



NORTH AMERICAN ELECTRIC  
RELIABILITY CORPORATION

David N. Cook  
Vice President and  
General Counsel

May 15, 2009

TO: SIGNATORIES OF THE NERC DATA CONFIDENTIALITY AGREEMENT

Ladies and Gentlemen:

### Implementing Version 3 of the Operating Reliability Data Confidentiality Agreement

At its May 6, 2009 meeting, the NERC Board of Trustees approved ORD Agreement Version 3 to take the place of the August 2005 Agreement. ORD Agreement Version 3 replaces the Confidentiality Agreement for Electric System Security Data approved August 2, 2005 (the August 2005 Agreement), that you signed previously. This letter is to request that you sign the attached Version 3 of the NERC Confidentiality Agreement for Operating Reliability Data (ORD Agreement Version 3), as soon as possible, but no later than **September 1, 2009**, to:

Larry Kezele  
Manager, Reliability Support Services  
NERC  
116-390 Village Boulevard  
Princeton, NJ 08540.

#### Background

The purpose of the amendments to the August 2005 Agreement is to facilitate implementation of a project that the Reliability Coordinators, NERC, the Regional Entities and FERC staff have developed to provide improved understanding and communication about the status of the bulk power system among those entities. This situational awareness and visualization project (Situational Awareness for FERC, NERC, and the Regional Entities, or SAFNR) will make use of a subset of operating reliability data and create a common set of displays about the near-real time status of the bulk power system for FERC staff, NERC, the Regional Entities, and the Reliability Coordinators. The project will begin June 1, 2009.

As directed by the Board of Trustees, NERC signed ORD Agreement Version 3 on May 8, 2009, and it will become effective for each signatory on the date the entity signs. The August 2005 Agreement and the ORD Agreement Version 3 will both be in effect for a period of 120 days to provide time for NERC to complete the process of getting signatures on ORD Agreement Version 3. NERC will no longer sign the August 2005 Agreement.

ORD Agreement Version 3 continues the disclaimers and hold-harmless provisions that are contained in the August 2005 Agreement. ORD Agreement Version 3 also expressly states that it does not restrict the ability of a party to disclose its own operating reliability data to others under separate agreements. The Board of Trustees removed the eight-day exception contained in the August 2005 Agreement, because ORD Agreement Version 3 covers critical energy infrastructure information, and that information does not lose that status after the passage of eight days. ORD Agreement Version 3 expressly includes phasor measurement data within the definition of operating reliability data, as did the August 2005 Agreement.

The Board of Trustees also approved conforming changes to Annex 1 and Annex 2 to ORD Agreement Version 3. It will be necessary for entities that have signed Annex 1 or Annex 2 to sign the new versions of those documents.

I have attached instructions for submitting the ORD Agreement Version 3 to NERC.

Sincerely,

A handwritten signature in black ink that reads "D. M. Cook". The signature is written in a cursive style with a large, stylized initial "D" and "M".

cc: Regional Entities

# Instructions for Submitting the Operating Reliability Data Confidentiality Agreement, Version 3, to NERC

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## **General**

1. The Operating Reliability Data Confidentiality Agreement Version 3 is provided as a Microsoft Word<sup>®</sup> document with fields to insert signatory information. Please see signature field instructions on the following page. You may download the Microsoft Word<sup>®</sup> documents at the following Web site:

[Instructions for Submitting the Operating Reliability Data Confidentiality Agreement to NERC](#)

or use the versions enclosed.

2. Signatories to the August 2005 Agreement should sign ORD Agreement Version 3.
3. For each Small Bundled Entity desiring access to data, the Small Bundled Entity and the relevant Disclosing Party should sign Annex 1. Note that the provisions of ORD Agreement Version 3 are incorporated into Annex 1 except as expressly stated otherwise.
4. For each Nuclear Generating Plant desiring access to data, the Small Bundled Entity and the relevant Disclosing Party should sign Annex 2. Note that the provisions of ORD Agreement Version 3 are incorporated into Annex 2 except as expressly stated otherwise.

## **Submitting the Agreement(s) to NERC**

Return two completed copies of the ORD Agreement Version 3, along with two completed copies of Annex 1 or Annex 2 if appropriate, to the following address:

Larry J. Kezele  
Manager of Reliability Support Services  
North American Electric Reliability Corporation  
116-390 Village Boulevard  
Princeton, NJ 08540  
609-452-8060

NERC will return one copy bearing the signature of an officer of NERC for your reference.

## Signature Field Instructions

### Operating Reliability Data Confidentiality Agreement

<b>Label</b>	<b>Instructions</b>
Party	Name of your organization
By	Signature of an officer of your organization
Name	Officer's typed or printed name
Title	Officer's title
Date	Signing date
North American Electric Reliability Corporation	Leave these lines blank. We will return a copy of the agreement with the NERC officer's signature

### Annex 1 — Limited Operating Reliability Data Agreement for Small Bundled Entities

<b>Label</b>	<b>Instructions</b>
Small Bundled Entity	Name of your organization
By	Signature of an officer of your organization
Name	Officer's typed or printed name
Title	Officer's title
Date	Signing date
Disclosing Organization	Organization that you are receiving the data from
By	Signature of an officer of the disclosing organization
Name	Officer's typed or printed name
Title	Officer's title
Date	Signing date
North American Electric Reliability Corporation	Leave these lines blank. We will return a copy of the agreement with the NERC officer's signature

### Annex 2 — Nuclear Plant Operating Reliability Data Agreement

<b>Label</b>	<b>Instructions</b>
Nuclear Generating Plant	Name of the nuclear generating plant
By	Signature of an officer of your organization
Name	Officer's typed or printed name
Title	Officer's title
Date	Signing date
Disclosing Organization	Organization that you are receiving the data from
By	Signature of an officer of the disclosing organization
Name	Officer's typed or printed name
Title	Officer's title
Date	Signing date
North American Electric Reliability Corporation	Leave these lines blank. We will return a copy of the agreement with the NERC officer's signature

