## UNITED STATES OF AMERICA BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

)

)

North American Electric Reliability Corporation Docket No. RR21-8-000

## REPLY COMMENTS OF THE NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION TO COMMENTS OF PUBLIC CITIZEN, INC.

The North American Electric Reliability Corporation ("NERC") respectfully submits the following reply comments addressing concerns raised by Public Citizen, Inc. ("Public Citizen") in comments filed in response to the March 18, 2022 Amended Petition of NERC for approval of amendments to the NERC Rules of Procedure regarding Reliability Standards.<sup>1</sup> In particular, NERC seeks to clarify the role of consumer advocates in the Registered Ballot Body that votes on proposed Reliability Standards and proposed changes to the NERC Standard Processes Manual, Appendix 3B to the NERC Rules of Procedure.

In its comments, filed in this proceeding on April 8, 2022, Public Citizen states:

The amendments include changes to Section 305 of the NERC Rules of Procedure, which pertain to the composition of, and eligibility to participate in, the Registered Ballot Body. The amendment notes that the Registered Ballot Body is "subject to monitoring by the NERC Compliance and Certification Committee". A review of the current membership of the NERC Compliance and Certification Committee shows 28 currently occupied voting roster positions—zero of which are held by a household consumer advocate or industrial consumer advocate. Of the 28 voting roster positions, more than 2/3 (19 roster spots) are held by electric utilities, power generators or power marketers. The remaining 6 are held by two state regulators, three RTOs and one consultant.

The lack of a single bona fide consumer advocate in the current voting structure of NERC's Compliance and Certification Committee is a liability inhibiting effective reliability policy implementation. Allowing utility interests to dominate the voting structure robs America's official electricity

<sup>&</sup>lt;sup>1</sup> NERC seeks leave to submit this reply and requests that the Federal Energy Regulatory Commission ("Commission") waive Rule 213(a)(2), 18 C.F.R. 385.213(a)(2), for this purpose. This reply should be permitted because it enhances the record by clarifying and completing the record on issues raised by Public Citizen.

reliability coordinator of the balanced viewpoints necessary to develop successful policy.<sup>2</sup>

NERC submits these comments to clarify, for the record, that NERC has not proposed any substantive revisions to the Registered Ballot Body criteria nor the segment categories in its March 18, 2022 Amended Petition. Relevant to the concerns raised by Public Citizen, electricity end users and their advocates continue to be represented in the Registered Ballot Body that votes on proposed standards and changes to standard processes, and they continue to be entitled to voting representation on the NERC Standards Committee, which oversees the procedural aspects relating to standards development. Large end users are currently represented in segment 7, and small end users are currently represented in segment 8.

NERC further clarifies that the role of the Compliance and Certification Committee is to provide assurance that NERC is administering its standards program in accordance with NERC's Commission-approved rules. Procedural and technical oversight over Reliability Standards development are provided by the Standards Committee and Registered Ballot Body, respectively.

<sup>&</sup>lt;sup>2</sup> *Motion to Intervene and Comment of Public Citizen, Inc.*, Docket No. RR21-8-000 (April 8, 2022) (citations omitted).

NERC appreciates the opportunity to provide these clarifying comments and respectfully requests that the Commission accept them for consideration and approve the proposed amendments to the NERC Rules of Procedure, as described in the March 18, 2022 Amended Petition.

Respectfully Submitted,

<u>/s/ Lauren A. Perotti</u> Lauren A. Perotti Senior Counsel North American Electric Reliability Corporation 1325 G Street, N.W., Suite 600 Washington, D.C. 20005 (202) 400-3000 (202) 644-8099 – facsimile lauren.perotti@nerc.net

Counsel for the North American Electric Reliability Corporation

April 26, 2022