on December 14, 2015. The revisions are discussed below.
- [3] Further to an Order of the Board dated August 28, 2015, the Board posted the August Application and Notice of this Matter 298 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 October 27, 2015.
- [4] The Board received no comments from any registered entities, NERC, or NPCC.
- [5] In the August Application, NB Power applied to the Board for the following:
- (a) an Order;
 - (1) approving modifications of Board approved reliability standard COM-001-1.1 by approving new version COM-001-2 and NB Appendix COM-001-2-NB-0,
 - (2) approving modifications of Board approved reliability standard COM-002-2 by approving new version COM-002-4 and NB Appendix COM-002-4-NB-0,
 - (3) approving retirement of existing Board approved reliability standard COM-002-2
 - (4) approving retirement of existing Board approved reliability standard COM-001- 1.1; 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.
- [7] The August Application was revised on December 7, 2015 and again on December 14, 2015. NB Power modified the relief requested in subparagraph (a)(1) and subparagraph (a)(4) and is now requesting the following relief:
- (a) an Order;
 - (1) approving modifications of Board approved reliability standard COM-001-1.1 by approving NB Appendix COM-001-1.1-NB-0, new version COM-001-2 and NB Appendix COM-001-2-NB-0,
 - (2) approving modifications of Board approved reliability standard COM-002-2 by approving new version COM-002-4 and NB Appendix COM-002-4-NB-0,
 - (3) approving retirement of existing Board approved reliability standard COM-002-2,
 - (4) approving retirement of existing Board approved reliability standard COM-001-1.1 and NB Appendix COM-001-1.1-NB-0;
 - (b) orders and/or directions with respect to such other matters as the Board sees fit.
- [8] The revisions in subparagraph (a)(1) and (a)(4) relate to NB Appendix COM-001-1.1-NB-0. This Appendix was not included in the August Application and registered entities were not specifically provided with the opportunity to comment on the requested relief as it relates to this Appendix. As a result, the Board will not consider the requested relief related to NB Appendix COM-001-1.1-NB-0, at this time.
- [9] Board staff are directed to notify the registered entities, NERC and NPCC of the requested relief as it relates to NB Appendix COM-001-1.1-NB-0 on or before December 21, 2015. Thereafter, parties are invited to submit comments on or before February 19, 2016. The Board will review the requested relief, specifically related to NB Appendix COM-001-1.1-NB-0 after February 19, 2016, and will issue a separate decision at that time.

[10] The Board will deal with the remaining issues below.

B. Modifications to Approved Reliability Standards

[11] 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.

[12] 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.

[13] 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 August Application, are therefore approved. As noted in Paragraph 9, the relief requested as it relates to NB Appendix COM-001-1.1-NB-0 will be considered following the parties’ comment period, which closes February 19, 2016.

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

C. Retirement of Approved Reliability Standards

[15] 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.

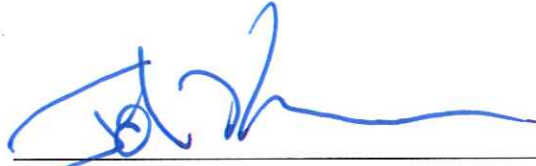
[16] The Board is satisfied that the circumstances set out in subsection 8(5) of the Regulation exist. The retirement of the approved reliability standards as set out in the August Application, is therefore approved.

D. Conclusion

[17] The Board has carefully considered the August Application and is satisfied that the requirements of the Act and the Regulation have been met.

[18] The August Application is approved as requested.

Dated in Saint John, New Brunswick, this 14th day of December, 2015.



John Patrick Herron
Member